
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: 17 October 2019

Appeal Ref: APP/P0240/W/19/3228434

Land between 5-6 Chapel Close, Clifton SG17 5YG

- 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 D Gill of GPS Estates Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/00542/FULL, dated 20 February 2019, was refused by notice dated 12 April 2019.
 - The development proposed is the erection of one single-storey infill dwelling.
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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 neighbours at 5 and 6 Chapel Close and future occupiers with particular reference to loss of privacy, loss of light, outlook and disturbance.

Reasons

Character and Appearance

3. Chapel Close is a cul-de-sac of modern two storey dwellings of varying designs located at the edge of the village of Clifton. The dwellings have largely open plan frontages, most having reasonable sized gardens and double driveways.
4. The appeal site occupies an irregularly shaped piece of vacant land in between no's 5 and 6 Chapel Close. There is a mature tree to the top of the site and it is bounded by a range of close boarded fences. The site slopes gently downwards from where it meets Chapel Close, and no. 5 sits at a higher level above the site with a brick retaining wall to the side. To the rear of site is a recently constructed cul-de-sac of a small number of detached dwellings, accessed from Pedley Lane. The site also bounds the rear garden of the older terraced property at 67 Pedley Lane. In total, the site bounds 4 neighbouring dwellings.
5. The proposed single storey dwelling has been designed so that it tightly hugs the staggered boundaries of the site. Its rear garden would back onto 67 Pedley Lane, with a front garden and parking area off an access drive shared

with no. 6. There would be limited space around the proposed dwelling where it adjoins all boundaries. As such, the dwelling would appear 'shoe horned' into this small irregular shaped piece of land. Notwithstanding its single storey height it would appear cramped and contrived within the site from Chapel Close and from neighbouring properties. Whilst the elevations would be acceptable in terms of design, bungalows are not prevalent in the immediate locality and the difference in scale would be quite distinct within the street scene, highlighting its cramped appearance.

6. The proposed development would significantly harm the character and appearance of the site and the surrounding area, contrary to Policy DM3 of the adopted Central Bedfordshire Core Strategy and Development Management Planning Document 2009 (CS) which seeks for development to be appropriate in scale and design and to contribute positively to creating a sense of place. It would also conflict with Policy HQ1 of the emerging Central Bedfordshire Council Local Plan 2035 (Pre Submission January 2018) (CBLP) which requires, amongst other matters, for developments to relate well to the existing local surroundings, with careful consideration given to density.
7. The adopted and emerging policies are consistent with paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) in respect of achieving well designed places which are sympathetic to local character and the surrounding built environment.
8. The proposed development would also be at odds with the guidance set out in section 5.13 of the Central Bedfordshire Design Guide 2014.

Living Conditions

9. No. 6 has a ground floor front window, and a rear conservatory, both situated in close proximity to the side elevation of the proposed dwelling. The orientation of the proposed dwelling and its proximity to the windows/conservatory would result in an unacceptable loss of light and enclosure to no. 6. The lack of ground floor side windows does not, in my view, reduce the impact.
10. Although no.5 would not suffer any significant loss of privacy or be overshadowed due to the difference in levels and the orientation, it would directly overlook the site. The elevated position of no. 5 means the proposed dwelling would be particularly prominent to the outlook from the rear of this property.
11. Whilst no's 5 and 6 would not be directly overlooked by the windows of the proposed dwelling by virtue of its single storey height and presence of boundary fences, the ground floor front window of no. 6 would be set behind the proposed front garden and parking area. This would result in additional disturbance, a loss of privacy and a feeling of enclosure, adding to the detrimental effect on their living conditions. Disturbance arising from the dwelling itself is unlikely for a modern construction.
12. The size of the garden space of the proposed dwelling is acceptable and broadly in accordance with the guidance in section 5.06 of the Central Bedfordshire Design Guide. Notwithstanding this, it is the proximity to neighbouring dwellings and their boundaries which would result in a substandard level of living conditions. The adjacent two storey building (flat

over garages or FOG) on Pedley Lane would substantially enclose the rear garden, shading it for the majority of the day. The front windows would be partially overlooked by the elevated rear windows of no. 5, and its other windows would be enclosed and overshadowed by its neighbours. In particular, its main living area to the rear would be affected by afternoon overshadowing and enclosure from the FOG immediately adjacent to the boundary.

13. In conclusion, the proposed development would result in significant unacceptable effects on the living conditions of both the immediate neighbours at 5 and 6 Chapel Close and future occupiers. It would be contrary to Policy DM3 of the adopted CS which, amongst other design principles, seeks for development to respect the amenity of surrounding properties. It would also conflict with Policy HQ1 of the emerging CBLP which, amongst other matters, seeks for developments not to have an unacceptable adverse impact upon nearby existing uses, including impacts on amenity, privacy and noise. The adopted and emerging policies are consistent with paragraph 127 of the Framework insofar as it seeks a high standard of amenity for existing and future users.

Other Matters

14. The site does not appear to have any current use, although the evidence suggests it was formerly garden land of a property on Pedley Lane. Whilst it presently serves no purpose, it is not unsightly. It is reasonably well screened by the boundary fences and the Council suggests it could be put to use as landscaping or gardens.
15. The appellant contends that smaller and single storey accommodation is in short supply in the area. Whilst I do not have any evidence in relation to this, provision of a dwelling of this type would make a small contribution to meeting different local needs. Additionally, there is no dispute that the site is an infill site within the settlement boundary of the village, and it is in an accessible location within walking distance of local services. However these positive factors do not outweigh the harm I have previously identified.
16. I note that the Council has already accepted residential development to the immediate rear of the site, outside of the settlement boundary. However this has no bearing on my decision given that it has different characteristics. I have also had regard to the previously refused application on part of this site, but have considered this proposal on its own merits.
17. There is disagreement between the main parties about whether there is a 5 year housing land supply. The Council has referred me to a very recent appeal decision¹ in Clifton in which the Inspector concluded that the Council can demonstrate a 5 year housing land supply and that the tilted balance is not engaged. The appellant has directed me to two other recent decisions² elsewhere in Central Bedfordshire in which both of the Inspectors could not conclude that a 5 year supply existed, but these predate the aforementioned appeal decision which tested the housing land supply evidence at a hearing. I have no reason to disagree with the conclusions of the Inspector in the most recent appeal decision and in the absence of evidence to the contrary I would

¹ Appeal Ref: APP/P0240/W/18/3206495

² Appeal Refs: APP/P0240/W/18/3211551 and APP/P0240/W/19/3219983

also conclude that in this case paragraph 11(d) of the Framework is not engaged.

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