
Appeal Decision

Site visit made on 14 June 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 07 July 2017

Appeal Ref: APP/P0240/W/17/3172035

Land at the rear of 49-51 Shortmead Street, Biggleswade SG18 0AT

- 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 CST Homes Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/05176/FULL, dated 1 November 2016, was refused by notice dated 14 February 2017.
 - The development proposed is a single 2 bedroom residential unit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council determined the application based on plan SE2988/4A. The appellant has referred to plan SE2988/4B, which shows amendments to amenity space and parking areas. Although plan SE2988/4B is dated January 2017 and the application was determined on 14 February 2017, it is unclear whether the Council received the amended plan prior to determination. For the avoidance of doubt, I have considered the determined plan SE2988/4A in reaching my decision.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the Biggleswade Conservation Area and the setting of nearby listed buildings; and
 - whether the proposed dwelling would provide satisfactory living conditions for neighbouring occupiers of No 47 Shortmead Street.

Reasons

The conservation area and listed buildings

4. Located within the Biggleswade Conservation Area, the appeal site lies to the rear of the former Coach and Horses public house (Grade II listed) at Nos 49 and 51 Shortmead Street. The conservation area has a mixed character with a high number of historic residential, commercial and industrial buildings interspersed with modern infill residential developments. This part of the conservation area forms one of the historic approaches to the town centre from the River Ivel, with properties built close to the road with yards and gardens to the rear.
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5. Forming part of the wider setting of the appeal site, Nos 45 to 55 form a cohesive group of two-storey listed buildings (Grade II) fronting the road. Nos 45 and 47 have 2 large two-storey weatherboarded buildings within the rear yard adjacent to the boundary with No 49. These weatherboarded buildings are identified in the Biggleswade Conservation Area Appraisal (2005) as requiring repair, with the document indicating that their enhancement is to be encouraged. The public house at Nos 49 and 51 was recently converted into two houses, which have rear gardens and parking located within part of the former public house car park. No 55 lies adjacent to the vehicular access. Beyond No 55, Woodall Close is a modern residential mews development which abuts the boundary of the appeal site.
6. Positioned between a number of historic buildings, including the weatherboarded buildings, and more modern residential development, the appeal site is currently an undeveloped area of land bounded by fencing and brick walls. It formed part of the car park to the public house and is accessed between Nos 51 and 55. From the limited evidence before me, it appears that the land has been largely free of any built development. Though private in nature, the space forms part of the setting for the group of listed buildings, contributing to their significance.
7. I note that the design and materials of the proposed development are not in dispute. However, the Central Bedfordshire Design Guide 2014 (CBDG) confirms that design is a crucial issue, encompassing far more than the aesthetics of a building. It also involves the space around buildings, the features required to make the building function successfully, such as parking and garden space. While not part of the development plan, this document has been endorsed by the Council as technical guidance and is a material consideration in this instance.
8. The proposed development is a two-storey 2 bedroom house with external amenity space and 2 parking spaces. While the pattern of development within the conservation area is not so formal or rigid as to rule out the prospect of a building located within a rear yard, the proposal results in the awkward subdivision of the site with the erection of a house within its own separate curtilage and with its own domestic paraphernalia in addition to the access, turning and parking areas for Nos 49 and 51 and the new house. This would result in a rather convoluted layout of the space to the rear of the listed buildings at Nos 45 to 55. Although the effect on principal views of Nos 45 to 55 from the road and the wider conservation area would be limited by this proposal being located to the rear of the listed buildings, the encroachment into the space between buildings would reduce the spaciousness of their setting and would be harmful to their significance.
9. Plan SE2988/4A shows parking arrangements within the appeal site and for Nos 49 and 51. The plan indicates parking for 2 vehicles per property and provides a gravel driveway for the new dwelling which would provide a turning head for cars. This appears to be compliant with the CBDG's requirements in terms of number of spaces for a 2 bedroom detached house. However, the necessary space for parking and turning for the dwellings has a consequent effect on the availability of external amenity space for the new dwelling and creates a complex and cluttered layout to the rear of the listed buildings as already discussed.
10. Plan SE2988/4A also sets out an area of amenity space for the new dwelling which is a narrow L-shape of no greater size than the 2 proposed parking spaces. This amenity space is sandwiched between the house and its parking and lies adjacent to the access to parking for No 49. It is not commonplace to consider the parking for a development to form part of its amenity space. I therefore place little importance on the appellant's assertion that no guidance or policy prevents parking provision from forming part of the amenity space for the proposed dwelling.

11. On visiting the site, I noted that there was a modern timber shed adjacent to the boundary with No 47 which was not shown on the plans provided. This shed currently prevents parking adjacent to the boundary with No 47 bringing the parked cars using No 49's spaces closer to the proposed site of the new house and its limited amenity space. This provides an indication of the tight and restricted nature of the existing garden to No 49.
12. The Council's evaluation of the private amenity space for the proposed dwelling indicates that there would be only minimal separation between the shared boundaries and a garden depth of only 5 metres at its maximum. I have noted that the amenity space proposed is smaller than that at No 49 and that it does not meet the minimum depth of 10 metres set out in the CBDG. In this instance, I find this degree of insufficiency unacceptable as it serves to exacerbate the cramped nature of the development. As such, I consider that the development does not comply with the requirements of the CBDG and Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies – North (CSDMP)(2009) which requires hard and soft landscaping appropriate in scale and design to the development and its setting.
13. The separation between the existing and proposed buildings is adequate in most instances, with the exception of No 47. The proposed dwelling is positioned close to the boundary with No 47 and infills the space between the two weatherboarded buildings. Given its height and proximity to the shared boundary and the infilling of the gap between buildings at first floor level, it would be overbearing when viewed from the rear yard to No 47 and would detrimentally alter the relationship between the buildings by blocking views across the established rear yards.
14. While I observed the presence of a number of mews style developments in the locality, including Woodall Close, I do not consider that this proposal has a sufficiently similar pattern of development to be comparable. The appeal site is a smaller site of a more complex layout situated to the rear of a number of listed buildings.
15. Given the positioning of the proposed dwelling close to boundaries with listed buildings and buildings within their curtilage, the limited amenity space and the complex layout for parking and turning, the proposal would, to my mind, result in a cramped form of development which would not suitably relate to its surroundings within the conservation area. It would erode the undeveloped space between the existing property and surrounding listed buildings in the conservation area, thereby harming their significance.
16. The harm to significance of the listed buildings and the conservation area would be less than substantial, but still important given the effects on the setting of buildings and the loss of separation space between modern and historic development. In line with paragraph 134 of the National Planning Policy Framework (the Framework), such harm needs to be weighed against the public benefits of the development.
17. While the development would contribute an additional dwelling to local housing supply in an accessible urban location, given the scale of development, the public benefits arising from this would be modest. As a result, the harm to the significance of the conservation area and listed buildings outweighs the public benefits.
18. In conclusion, the proposed development would not preserve the setting of listed buildings at Nos 45 – 55 and the character and appearance of the conservation area. Therefore, it would not accord with Policies DM3 and DM13 of the CSDMP

and the CBDG which require development proposals to respect and complement the context and setting of historically sensitive sites, particularly those that are designated. It would also not meet the aims of the Framework which seek to sustain the significance of heritage assets.

Living conditions

19. The Council's decision notice makes reference to the effect of the development on the living conditions of the occupiers of No 47. No 47 is directly adjacent to the appeal site. There are 2 weatherboarded two-storey buildings in the rear yard, one of which is constructed up to the rear of the main two-storey house and on top of the brick wall which forms the boundary with the appeal site and Nos 49 and 51. The adjoining building currently has exposed roof timbers and is not suitable for habitation. Other than the derelict windows in this building, No 47 does not have any habitable room windows or amenity space facing the proposed development. Accordingly, the living conditions of residents of No 47 would not be unduly compromised as a result of this development. I have addressed the overbearing effect of the proposed development in the paragraphs above.
20. I conclude that no material harm would arise as a result of this issue and find no conflict with Policy DM3 of the CSDMP, the most relevant of the policies I have been referred to in respect of this matter.

Conclusion

21. My findings with regard to living conditions do not outweigh my concerns regarding the development's effect on the setting of nearby listed buildings and the conservation area. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Gilbert

INSPECTOR