



Appeal Decision

Site visit made on 14 October 2019

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2019

Appeal Ref: APP/K0235/W/19/3233841

63 Waveney Avenue, Bedford MK41 7ED

- 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 Perchinelli against the decision of Bedford Borough Council.
 - The application Ref 19/00749/FUL, dated 5 April 2019, was refused by notice dated 17 June 2019.
 - The development proposed is proposed extension and conversion of double garage to create one bedroom single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on the character and appearance of the area and whether acceptable living conditions would be created for future occupiers in terms of external amenity space.

Reasons

Character and appearance

3. The appeal site is formed by No. 63 Waveney Avenue, a semi-detached property in a row of similar properties located on the corner with Bourneside, where the proposal would be accessed from. It lies in a predominantly residential area and although there is some variety in the form, appearance and size of the properties, overall, they maintain a strong suburban character and appearance. Apart from some modest garaging, outbuildings and sheds, significant development was not a prevalent characteristic of the rear gardens in the locality.
4. I acknowledge that changes have been made following previous refusals¹ but the proposal would be significantly larger and bulkier than the existing building, which appears entirely incidental to the domestic use of the appeal site. It would also be of a markedly different design, appearance and function to the existing garage and other buildings in the rear gardens of surrounding properties. In this regard it would not reflect the prevailing pattern and character of built form in the area.

¹ LPA ref: 18/02052/FUL and 18/02934/FUL.

5. The existing garage lies in a prominent position in the street scene and is conspicuous from the public footpath connecting Bourneside with Lamburn Way. The overall increase in size and mass would appear much more dominant and prominent from the public domain, where it would be perceived as an uncharacteristically cramped addition and its effects would be greater than the existing garage. Further, existing views of soft landscaping to the side of the garage would be diminished, further eroding the appearance of the streetscene.
6. For these reasons, the proposal would result in an overly intensive development of the appeal site which would cause harm to the character and appearance of the area. It would therefore conflict with Policies BE29, BE30, BE37 and H38 of the Bedford Local Plan 2002 ('LP'), Policy CP21 of the Core Strategy and Rural Issues Plan 2008 and Design Code N3 of the Council's adopted Design Guide 'Residential Extensions, New Dwellings and Small Infill Developments'. Amongst other things and when taken as a whole, these require a high quality of design, reinforcement of local distinctiveness and that new development respects the site's context in terms of layout, means of access, building type and density.

Living conditions

7. Residential amenity space can take many forms, the appropriateness and amount of which depends on the nature of the housing being provided. The shape, size and form of the space for No. 63 would provide a small sitting out area but would not be suitable for the combination of activities associated with a family sized unit such as leisure, unsupervised play for children, drying clothes and gardening. Further, the close proximity of the rear facing living accommodation and rear boundary of the proposed dwelling would mean the space would not be entirely private.
8. For the proposed dwelling, sited to the front of the dwelling and in proximity to the public footway the garden would be physically and functionally limited and not sufficiently private, even with a boundary wall or fence. Even having regard to the small scale nature of the proposal, acceptable living conditions would not be created for future occupiers of the dwellings, in terms of amenity space. The proposal would therefore conflict with Policies BE29 and HE38 of the LP and Policy CP21 of the CS insofar as it would not be an appropriate quality of design.

Planning balance and conclusion

9. For the reasons given above, the proposal would cause harm to the character and appearance of the area and would not provide acceptable living conditions for future occupiers in terms of amenity space. It would conflict with the development plan, when read as a whole. Turning to other material considerations, the Council do not dispute that they cannot demonstrate a 5 year supply of housing land². Consequently, the so called tilted balance in paragraph 11 d ii) of the Framework is engaged by virtue of footnote 7.
10. There would be some minimal economic and social benefits from the creation and occupation of an additional dwelling that would also be suitable as a small starter unit or for the elderly. Nonetheless, even in the context of the Council's

² 3.01 years as per 8.3 of the Council's statement.

current housing land supply position, the harm and the conflicts that I have identified are such that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. The proposal would not therefore be the sustainable development for which the Framework indicates a presumption in favour.

11. Drawing my conclusions together, material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR