



Appeal Decision

Site visit made on 6 November 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 21st November 2017

Appeal Ref: APP/K0235/W/17/3180587
63 Putnoe Lane, Bedford MK41 9AE

- 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 Herts Home Extensions against the decision of Bedford Borough Council.
 - The application Ref 17/01261/FUL, dated 5 May 2017, was refused by notice dated 4 July 2017.
 - The development proposed is the demolition of the existing dwelling and garage and the erection of three dwellings.
-

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; and
 - the living conditions of neighbouring occupiers, with particular regard to overlooking of, and the outlook from, 1 Orchard Close.

Reasons

Character and appearance

3. The appeal site is in an area of transition between two subtly different urban forms. Along this stretch of Putnoe Lane to the north-east the dwellings are mainly detached, and set well back from the road, on very spacious, landscaped plots. The style, form and proportions of those dwellings, and others in the area, is varied. Opposite the site and to the south-west along Putnoe Lane the dwellings are generally sited closer to the highway, behind smaller front gardens or parking areas. However, the density of development here is still fairly low, with gaps between the buildings particularly at first floor level.
4. There are nearby short cul-de-sacs at Orchard Close and Longacre. The dwellings there are typically on large plots, with gaps between the principal buildings, and they are set well back from Putnoe Lane. The dwelling at 61 Putnoe Lane, which is located to the rear of No. 59 but is accessed from Orchard Close, is on a large plot. Consequently, those examples of development in depth do not diminish the area's generally spacious character.

5. Whilst the proposed dwelling on plot 1 would be sited forward of the bungalow it would replace, in that location it would provide a smooth transition roughly half way between the bungalow at No. 65, and the two storey dwelling which is much closer to the road at No. 59. Although plot 1's front garden would be shorter with less landscaping than some other properties to the north-east, given the wider context, that would not harm the area's character.
6. The dwellings on plots 2 and 3 would be sited to the rear of plot 1, and would be smaller and slightly lower in height than that dwelling. However, as a result of their two storey form so close to one another, together with the relatively small size of their plots and gardens, when considered together with the dwelling on plot 1 the scheme would result in a cramped form of development, which would jar with the area's more spacious character. However, given the varied height and scale of buildings in the area, their form would not sit uncomfortably with the adjacent bungalows.
7. Nevertheless, the harm caused by this development in depth at this density would be apparent in Putnoe Lane's streetscene, such as looking down the proposed driveway adjacent to No. 65, as well as from Orchard Close and its junction with Putnoe Lane.
8. As a result, the scheme would conflict with Policies H38 (parts ii and iii) and BE30 (parts i, ii and iii) of the Bedford Local Plan 2002 ('LP'), and with Policy CP21 of the Bedford Core Strategy and Rural Issues Plan 2008 ('CS'). Those policies broadly require that regard be had to matters including the visual impact of development, its context, density and layout, how buildings interact with public space, and that development of gardens should ensure adequate separation from surrounding buildings and not harm the area's character. It would also conflict with the general stance in design code N3 of the Bedford Residential Extensions, New Dwellings and Small Infill Developments Design Guidance 2000 ('DG') which states that dwellings may need to be spaced to preserve the existing pattern of development and the character of the area.

Living conditions

9. The rear elevations of the proposed dwellings on plots 2 and 3 would face the flank of 1 Orchard Close across rear gardens which the appellant states are at least 10.5m long, and the Council calculates at just over 10m. Their upper floors would be recessed, and the two high level windows in No. 1's flank, which serve a bedroom and a bathroom, are set back from the boundary wall behind that property's wide driveway. The appellant calculates that the distance between the proposed first floor bedroom windows in plots 2 and 3 and the windows in No. 1 would be 18m, as illustrated by the drawing submitted as part of the response to the Council's statement.
10. I am satisfied from the evidence and my observations that the distance from the rear elevations of plots 2 and 3 to the flank of No. 1 would be sufficient to prevent any significant loss of light to that property or an overbearing impact on those occupants' outlook. Normal use of the bedrooms would not result in significant overlooking. My conclusion on this matter is supported by DG N5 which states that 18m is required between directly overlooking primary windows, and that habitable room windows should be 9m from the boundary. The other elevations and principal outdoor areas of No. 1 would not face the appeal site. Consequently, the scheme would not have a significant overbearing impact on No. 1, and it would not conflict with DG N7.

11. A view of buildings and a degree of overlooking is common in urban areas, and I am satisfied that this scheme's distance from, and relationship to, 6 Longacre and 61 Putnoe Lane would not cause significant harm to those occupants' living conditions.
12. There would be some additional vehicular and pedestrian movements along the driveway close to the side boundary of No. 65 associated with plots 2 and 3. However, the number of such movements for two 3 bedroom properties would typically be limited. Furthermore, No. 65's habitable rooms are set in from the side boundary, which would assist in limiting any disturbance to those occupiers, and would also significantly limit any overbearing impact due to plot 1's bulk and forward siting. No. 65 also has a large and wide rear garden, parts of which would be some distance from the proposed development.
13. Although plot 1 would be largely surrounded by accesses and parking areas, it would have an enclosed and reasonably sized rear garden. Whilst DG N3 sets out a specific requirement for rear gardens of at least 13m depth, I am not persuaded that this is a 'new development area' as set out in that code, and the gardens here would be sufficient to provide the future occupants with reasonably private areas to sit outside or to perform typical domestic tasks.
14. Summing up, the scheme would not harmfully impact neighbouring occupiers' living conditions, and it would provide a good standard of amenity for future occupants. On this issue it would not therefore conflict with the DG, or with LP Policy H38 (parts i and iii) which require that adequate separation be maintained to protect local residents' privacy and to prevent overlooking.

Other matters

15. The site is sustainably located in an urban area, with good access on foot and by bicycle to local shops and services, and there is a nearby frequent bus service to Bedford town centre. Cycle storage areas would be provided. The dwellings would have a traditional appearance in keeping with the area. In those regards the scheme finds support from policies in the development plan, including CS Policy CP3, and from the National Planning Policy Framework ('Framework').

Conclusions

16. I have found that the scheme would not impact neighbouring occupiers' living conditions to a harmful degree, and that it would provide suitable living conditions for future occupants. In its favour the proposed dwellings would be appropriately designed, and accessibly located within the urban area.
17. However, given the harm that the proposed development at this density would cause to the area's character and appearance, it would conflict with the development plan when considered as a whole. It would not be the sustainable development for which the Framework, and Bedford Allocations and Designations Local Plan 2013 Policy AD1, place a presumption in favour. Consequently, having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR