



Appeal Decision

Site visit made on 25 April 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/K0235/W/19/3221112

Land adjacent 18 Tithe Road Wood End Kempston Bedford MK43 9BE

- 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 and Mrs B Fettes against the decision of Bedford Borough Council.
 - The application Ref 18/02148/FUL, dated 8 August 2018, was refused by notice dated 7 November 2018.
 - The development proposed is the construction of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development:
 - (i) on the character and appearance of the area, and
 - (ii) upon the living conditions for adjoining occupiers with particular regard to access to daylight/sunlight and adequacy of outdoor amenity space, and
 - (iii) on highway safety with particular regard to parking provision and visibility, and
 - whether the development would provide a suitable location for housing having regard to local and national policies.

Preliminary Matters

3. A discrepancy between the originally submitted site plans (drawing 3047-01b) and a title plan provided by an interested party has been addressed by a revision (3047-01c) submitted with the appellant's statement of case. The adjusted boundary of the appeal site has changed slightly to deal with the objections raised but does not affect the proposal itself. Therefore no rights of any party are affected by my acceptance of this amended plan.
4. The emerging Bedford Borough Local Plan 2030 has been submitted for Examination, but given the stage reached, attracts little weight. Neither party has referred to its policies in their case. I have dealt with the appeal on the basis of the adopted/saved policies referred to according to consistency with the National Planning Policy Framework 2019 (Framework).

Reasons

Character and Appearance

5. The appealed proposal comprises a small family house of T-shaped plan form to be erected within an area of garden associated with the end dwelling of a row of three small Victorian cottages, 18-22 Tithe Road ('the cottages'). These pre-date other development on Tithe Road by, perhaps, 100 years and do not conform to the predominantly suburban, road-facing development pattern of this hamlet¹ being set well back from, and at an angle to, Tithe Road. The main block of the proposed dwelling would face Tithe Road with a new access created by bridging over a drainage ditch at the road frontage.
6. Although the boundary vegetation is variable in quality, the screening it provides separates the appeal site (and the setting of the cottages) from the suburban development pattern along Tithe Road; a new access would open up views into the site which do not currently exist. To my mind the appeal site lacks visual association with any housing other than the cottages.
7. The site is separated from No.16 Tithe Road by some distance and an intervening drainage ditch or pond². Open fields wrap round the cottages situated within their combined, triangular-shaped, larger plot. Characterised by ancillary buildings, shared pathways and land parcels ambiguously associated with their respective cottages, the setting of the appeal site is redolently rural. It relates more to the surrounding countryside than to the otherwise suburban (largely) twentieth-century character of the hamlet.
8. The design of the new dwelling and its positioning neither adopts the typical plot arrangement of suburban development with rear garden areas nor does it associate visually with the cottages and their distinctive configuration and appearance. The design and layout of the proposal is alien to its setting.
9. Although policies referred to by the Council predate all versions of the National Planning Policy Framework ('the Framework') paragraph 213 makes clear that weight may be attached according to their consistency with the Framework. Policy CP21 (i-iii) of the Core Strategy and Rural Issues Plan (2008) (CSRIP) and also saved policy BE30 (i) of the Bedford Borough Local Plan (2002) (BBLP) align with the objectives of the Framework for well-designed places and buildings as a facet of sustainable development. To my mind the proposal fails to address the characteristics of the setting of the site and would cause harm to the existing character of the area. I therefore conclude that the proposed development does not comply with Policy CP21 of CSRIP and BE30 of the BBLP which, amongst other things, seek to ensure development responds to its context and takes into account local distinctiveness.

Living Conditions

10. The appellant suggests the host property (No.18) 'generally has front and rear-facing windows'. However, this does not acknowledge that No.18 is actually tightly enclosed by the private garden area of No.20³ such that the main outlook from the ground floor accommodation would not naturally be to the

¹ Elsewhere referred to as the hamlet of 'Wood End'

² As referred to in the statement of case

³ The ground floor rear window of No.18 directly opens upon this garden area rather than garden belonging to No.18.

rear of the dwelling but towards the appeal site through/from a conservatory/extension on the end wall of the terrace block.

11. In addition, the plans submitted with the application did not make clear that the result of the proposed development as shown on the subsequently amended plan would be that the host dwelling would be left only with a small area of directly accessible amenity space next to its conservatory⁴.
12. Part 2 of the Councils Design Guidance 'Residential Extensions New Dwellings and Infill Development (2000)' (RENSID) suggests that infill development should generally reflect the 'simple built forms of traditional dwellings' where these are the context (as here), and provide adequate space around buildings. I note information provided by interested parties as to the effect of the development on daylight/sunlight.
13. The configuration of the proposed dwelling is incompatible with the host dwelling (No.18), replacing its current open outlook and extensive garden with blank walls in close proximity to the living space and a cramped amenity space.
14. I therefore conclude that the positioning and design of the proposed dwelling would cause significant detriment to the living conditions of occupiers of the adjoining dwelling (No.18) by the reduction in outlook and access to daylight/sunlight. This is contrary to Policy CP21 of the CSRIP and N1 and N3 of RENDSID which, taken together and amongst other things, seek to ensure good design and amenity standards are maintained in the relationships between new and existing dwellings.

Location of the Development

15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the saved policies of the Bedford Borough Local Plan (2002) (BBLP) and the Core Strategy & Rural Issues Plan (2008) (CSRIP) as I have referred to earlier.
16. The development plan documents, however, pre-date the publication of the Framework⁵ which makes clear that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities, recognising that development in one village can support services in another. There is no requirement that *all* new housing should be located in settlements where there are existing services.
17. The Council have relied upon H26 and BE30 of the BBLP in its decision together with CP12, CP13, and CP14 of the CSRIP. Policy BE30 and CP21 do not address the issue of location except in respect of matters of transport. Taken together, remaining policies (other than CP13) are based on focussing development within settlement policy areas (SPA) precluding development in the Rural Policy Area (RPA) within which the appeal site falls. Although these policies allow specified uses or identified need, these exceptions do not apply to the proposal.
18. Policies H26 and BE30 of the BBLP, CP12, and CP14 of the CSRIP cannot attract full weight due to their restrictive approach which does not align with that of the Framework 2019. Policy CP13 is not entirely consistent with these in that it

⁴ Together with other parcels/outbuildings not privately accessible.

⁵ National Planning Policy Framework 2012 and later versions

allows housing in the rural areas where it aligns with national policy. In this case the Framework has replaced PPS7 consequently CP13 attracts much more weight than other saved policies referred to.

19. There are very few services in Wood End itself. However, although located at the upper end of acceptable walking distances (and the road lacks pathways for some of the distance) the nearby settlement of Wootton is within cycling distance. Facilities for day-to-day living which include schools, post office, library, convenience store and health centre are therefore available within reasonable proximity without need to drive the greater distances into Kempston or Bedford itself. A bus service also serves the area. These services relate to the catchment outside the urban area and are therefore 'rural'.
20. Planning Practice Guidance and paragraph 78 of the Framework indicate that all settlements may contribute to the achievement of sustainable development in rural areas, not only those with services. It is not appropriate in this case, having regard to the facilities available in Wootton, to preclude small-scale development in Wood End such as the single dwelling proposed on the basis that there are only limited facilities within the hamlet itself. A single additional dwelling would, to a small degree, help to support other rurally-located services.
21. Although the character and appearance of the appeal site has a rural flavour, functionally, it is clearly comprised in the recognisable hamlet of Wood End. Occupants would have access to services and facilities equivalent to that afforded to its neighbours in Tithe Road, so the appeal site cannot be viewed as 'isolated' in the terms of paragraph 79 of the Framework.
22. Consequently, and noting that the appeal site is garden land not in a built-up area⁶ which can therefore be considered as previously-developed, little weight can be attached to any conflict with the identified development plan policies in respect of the site location being out with a settlement boundary.
23. Overall, there would be a degree of conflict with saved policies of the BBLP and policies CP12, and CP14 of the CSRIP with regard to the location of the proposed development. However, for the reasons given the greatest weight should be given to Policy CP13 and the approach set out in the Framework. Although there would be a small increase in the use of the private car as a result of the development, I consider this would be nominal and consistent with the Framework in recognising differing approaches may be necessary in rural areas. Therefore, having regard to its adjacency to a small settlement which is not itself unduly remote from services, the appeal site would not be an unsuitable location for a single additional dwelling.
24. I therefore conclude with respect to the location, the proposal would accord with Policy CP13 when read together with the Framework in permitting housing in rural areas according to the principles of sustainable development and the approach set out in paragraphs 78 and 79 of the Framework.

⁶ Dartford BC v SSCLG [2016] EWHC 635 (Admin) confirmed that the exclusion from the definition of PDL in the glossary of the Framework does not extend to private residential gardens that are not located in built up-areas, e.g. in open countryside.

Highway Safety and Parking Provision

25. The Council's refusal relates also to visibility for emerging vehicles and inadequate geometry within the parking area shown. Two parking spaces with a set-back as drawn would allow vehicles to enter and leave the site in a forward gear. Details of this aspect of the development together with details of the access bridge and secure cycle storage could be dealt with by a suitably-worded condition to address the concerns raised.
26. With regard to visibility, the appellant indicates a 43m x 2.4m splay can be achieved and that this accords with pre-application advice. However, its construction would require the removal of screening along the frontage causing harm to character and appearance as I refer in my reasoning. Notwithstanding the harm to the character and appearance of the area, given the nature of the road and the positioning of the proposed access I consider no measurable harm would arise to highway safety as a result of the development proposed. Given the potential to address matters of detail by the application of condition(s) I conclude that the parking provision and access geometry would accord with the requirements of BE30 of the BBLP which seeks, amongst other things, to ensure safe access and management of the highway network and encourage use of sustainable transport modes.

Other Matters

27. I note the appellant sought pre-application advice and made changes accordingly, this is an approach which is encouraged by national policy. However, I also note that the advice was given without the benefit of a site visit, which, in my consideration of the matters raised, has led me to conclusions which differ from that advice.
28. Policy H38(ii) allows for the development of garden land in principle and its definition as previously developed land is not inconsistent, in so far as the site is rurally situated and not in a built-up area, with the Framework. However, this aspect of the proposal does not outweigh the harms I have identified.
29. Interested parties have made a number of points relating to flood risk, visual impact from loss of tree/hedging and carbon emissions and I have considered these in so far as they are material to the determination of this application.

Conclusion

30. I have concluded the appeal site would not be an unsuitable location for a single new dwelling. However, the economic and social benefit of one additional dwelling are modest and, as my reasoning explains, significantly outweighed by both the detriment to the character and appearance of the area and also the effect upon the living conditions for occupiers of the host dwelling. This arises from the design and position of the dwelling proposed. My conclusion on highway safety and parking arrangements are neutral in the overall balance, consequently, taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR