



Appeal Decision

Site visit made on 28 March 2019

by A. J. Boughton MA(IPSD), Dip.Arch, Dip.Conservation, RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2019

Appeal Ref: APP/K0235/W/18/3218926

76 Bedford Road Wootton MK43 9JE

- 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 Great Denham Developments against the decision of Bedford Borough Council.
 - The application Ref 18/01286/FUL dated 11 May 2018, was refused by notice dated 12 July 2018.
 - The development proposed is 'Erection of one dwelling to front of site'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions for neighbouring occupiers.

Reasons

Character and appearance

3. Wootton is a large village characterised by areas of estate-type housing. The immediate setting of the appeal site differs from that generality in comprising a small group of older buildings to the north and south sides of the junction of Bedford Road with Potters Cross within a setting of very mixed building typologies. These range from rows of bungalow development to four-storey flats blended with other post-war housing and recent residential infill.
4. In that diverse context the appeal site grouping has a distinctive identity evocative of rural, pre-twentieth-century, settled landscape of which the building group is apparently a remnant. This is signified not only by the building types, their irregular configuration and age but also by the protected¹ ash tree and the survival of lengths of back-of-pavement hedgerow which contrasts strongly with the surrounding, generally open, suburban streetscape. On the northern side of the junction with Potters Cross, a row of 3 small single storey dwellings together with 72/74 Bedford Road (a listed, subdivided thatched Cottage) behind an enclosing hedgerow reinforce this reference.

¹ This tree is subject to a Tree Preservation Order

These distinctive characteristics in the site grouping contribute to a sense of place which decisions (and policies) should seek to achieve (or maintain) as set out in the Framework².

5. The host property (No.76) is an extended two-storey cottage set well back into its site with an extensive foregarden where the dwelling is proposed to be located. The development is therefore proposed to be located on garden land.
6. The appellant reasons that the 'open space does not provide any significant character for the street scene' in part because of the 'tree screen' (which I assume means the TPO Ash). My observations confirm what is also apparent in the images provided by the appellant as to the distinctive contribution to local openness from the large foregarden of No.76³ and also the vernacular character of the existing building form⁴. This includes its neighbour (No.78) on its southern side and 1 Potters Cross (No.1) both of which, although smaller, are similarly characterised with relatively narrow gabled roof forms and modest eaves heights.
7. I am not persuaded by the appellant's suggestion that the proposed dwelling would (because it sits 'behind' No.1) 'follow the form already established'. It would only be 'behind' in the view from Potters Cross which No.1 faces. The proposed dwelling would be approximately 5.5 metres to its ridge and some 8.5 metres wide at the gable; the ridge of the building would almost certainly rise above the eaves of No.1 and No.78, the adjacent buildings.
8. Consequently, although the appellant has sought to address the reasons for refusal in previous application(s) by reverting to a single storey it is plainly the case that the scale of the building remains significantly greater than either of the adjacent dwellings due to its large footprint. Coupled with its wide gable this generates a large roof form that would be incongruous alongside, and from some viewpoints obscure, the small-scale vernacular character of the surrounding buildings evident in the images referred to.
9. The proposed development would have a number of harmful consequences to the character and appearance of the immediate locality. In particular the loss of the large open foregarden will diminish the sense of place and distinctiveness of this small grouping. The insertion of a 'bungalow' form would be incongruous and cause harm to the surviving vernacular character of the building group. The front elevation of the proposed dwelling would be significantly further forward than the dwellings around it and this would both conflict with the wider pattern of development but also undermine the rural association in the layout of building group around the appeal site.
10. The Council identify a risk to the protected Ash tree due to the lack of information as to the potential impact on the tree, loss of which would significantly harm the visual amenity of the locality and the distinctiveness of the immediate locality. From my observations I am not persuaded that it can be assumed that the development proposed will not impinge on the root area or affect the tree itself which may have a greater spread than is drawn on the plans. This uncertainty weighs against the proposal.

