



Appeal Decision

Site visit made on 29 October 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2019

Appeal Ref: APP/K0235/W/19/3235738

2 Blenheim Road, Shortstown MK42 0UY

- 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 Wilson, Land Assist Ltd against the decision of Bedford Borough Council.
 - The application Ref 19/00496/FUL, dated 5 March 2019, was refused by notice dated 8 July 2019.
 - The development proposed is the erection of 2no. two bed dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2no. two bed dwellings at 2 Blenheim Road, Shortstown MK42 0UY in accordance with the terms of the application, Ref 19/00496/FUL, dated 5 March 2019 subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues in this appeal are (i) the effect of the proposed development on the character and appearance of the area and (ii) the effect of the proposed parking provision on highway safety.

Reasons

Character and Appearance

3. Dwellings on Blenheim Road and in the surrounding residential area are typically set behind deep frontages on strong building lines fronting the street. Together with the characteristic pitched roof forms of the dwellings and their brick external finishes, this gives the area an attractive rhythm and sense of uniformity.
4. The grid-like layout of the relatively narrow streets around Blenheim Road means that dwellings are set on plots of varying depths and sizes, and gardens tend to be of lesser depth on corner plots such as the appeal site. Despite this, there is generous spacing between buildings affording views towards rear garden backdrops and the spacing around buildings combined with wide grass verges to the front of some dwellings promotes an overall feeling of spaciousness. The large areas of soft landscaping often present within the frontages of dwellings as well as trees and hedgerows which are visible within their gardens and on boundaries further enhance the openness of the area and contribute a leafy character.

5. The appeal site contains a semi-detached dwelling facing Blenheim Road with a driveway to its frontage served by a gated access. The site is on a corner plot at the junction of Blenheim Road and Stirling Road and while the separation between the dwelling and the boundary with 17 Stirling Road to the rear is limited, there is a generous garden wrapping around the side of the dwelling. While this is enclosed by close boarded fencing, the fence is mostly screened from the street scene by hedgerow present along the boundary of the site with Stirling Road and the corner of Blenheim Road.
6. The proposed pair of semi-detached dwellings to the side of 2 Blenheim Road have been designed to replicate adjacent properties and I see no reason to disagree with the Council that their scale and simple design would be sympathetic to the surrounding area.
7. The development would step slightly forward of the front elevation of 2 Blenheim Road and would project beyond the front elevation of the neighbour at 17 Stirling Road to the rear of the site. Although the site is in a prominent location and I note the typically strong building lines in the area, I saw on my visit a similar arrangement at the neighbouring junction of Canberra Road with Stirling Road where 1A and 1B Canberra Road are positioned forward of both 1 Canberra Road adjacent and 31 Stirling Road to their rear. I also saw ongoing construction at the junction of Lincoln Road with Stirling Road beyond the side of the dwellings at 2 Lincoln Road and 1 Blenheim Road. The siting of the dwellings forward of neighbouring buildings would not therefore be jarring in the street scene or cause the dwellings to appear incongruous or intrusive.
8. However, the Council's design guidance Residential Extensions, New Dwellings and Small Infill Developments 2000 (RENSID) suggests a depth of 13m for rear gardens to allow scope for growth of large scale planting and to accommodate future extensions. At around 6m, the rear gardens of the proposed dwellings and the remaining garden to serve 2 Blenheim Road would be of limited depth and would fall short of this guidance.
9. I note that RENSID was adopted some time ago but this does not, of itself, render the guidance outdated. The use of design guides is promoted by saved Policy BE29 of the Bedford Borough Local Plan 2002 (BBLP) and standards seeking to secure good design are consistent with the National Planning Policy Framework (the Framework) which requires well-designed places. Nevertheless, this guidance is not part of the development plan. Moreover, while non-compliance with standards within RENSID may be an indication of harm, this is not an inevitable conclusion. This view is supported by other developments in the local area referred to by the appellant where dwellings with gardens of less than 13m in depth have been found acceptable.
10. Notwithstanding this, the proposed gardens would be of lesser depth and overall size than many gardens in the surrounding area. I accept that garden depths in the vicinity of the appeal site vary and are typically reduced on corner plots, although this tends to be balanced by provision of additional space to the side of the dwellings. I have carefully considered the examples referred to by the appellant of dwellings approved with gardens of less than 13m in depth, including the semi-detached dwellings at 1A and 1B Canberra Road and new build dwellings within the development opposite these. However, it seems to me that none have such a tight relationship with their boundaries and restricted garden space as is proposed on the appeal site.

11. I have not been referred to any specific requirements for the overall size of gardens, and in this case, I am satisfied that their shape and layout would offer usable space to future occupiers despite their limited scale. Separation would also be maintained to the adjacent dwelling at 17 Stirling Road. However, while some additional garden space would be provided to the side of proposed Unit 1 closest to Stirling Road, the very limited depth and overall size of the gardens would nevertheless be uncharacteristically small in the area. The proximity of the dwellings to their rear boundaries would be apparent from the street scene of Stirling Road, and notwithstanding the guidance within RENSID, I find that this would cause the dwellings to appear somewhat cramped and squeezed on to the site in contrast to the generally spacious character of the area.
12. In addition, hedging would be removed to the corner of the site and the frontage with Blenheim Road and save for a small strip of soft landscaping in front of the proposed dwellings, hardstanding is proposed across the vast majority of the frontage of the site. Although there are frontages given over predominantly to hardstanding in the surrounding area, these are typically interspersed with soft landscaping within adjacent sites reducing the visual impact. The proposed swathe of hardstanding across the 3 dwellings on the site would not be so broken up, and its resulting extent would be a stark feature in the street scene.
13. I accept that hardstanding to site frontages is not an alien feature in the area and the boundaries to other corner plots nearby include close boarded fencing, picket-style fencing and low walls as well as hedging so that the treatment on the site would not be unusual. However, the loss of soft landscaping from the site and proposed hardstanding would diminish the contribution of the site to the leafy character of the area.
14. Although the appeal site is in a prominent location, the visual impact of the proposal would be lessened to some degree by the existing diversity in the overall mix in the size of gardens, boundary and frontage treatments. This would reduce the noteworthiness and prominence of the development and the aforementioned harm would therefore be moderated.
15. However, the proposal would nevertheless result in some limited harm to the character and appearance of the area and in this regard it would be contrary to saved Policies H24, BE29, BE30, BE37 and H38 of the BBLP and Policy CP21 of the Core Strategy and Rural Issues Plan 2008 (CSRIP). Broadly, these policies seek good design which is of a character and scale that responds to the local area and which takes account of the visual impact of development and its relationship with its surroundings. For similar reasons it would fail to accord with Policies 29S, 30 and 31 of the emerging Bedford Borough Local Plan 2030, although as this is not yet an adopted part of the development plan, I afford these policies less weight.

Parking Provision and Highway Safety

16. The submitted plans indicate 3 spaces to serve 2 Blenheim Road and 2 spaces to serve each proposed dwelling. This would accord with the minimum parking standards within the Council's Parking Standards for Sustainable Communities 2014 guidance (PSSC). However, the Council are concerned that the parking layout would not allow vehicles to easily access spaces intended to serve 2 Blenheim Road and the proposed Unit 1 closest to Stirling Road when

vehicles were already parked, leading to increased potential for on-street parking and harm to highway safety.

17. As part of the appeal, the appellant has submitted a Highways Technical Note. This includes swept path analysis and confirms that access to the angled space on the corner would be hampered should a vehicle be parked in the other space serving Unit 1. Although it is suggested that independent access to all 3 spaces intended for 2 Blenheim Road would be possible, this is only where several large vehicles are not involved. This eventuality cannot be ruled out and in such a situation access to spaces within the driveway would be impeded.
18. Accordingly, and akin to traditional tandem parking situations where vehicles are parked one in front of another, it is likely that future occupiers would need to manoeuvre vehicles in order to make use of all of the spaces within the site.
19. However, tandem arrangements are not uncommon and indeed I saw examples of similar layouts in the vicinity of the appeal site. Moreover, I note the guidance within the PSSC document advising that triple tandem parking is acceptable but that it will only count as 2 not 3 parking spaces because of the inconvenience this would cause the householder of regularly needing to manoeuvre cars. There would be no instances on the appeal site where more than one vehicle would need to be moved (in effect a 'triple tandem' arrangement). However, the PSSC guidance clearly indicates that a need to manoeuvre vehicles to afford access does not prevent spaces, such as those on the appeal site, from meeting requirements for parking.
20. I accept that the need for future occupiers of 2 Blenheim Road and Unit 1 to shuffle vehicles to utilise all proposed parking spaces would be less than ideal. Nevertheless, there is no substantive evidence before me to indicate that this arrangement would increase the likelihood of future occupiers parking on-street in preference to the spaces within the site, and taking account of the guidance within the PSSC, there are insufficient grounds for me to conclude that the proposed parking arrangements would be impractical or inadequate to meet the needs of occupiers.
21. Furthermore, while I acknowledge the location of the site at the junction of Blenheim Road and Stirling Road and that these roads are relatively narrow, traffic speeds are likely to be low as a consequence of the layout and width of roads nearby. Some parking does take place on the surrounding streets, however I saw no indication at my visit that this causes any undue obstruction to pedestrians or other highway users, and there is no substantive evidence before me of any specific highway safety or traffic concerns in this area that would be exacerbated by any further on-street parking, should it occur.
22. I therefore conclude on this main issue that there would be suitable provision for parking, and highway safety would not be harmed. Accordingly, I find no conflict with saved policies H24, BE29, BE30, BE38 and H38 of the BBLP and CSRIP Policy CP21. These policies, amongst other matters, seek to ensure good design including with regard to provision for car parking. For similar reasons the proposal would comply with Policy 30 of the emerging Bedford Borough Local Plan 2030, although as this is not yet an adopted part of the development plan, I afford this policy less weight.

Other Matters and Planning Balance

23. The Council indicates that they are currently unable to demonstrate a 5-year supply of deliverable housing sites and I have not been provided with any evidence to contradict this. The lack of housing land supply triggers the presumption in favour of sustainable development test set out in paragraph 11(d) of the National Planning Policy Framework (the Framework). This states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In the absence of any applicable policies in 11(d)(i), I have assessed the proposal against 11(d)(ii) only.
24. In light of my consideration above, saved Policies H24, BE29, BE30, BE37 and H38 of the BBLP and Policy CP21 of the CSRIP are most important for determining the proposal but would be considered out of date in light of the lack of housing land supply and the provisions of Footnote 7 of the Framework. However, achieving well-designed places is a key aspect of sustainable development identified within the Framework and the requirements of these policies are broadly consistent with the Framework in seeking this. The conflict with these policies therefore carries a reasonably significant amount of weight.
25. Although I have found no harm to highway safety, there would be some limited harm to the character and appearance of the area as a result of the limited depth and size of the rear gardens, and through the loss of soft landscaping and extent of hardstanding to the site frontage. However, this harm is moderated by the existing diversity in the size of gardens and treatment to site frontages and boundaries which is present in the area, reducing the visual impact and prominence of the resulting development on the site.
26. In terms of benefits, the proposal would provide two additional dwellings which would contribute positively to the housing under-supply position within an existing residential area with access to local facilities. In this regard, I note comments made by third parties in support of the development and the additional housing it would provide. The development would also result in some short-term economic benefits during the construction period. The extent of these benefits is tempered by the small amount of development, but nevertheless I give them moderate weight in the overall planning balance.
27. In the context of paragraph 11(d) of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applies and is a material consideration that weighs in favour of the proposal. While the development would not fully accord with saved Policies H24, BE29, BE30, BE37 and H38 of the BBLP and Policy CP21 of the CSRIP, I conclude that there are thus material considerations which indicate that the appeal should be allowed, notwithstanding the conflict with the development plan.
28. I have taken into account comments made by third parties, but these do not alter my overall conclusions. Owing to the relationship of the development with neighbouring dwellings the proposal would not result in any significant loss of

light for the occupants of neighbouring houses. There is no firm evidence to suggest that the development would adversely affect utility supplies and any effects from the construction period would be short-term and could be mitigated by careful construction management.

Conditions

29. I have considered the Council's suggested conditions. Where necessary, I have altered these for clarity, to ensure compliance with the relevant tests and to avoid the use of pre-commencement clauses where this is not essential for the condition to achieve its purpose.
30. In addition to the standard time limit condition (1), I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty (2). In order to ensure a satisfactory appearance, conditions relating to the provision of landscaping (3) and the external materials to be used (4) are necessary, although given the context of the surrounding area I see no justification to require inspection of material samples on site. Conditions requiring the provision of visibility splays (5), retention of parking provision (6) and to demonstrate implementation of sustainability measures (7) are necessary in the interests of ensuring highway safety, adequate parking for the development and to ensure the sustainability of the development.
31. The Council have also suggested a condition which would remove permitted development rights. I am mindful that paragraph 53 of the Framework states planning conditions should only restrict national permitted development rights where there is clear justification to do so. However, in this case, given the relationship of the proposed dwellings with their plots and limited gardens, a condition to prevent the construction of outbuildings or extensions and provision of hardstanding and boundary treatment is necessary in the interests of the character and appearance of the area and to ensure amenity space is maintained for future occupiers. However, in the interests of clarity and precision I have amended the Council's suggested wording of this condition (8).

Conclusion

32. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18/029/A/001, 18/029/A/A/002 and 18/029/A/003 B
- 3) No development above ground level shall take place until a scheme of landscaping works has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of:
 - i) an updated survey of existing trees and hedges on the land giving their species, location, height, spread and condition and indicating those which are to be retained and those to be removed;
 - ii) soft landscaping works to include areas of grass turfing or seeding, other surface materials and planting proposals giving details of location, species, number, density and planting size; and
 - iii) all hard landscaping works to include hard surfacing materials.

All planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the occupation of any building or the completion of the development, whichever is sooner. Any trees or plants, which within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive

- 4) No development above ground level shall take place until details of the external materials to be used (to include walls, roofs, doors, windows and external gutters and pipework) and samples of those materials to be used for the walls and roofs have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
- 5) No dwelling shall be occupied until a scheme providing for visibility splays for the vehicular accesses to the site has been submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with the approved details. The approved visibility splays shall thereafter be kept free of obstructions to visibility above a height of 0.6m.
- 6) The development hereby permitted shall not be occupied until the parking spaces shown on plan no. 18/029/A/003 B have been marked for use by the occupants of the dwellings and their visitors. The spaces shall thereafter be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 7) No part of the development hereby permitted shall be occupied until an energy statement has been submitted to and approved in writing by the Local Planning Authority relating to that building. The energy statement shall include:

- i) an assessment of the actual effect on carbon dioxide emissions demonstrating the measures previously set out in the approved Energy and Sustainability Statement dated March 2019 have achieved a reduction of at least 10% in carbon emissions below the normal requirement set by the Building Regulations; and
- ii) a statement of how the layout, orientation, design and materials used in the development have been influenced by the approved Energy and Sustainability Statement dated March 2019.

All measures shall be carried out as approved and shall thereafter be maintained in accordance with the approved details.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement, addition or other alteration as defined within Classes A, B, D, E and F of Part 1 of Schedule 2 of the Order and Class A of Part 2 of Schedule 2 of the Order shall be carried out to any dwelling hereby permitted.