



Appeal Decision

Site visit made on 15 October 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2019

Appeal Ref: APP/K0235/W/19/3234197

2 Battison Street, Bedford MK40 1QU

- 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 Graeme Ritchie against the decision of Bedford Borough Council.
 - The application Ref 19/00324/FUL, dated 13 February 2019, was refused by notice dated 2 July 2019.
 - The development proposed is the demolition of the existing property and the creation of a new dwelling to contain three apartments.
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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 area;
 - The living conditions of occupiers of neighbouring properties, with particular regard to Nos. 35B, 35C, 35D and 39 Commercial Road and matters of outlook, and Nos 1 and 3 Western Street and future occupiers of the development with respect to matters of privacy and outlook.

Reasons

Character and appearance

3. The appeal site is a two storey detached building separated from the neighbouring short terrace of two storey dwellings by a narrow side access to the northern flank. The street is predominantly characterised by two storey terraced properties with frontages directly adjacent to the footpaths. The rear of the building has been subject to previous single storey rear extensions, and beyond these there is a small rear courtyard area bounded by a wall. The property is currently unoccupied due to its current poor structural condition, and whilst a previous demolition notice has been retracted following some remedial works, the appellant has indicated the property remains very dilapidated.
4. The proposed development would replace the existing property with a new building that would have a significantly greater depth than the existing. This would result in a significant increase in the overall mass of the building and create more bulky side and rear elevations. The southern side elevation would

be highly visible from the public realm in an area where the depth of the appeal property is visible from the street in the space between the rear elevation of the flats at No 35 Commercial Road. The appearance of the existing side gable in the street scene has a vertical emphasis due to its modest depth and steep roof pitches at the front and rear, with the existing rear extensions perceived as subservient additions due to their set in from the side building line. As a result, there is a degree of inter-visibility of the properties which face Western Street beyond the rear boundary. As such, the proposed dwelling would appear as a bulky and incongruous feature in the street scene and the increased depth and bulk of the side gable would obscure views of the rear elevations of properties facing Western Street and reducing the views adversely affecting the sense of space between the built form.

5. The proposed front elevation includes a small single dormer in the roof slope. There are no properties in the vicinity that have dormers on their front elevations, and as such, this would disrupt the regular pattern of pitched roofs in the street. The dormer would appear incongruous in the street scene out of keeping with the surrounding pattern of development. This would result in harm to the character and appearance of the area.
6. In reaching the above findings, the appellant has drawn my attention to another property in the vicinity that has been developed in a similar manner to the appeal proposal. No details have been provided as to the circumstances which led to planning permission being granted in those cases. In any case, the circumstances of each proposal are different and I have necessarily considered the proposal before me on its own merits including in terms of its relationship with its immediate surroundings.
7. I have also taken into account that the proposal is a revised scheme following a previous refusal whereby the scale of the development has been reduced. However, to my mind, the overall scale, bulk and massing of the side gable in particular, together with the inclusion of the front dormer would result in a proposed building that would appear incongruous with a detrimental impact upon the character and appearance of the street scene.
8. In light of the above, I conclude that the proposed development would result in harm to the character and appearance of the area. As a result, it would not comply with Policies BE29, BE30, BE37 and H38 of the Bedford Borough Local Plan (2002) (the BLP), and policy CP21 of the Core Strategy and Rural Issues Plan (2008) (the CSRIP) which seek to ensure the highest standards of design, ensure that full regard is given to the visual impact of the building and ensure there is no harm to, and consider opportunities to, enhance the existing character and quality of the area respectively.

Living conditions

9. The proposed development would have habitable rooms in the rear elevation which would be sited closer to the boundaries of adjoining properties in Commercial Road and Western Street than the existing dwelling. The proposed development would be approximately 12.1 metres between its rear elevation and the properties to the west. As a result of this close proximity, the windows in the first floor and rear dormer would result in overlooking into the rear windows and gardens of Nos 1 and 3 Western Street. The Bedford Borough Council Residential Extensions, New Dwellings & Small infill Developments Design Guide (2000) (the DG) requires a minimum privacy distance of 18

metre to which the proposal does not accord. In that respect, the separation distance at first floor level, together with the introduction of windows at second floor level in the rear dormer, would result in a closer relationship of habitable windows when compared with the existing dwelling. Consequently, there would be increased overlooking of rear windows and rear gardens and an associated loss of privacy for the occupiers of Nos 1 and 3 Western Street, which also would be an unsuitable living environment for future occupiers of the development due to inadequate privacy arising from the close relationship of upper floor habitable windows in the respective rear elevations. In that respect, the presence of existing single storey rear extensions that already lie closer to the rear boundary than the proposal, do not replicate the harm I have identified.

10. In reaching the above findings, I have taken into account there is limited intervening screening between these properties, and whilst the appellant has indicated that any effects of overlooking could be addressed by utilising obscured glazing, this would only be overcome by obscuring all of the windows in the rear elevation. These windows would provide the only external light and outlook for the proposed flats. Therefore, whilst in certain instances this would be a matter that could be addressed via a planning condition, obscuring these windows would result in harm to the living conditions of future occupiers of the flats. As such, it would be unreasonable to impose such via a planning condition.
11. To the south of the property is a narrow path which provides rear access to the adjoining properties on Commercial Road, all of which have short rear gardens. The proposed development would be of a significant additional bulk and mass would significantly limit the outlook from Nos 35B, 35C, and 35D and No 39 Commercial Road. Due to the short rear garden space and outdoor areas of these properties, this would result in overbearing effect due to its massing and proximity to the rear gardens of these properties. In reaching this view I have taken into account that the secondary windows in the facing side elevation would be fitted with obscured glazing so as to prevent any harmful overlooking or loss of privacy. However, the absence of concern in that respect is a neutral factor.
12. The appellant has indicated that there are other examples where development has been allowed in close proximity between rear elevations such as those at No 1 Battison Street and No 4 Maitland Street. However, I do not have any information before me as to the circumstances which granted permission for these developments. As such, these carry very limited weight in reaching my findings.
13. Having regard to the above, I conclude that the proposed development would harm the living conditions of the occupiers of neighbouring properties with particular regard to Nos. 35B, 35C, 35D and 39 Commercial Road and matters of outlook, and Nos 1 and 3 Western Street and future occupiers of the development with respect to matters of privacy and outlook. This would be contrary to Policies BE37 and Policy H38 of the BLP which seek to respect and resist the loss of privacy of adjoining occupiers and residents. It would also fail to comply with the Bedford DG which seek to ensure the privacy of adjoining properties by expecting a minimum privacy distance of 18 metres between directly overlooking primary windows and that development should not have an overbearing effect over other properties.

Other Matters

14. The proposed development would result in a benefit to the area by redeveloping a site that is currently in a poor condition and is unable to be occupied. Whilst this would make a positive contribution to the area along with providing additional residential flats which could be suitable for starter homes or small families, the net contribution of two additional dwellings would have a limited effect on the supply of homes in the area. I do not consider this benefit to be sufficient to outweigh the harm I have identified above.
15. The appellant has referred to the development and its creation of 3 apartments in the proposed building as being necessary to make it financially viable to maintain. However, there is no substantive evidence before me in that respect and therefore, I can offer little weight to such matters. Whilst the proposed development would provide an acceptable standard of accommodation and environmental performance, such benefits are a common feature of new development. Therefore, I can afford only limited weight to them which does not outweigh the harm identified with respect to the main issues.
16. The site is located a short distance from a range of services and facilities in Bedford. However, the site's locational advantages are not sufficient to outweigh the harm that I have identified. As such, this has not altered my conclusions having regard to the main issues.

Conclusion

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

P Mileham

INSPECTOR