² Paragraph 127

³ At 4.3 of the appellant statement of case

⁴ Image 9 (both) of the appellant SoC

11. I therefore conclude the proposal conflicts with saved Policies H24, H38, BE30, BE35 and BE37 of the Bedford Borough Local Plan (2002) (BBLP) and Policy CP21 of the Bedford Borough Core Strategy and Rural Issues Plan 2008 (BBCS) which, taken together, seek to ensure development is sensitive to and has no adverse impact upon form and character of the area, respects local distinctiveness in terms of scale height and layout, following good design practice and prevent cramped or poorly related development.

Living conditions

12. The cottage immediately adjacent to the appeal site, 1 Potters Cross (No.1), sits at the back of pavement and is also tightly constrained by the proximity of the appeal site boundary to its rear elevation at against which the proposed dwelling would be placed. The already limited curtilage of No.1 appears to have been subdivided in the recent past by the creation of a dwelling identified as 1A Potters Cross (1A), further restricting its outdoor amenity space.
13. Although the appeal site lies to the north-west of No.1 such that there would little interference with access to sunlight, and the small space to the rear may have little amenity value at present, the extensive roof area will appear dominant and enclosing to the small external space between No.1 and No.1A.
14. Similarly, and noting the concerns of interested parties, although vehicles can currently pass along the driveway to the front of No. 76, it is also possible, at present, for cars to be left near to the road as the appellant's image shows⁵. The proposed development would remove this convenient option and the effect of positioning three parking spaces close to the front door of No. 76 will be to increase traffic movements in proximity to the small rear private amenity area of No.78 causing additional disturbance.
15. I therefore conclude the development proposed would cause harm to the living conditions of adjoining residents as a consequence of the poorly related development proposal, its scale, density and layout resulting in a cramped configuration of built form and overbearing roof form, also by increased disturbance from the proposed parking arrangements contrary to Policies BE30, BE35, BE37 of the BBLP and CP21 of the BBCS. These, taken together, seek to ensure development has no adverse impact upon adjoining uses.

Other matters

16. The appellant refers to the Housing Land Supply position statement for Bedford Borough dated March 2019, as this identifies a housing land supply position of 3.7 years according to the standard method, thereby, he states, engaging the provisions of paragraph 11(d). Having also noted the response of the Council on this point I turn to consider the representation made by the appellant as to the engagement of the 'tilted balance'.
17. Paragraph 11 d) of the Framework applies where there are no relevant policies in the development plan, or the policies that are most important for determining the application are out of date, (this means) 'granting permission unless' either of the two limbs of paragraph 11(d) apply.
18. The appeal site is not subject to any of the restrictive policies identified in footnote 6 (the 'first limb'). In consideration of the 'second limb', the

⁵ Image 9 (lower) in the Appellant SoC.

development would increase the supply of housing, but that benefit is limited to a single dwelling. As I have indicated, the proposal conflicts with the objectives for well-designed places in the Framework Section 12 at paragraph 127 by failing to respect the distinctive characteristics of the locality, to maintain a strong sense of place and create attractive, welcoming and distinctive places to live, work and visit, or to be well designed.

19. I therefore conclude the proposal conflicts with the Framework taken as a whole and the harms I have identified significantly and demonstrably outweigh the small benefit. On that basis, the development proposed cannot benefit from the presumption in favour of sustainable development set out in Paragraph 11 of the Framework.

Planning Balance

20. The development plan policies upon which I have concluded the first and second main issues are not strategic policies which direct the manner or location of housing delivery. They are non-strategic policies which are, broadly, consistent with the Framework and should thereby attract significant weight notwithstanding their time-expired status.
21. Having concluded that the development does not benefit from the presumption in favour of sustainable development (the 'tilted balance') and that the proposal stands in conflict with the development plan, taken as a whole, it is appropriate to consider whether other material considerations outweigh.
22. In consideration of the benefits, the proposal would add to the housing stock and provide a degree of economic activity during construction, however the benefit of a single dwelling is modest notwithstanding the shortfall identified by the 'standard method' and, in consequence, significantly outweighed by the harms identified.

Conclusion

23. For the reasons given, taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR