The Planning Inspectorate

Appeal Decision

Site visit made on 29 November 2016

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 December 2016

Appeal Ref: APP/K0235/W/16/3157861
61 Willow Road, Bedford MK42 0QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr N Khan (Inman & Co) against the decision of Bedford Borough Council.
- The application Ref 16/00857/FUL, dated 30 April 2015, was refused by notice dated 24 May 2016.
- The development proposed is part demolition of existing building, new first and second floor to existing rear building to form 4 No 2 bedroom flats and additional office area together with new car parking and cycle shelter.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:

    - the character and appearance of the area;
    - the living conditions of nearby residents with particular regard to outlook and noise and disturbance generated by vehicle movements;
    - the living conditions of the future occupants of the proposed development and the long term future of neighbouring commercial uses with particular regard to noise and disturbance .

Reasons

Character and appearance

3. The appeal site is a workshop, office and associated hardstanding. It is located at the end of Willow Road a residential street characterised by mainly two storey semi-detached properties of similar appearance, with equal spacing between the buildings and all set a similar distance back from the road.

4. The appeal proposal would involve part conversion of the existing building to create a part three storey and part two storey building which would accommodate four flats and an office. The building would be set deep into the plot with the space in front of the building used for parking.

5. Even though, there are large commercial premises to the south east, the proposed building would have a frontage to Willow Road and would be viewed alongside the neighbouring dwellings. Whilst I acknowledge the proposed two

storey section of the building would be comparable in height to No 59 Willow Road (No 59), the proposed three storey element would be significantly taller. Even though set back into the plot this difference in height combined with the overall bulk of the building would be prominent in the Willow Road street scene.

6. Furthermore, the positioning of the proposed building deep into the plot, significantly further back from Willow Road than the other dwellings nearby would be in stark contrast with the prevailing pattern of development in the area.

7. Thus, I find through its height, bulk and positioning the proposed building would be an incongruous feature of the Willow Road street scene which would harm the character and appearance of the area.

8. In reaching these conclusions I have considered the street trees and the proposed landscaping. However, whilst I acknowledge these would soften the appearance of the proposed building, this would not overcome the harm I have identified.

9. For these reasons, I find the proposed development would be in conflict with the development plan. It would specifically conflict with saved Policies BE30, BE37 and H38 of the Bedford Borough Local Plan (2002) (LP) and Policy CP21 of the Bedford Core Strategy and Rural Issues Plan (2008) (CS), which taken together, seek to achieve good design and that new development positively responds to the character of an area.

Living conditions

10. No 59 has a number of windows in its main rear elevation which serve habitable rooms. The proposed development would project a significant distance beyond the rear elevation of No 59 and would be significantly taller than the building it would replace.

11. The introduction of a significant mass of development in such close proximity to the rear elevation and shared boundary with No 59 would generate a sense of enclosure which would be overbearing when viewed from the windows in the rear elevation and the rear garden of No 59. Thus, I find the proposed development would result in harmful living conditions for the occupants of No 59 with particular regard to outlook.

12. However, the existing use of the appeal site would also be likely to generate a number of vehicle movements, such that, in my view, any increase in movements associated with the development, in a residential area and adjacent to the access to the builder's merchants would not be significant.

13. Furthermore, the proposed access would be some distance from the side elevation of No 59 which also has a garage adjacent to the appeal site. Moreover, the parking spaces would be set off the boundary with No 59 by a footpath. Thus, I find the appeal proposal would not harm the living conditions of the occupants of No 59 with particular regard to noise and disturbance.

14. However, I have found harm with regard to outlook and for the reasons given the proposal would therefore be in conflict with the development plan. It would specifically be in conflict with saved Policies BE30, BE37 and H38 of the LP and

Policy CP21 of the CS, which taken together seek to ensure good design and that new development does not harm the amenity of residents living nearby.

Noise

15. I have considered the appellant's noise assessment and the mitigation measures proposed therein. However, this assessment is based upon a single noise measurement taken from a single location on the appeal site adjacent to the sheds on the neighbouring site.

16. Whilst, the measurement would have been able to record noise generated from within the sheds it seems unlikely that a single measurement in this location would have been able to capture all noise generated from within the yard. Furthermore, even though the neighbouring commercial uses to the south west of the appeal site are some distance away, the measurement taken would not have been able to adequate record any noise generated from these uses.

17. Therefore, based upon the evidence before me, I am not satisfied that noise and disturbance arising from neighbouring uses has been adequately assessed. Therefore, I cannot conclude that the proposed mitigation measures would overcome the significant risk of noise and disturbance to future occupiers arising from the neighbouring uses. Thus, it follows that there would be a significant risk that future occupants may seek an Abatement Notice which could harm the long term future of the neighbouring commercial uses.

18. In reaching these conclusions, I acknowledge that the builder's merchants is not currently in use. However, there is nothing before me to indicate that the premises would not be occupied by a similar use in the future.

19. Thus, for reasons given, the proposed development is in conflict with the development plan. It is in specific conflict with saved Policies·BE30 and BE37 of the LP and Policy CP21 of the CS, which taken together, seek to ensure good design and that new development does not give rise to adverse impacts on quality of life and seek to protect the amenities of residents living nearby.

Conclusion

20. For the reasons set out above and with regard to all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR