



Appeal Decision

Site visit made on 7 August 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2019

Appeal Ref: APP/P0240/W/19/3228462

Maple House, Nicholls Close, Barton-le-Clay, Bedford MK45 4JN

- 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 Gil Hudson Homes against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/04080/FULL, dated 5 October 2018, was refused by notice dated 21 March 2019.
 - The development proposed is new dwelling with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the interest of clarity, I have used the description of the proposed development from the Local Planning Authority's decision notice to which the Appellant has not objected.

Main Issues

3. The main issues raised by this appeal are: the effect of the proposal on the character and appearance of the local area with particular reference to the significance of a designated heritage asset; and the effect of the proposal on the living conditions of neighbouring occupiers with particular reference to overlooking and loss of privacy.

Reasons

Character and Appearance

4. The appeal site is located to the west of Bedford Road and to the south of Nicholls Close. It is surrounded by the back gardens of residential dwellings on Nicholls Close, Portobello Close and Bedford Road. It is also located within the Barton-le-Clay Conservation Area (CA), a designated heritage asset comprising four distinct sub-character areas.
5. The appeal site is within the Bedford Road North & Sharpenhoe Road sub-character area (sub-area) which also includes the village's commercial centre. This is characterised by a mixture of modern 20th century infill dwellings, 19th century terraces of shops and cottages (Clipstone Cottages); timber-framed buildings; and a number of more modern retail units to the east of Bedford Road. There are also two Grade II listed buildings located to the west of Bedford Road/north of Nicholls Close (The Bull Inn and The Cottages).

6. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('The Act') I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. Paragraph 193 of the National Planning Policy Framework (the Framework) states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'
8. Paragraph 194 of the Framework goes on to state that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'
9. In considering the significance of the CA I have referred to the Barton-le-Clay Conservation Area Appraisal document (Draft 2009) and assessed the CA as a whole. I consider that the CA as a whole to be of high significance due to the unique 19th century terraced cottages, 19th century terraced shops, 20th century infill and Grade II listed buildings present within it which contribute to its overall historic setting.
10. The appeal site contributes to the character of the CA by maintaining the established uncluttered pattern of development. I therefore do not agree with the Appellant's assertion that the 'vacant piece of land offers nothing of merit' to the CA. I also note the Appellant's point that the proposal would 'read contextually with the modern infill dwellings at Nicholls Close' and the precedent set by the recently constructed dwelling approved under ref. CB/16/04198/FULL. However, I consider that the proposed development would not follow the established linear development pattern on Nicholls Close (continued by the recently constructed dwelling) or complement the uncluttered development pattern within the adjacent CA. The proposal by virtue of its location, design and size would constitute a cramped form of development with limited separation distance from the western boundary of the appeal site. This would interrupt the established development pattern therefore harming the character and appearance of the CA and hence its significance. I therefore conclude that it would have a negative effect on the significance of a designated heritage asset resulting in less than substantial harm to the CA as a whole.
11. Paragraph 196 of the Framework also requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. I am not convinced by the Appellant's claim that the proposal would 'provide a social benefit of 1 small affordable unit within the core of the village'. I have no evidence before me to show that the dwelling to be provided would meet the definition of affordable housing set out in the Framework. In any event I do not consider that the provision of one new dwelling in this area (regardless of its tenure) would provide sufficient public benefit to outweigh the identified harm to which I must attach considerable importance and weight. I also do not consider that a clear and convincing justification for the identified harm has been given or demonstrated in accordance with paragraph 194 of the Framework.

13. The proposal would, therefore, fail to sustain or enhance the setting, and thereby the significance of, the CA. Consequently, it would not preserve the character or appearance of the CA in accordance with the relevant legislation and not accord with section 16 of the Framework which seeks to conserve and enhance the historic environment. It would therefore also conflict with Policy BE8 of the South Bedfordshire Local Plan Review (2004) (SBLP) and emerging Policies HQ1 and HE3 of the Submission Draft Central Bedfordshire Local Plan (2018) (CBLP) which aim to ensure high quality development and to protect and conserve built heritage.

Living Conditions

14. The proposal would be located to the southwest corner of the appeal site near the back gardens of a number of neighbouring properties. The first-floor windows on the rear elevation would overlook the back gardens of several properties on Portobello Close and Bedford Road. I note that the Appellant's point that extensive landscaping would be provided on the shared boundary. However, I consider that this is likely to only provide sufficient additional screening from windows at ground floor level without adequately preventing overlooking from windows on the first floor. Furthermore, in the winter months when deciduous trees lose their leaves and vegetation dies down, the screening would become less effective. I also note the Appellant's point that the first-floor windows are located at 'an oblique angle' to the rear gardens of neighbouring occupiers. However, I do not think that this would reduce any instances of overlooking and consequent loss of privacy to those occupiers regardless of which part of the garden they choose to spend their time in.
15. Consequently, I conclude that the proposal would result in material harm to the living conditions of neighbouring occupiers. It would therefore conflict with Policy BE8 of the SBLP and emerging policy HQ1 of the CBLP as supported by the 'Central Bedfordshire Design Guide' Supplementary Planning Document which aim to promote good design and high-quality development.

Other Matters

Housing Land Supply

16. The Appellant argues that the Council cannot demonstrate a 5 year supply of deliverable housing land and therefore that the presumption in favour of sustainable development (paragraph 11 of the Framework) is engaged. However, I have no evidence before me to support this contention. In any event the harm to a designated heritage asset that I have identified above provides a clear reason for refusing the proposed development¹.

Conclusion

17. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

¹ See paragraph 11 d) (i) – footnote 6 of the Framework