
Appeal Decision

Site visit made on 13 August 2019

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 6 September 2019

Appeal Ref: APP/K0235/W/19/3229795
94 Putnoe Lane, Bedford MK41 9AG

- 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 S. McLaughlin, Roomie Developments Ltd against the decision of Bedford Borough Council.
 - The application Ref 18/03241/FUL, dated 21 December 2018, was refused by notice dated 11 April 2019.
 - The development proposed is erection of two detached dwellings with associated parking and vehicle crossover.
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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 site and the surrounding area; and
 - The effect of the proposed development on the living conditions of neighbouring occupiers at 96 Putnoe Lane and 4 Brecon Way.

Reasons

Character and Appearance

3. The site comprises vacant land, formerly occupied by a dwelling and gardens on Putnoe Lane. The plot narrows to the rear, where it adjoins rear gardens of properties on Brecon Way. Putnoe Lane is a relatively busy and wide road comprising primarily linear frontage development of modern, predominately two storey detached dwellings set behind low walls and hedges. It has a pleasant spacious and low density character.
4. I am directed to a previous outline planning application where permission was granted for a two storey dwelling on the site frontage in 2017 (similar to plot 1). This represents a fallback position to which I give weight. The current proposals seek to intensify the use of the site with the erection of an additional 1.5 storey dwelling towards the rear of the plot (plot 2). The design, scale, massing and siting of plot 1 is acceptable, as it would broadly respect the building line of its neighbours at no's 96-100 Putnoe Lane and would be of similar appearance to others in the area. It would be marginally forward of no.

96 and slightly higher, but these minor differences would be indiscernible in the wider street scene.

5. Plot 1 would be situated on a smaller plot to that shown in the previous approval, with a new access drive to the side and a shortened rear garden depth of around 9.5m. 13m was originally proposed, which is the size recommended by design code N3 of the Council's design guidance Residential Extensions, New Dwellings and Small Infill Developments 2000 (RENSID). It would back onto a parking/turning area for plot 2. Whilst these factors alone would not result in undue harm, in combination with the harmful impact of plot 2 outlined below, they add to my conclusions regarding the negative impacts on the character and appearance of the appeal site and surrounding area.
6. I find the design of the 1.5 storey dwelling at plot 2 generally acceptable, and it would not be readily visible from the street scene of Putnoe Lane. Nevertheless it is its siting, scale, massing and positioning of windows in relation to the boundaries which would be harmful. Whilst it would be smaller than plot 1, I do not consider that it would be subservient to it in the same way as, for example, an outbuilding or garage would.
7. The site narrows towards the rear, consequently there is less space available than on the site frontage. The presence of the garage/outbuilding positioned directly on the side boundary of plot 92 visually constrains the site even further. Plot 2 would be oriented so that its principal front elevation would face onto the blank wall of this outbuilding, highlighting its constrained siting.
8. I note that the main living area of the proposed dwelling would be to the side elevation, facing into the garden which would also be around 9.5m in depth, which would provide adequate living conditions for future occupants. However, all other windows would either face the blank wall, the car parking area or the boundary fences of no. 96 and 4 Brecon Way giving a poor outlook. This part of the site would appear cramped and overdeveloped, to the detriment of the character of the site as a whole and the surrounding area.
9. I have been directed towards a number of sites in the locality where 'backland' development has been permitted. Putnoe Lane may well have a long standing history of backland developments, largely due to the spacious plot sizes. I noted several such backland developments in the area on my site visit. Notwithstanding this I do not agree that this type of development forms a prevalent part of the character of this area which I noted to be of low density, frontage development. Due to the different size and shape of plots, position of neighbouring dwellings, outbuildings and access arrangements, I do not consider that they are directly comparable and in any case I have determined this appeal on its own merits.
10. I conclude that the proposed development would have a significant harmful effect on the character and appearance of the site and the surrounding area. It is contrary to saved Policy H38 (ii and iii), BE30 (i and ii) and BE37 (i) of the Bedford Borough Local Plan 2002 (BBLP) and Policy CP21(iii) of the Bedford Borough Core Strategy and Rural Issues Plan 2008 (CSRIP) which, amongst other general design criteria, seek to promote good design, and to ensure development responds to the existing character of the area including existing densities, and reflects local distinctiveness. These policies pre-date all versions of the Framework however they align with its objectives for well-designed developments. The proposals would also fail to comply with design code N3 of

RENSID, in relation to garden sizes; particularly relating to the space around plot 2. The development is also at odds with paragraphs 122(d) and 127 of the Framework in terms of maintaining an area's prevailing character.

Living Conditions

11. Plot 1 would be situated broadly in line with its neighbour at no. 96 and, given that it replaces a previous structure, would not result in any significant additional harm to the living conditions of its neighbours. There would be some views from the first floor windows over their garden, but this would not be direct overlooking causing loss of privacy. I note that the occupiers of no. 92 support the development, and I agree there would be no significant impact on this particular neighbour given the screening provided by its own garage/outbuilding and mature vegetation around the property.
12. I acknowledge that the appellant has made attempts to lessen the impact of plot 2 by amending the plans during the planning application process. I also note that 96 Putnoe Lane and 4 and 6 Brecon Way have long rear gardens and there is a good amount of vegetation screening, therefore there would be no direct overlooking. Noise and disturbance from use of the new dwelling and its parking area are unlikely to have any significant impact on the neighbours' living conditions given the low intensity of use and distance from the dwellings.
13. The principal impact on the neighbours would be the visual impact of a building of the scale and massing proposed within a constrained space, close to their boundaries. Whilst it would not result in direct enclosure or overshadowing to windows, it would result in an overbearing effect on the outlook within the gardens of no. 96 and no. 4 in particular. On its own, this would not result in significant harm. However, coupled with the adverse effects on the character and appearance of the site and the area, the proposals for plot 2 would have a harmful effect on the living conditions of neighbouring occupiers at 96 Putnoe Lane and 4 Brecon Way
14. The proposed development is contrary to saved Policies BE30 (i, ii and ix), BE37(ii) and H38 (iii) of the BBLP and Policy CP21(iii) of the CSRIP which, amongst other matters, require proposals to have regard to the standard of amenity currently enjoyed by adjoining occupiers. It would fail to accord with paragraph 127(f) of the Framework in relation to amenity for existing and future users. The proposals would also be inconsistent with design code N7 of RENSID in terms of the overbearing effect on other properties.

Other Matters

15. I acknowledge the appellant's frustration after receiving relatively positive pre-application advice from the Council prior to submitting the proposals, and the amendments made to the plans in response to Officers' advice. Whilst this is unfortunate, pre-application advice is not binding, and I note that full elevations had not been submitted at that time.
16. I cannot give weight to the appellant's comments that the previous dwelling on the site was in a state of disrepair, as it has been demolished and its former appearance is not in the evidence before me. I note the neighbour's comment that the development would be preferable to the site being left as wasteland. However one dwelling on the site frontage has extant planning consent, and

subject to acceptable reserved matters, this is likely to improve the appearance of the site.

17. The main parties agree that the Council cannot currently demonstrate a 5 year housing land supply and that therefore paragraph 11(d) of the Framework is engaged in terms of the tilted balance. The site lies within the urban area boundary of Bedford, part of the Growth Area as defined in the CSRIP. The principle of residential development is not disputed. I acknowledge that the location of the site is accessible, along a bus route and in easy walking distance of local shops and services. Two dwellings would make a modest contribution to the local housing supply and the economy. Nonetheless, these positive benefits of the proposals are outweighed by the harm I have previously identified.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Hunt

Inspector