



Appeal Decision

Site visit made on 7 October 2019 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/K0235/W/19/3234822

55 Victoria Road, Bedford MK42 9JS

- 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 Fhalora against the decision of Bedford Borough Council.
 - The application Ref: 19/00681/FUL, dated 28 March 2019, was refused by notice dated 6 August 2019.
 - The development proposed is extension to existing building to create 2 x 1 bedroom units.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. These are: 1) The impact the proposed development would have on the living conditions of the future occupiers of No. 55 Victoria Road with regard to privacy; and 2) the effect of the proposed development on the character and appearance of the street scene.

Reasons for the Recommendation

First main issue – Living Conditions

4. Planning permission was granted for a 2 storey rear extension to the property to form a duplex apartment (Council ref: 18/00896/FUL) and this is currently under construction. The duplex apartment included a single storey rear addition and the proposals submitted with this appeal would add a first floor to this element of the building. The appeal includes the extension that has already been approved and the first floor addition. No.55 is a semi detached Victorian property that has been converted into a House in Multiple Occupation (HMO).
5. The proposed scheme includes a bedroom on the ground floor which would directly overlook the rear garden area which would also be used for bin and bicycle storage. Both rooms on the ground floor would have windows facing the rear garden which would be overlooked by those using the rear garden. Given the presence of the proposed bin and cycle storage areas it is likely that the garden will be used frequently and those using the facilities would pass directly

- to the side of the habitable room windows of the ground floor flats. As a result, the occupiers of those two ground floor units would have no habitable rooms that are not directly overlooked, resulting in extremely poor levels of privacy.
6. I recognise that the previously approved scheme also included bin stores and cycle accommodation to the rear, in close proximity to the proposed flat at the rear of the property. However, that scheme proposed a single flat at the rear over two floors such that at least some of the habitable space would not have been directly overlooked, unlike the proposed ground floor flat where all of the habitable rooms would be clearly visible from within the garden area. Moreover, the current proposal would increase the intensity of the use with more people residing in the building which would be likely to result in greater usage of the rear facilities, with knock on implications for the living conditions of residents of the ground floor flat.
 7. The plans identify that a separate doorway would be provided for the occupiers of the two units to the rear of the extension. No internal doors are proposed to connect to this extension to the host dwelling, as shown on proposed site plan (DWG no. 002 Rev P05). As a consequence, the occupiers would have to walk down the side alleyway to access the dwelling and would have to pass the ground floor windows of the habitable rooms along this alleyway. This would afford the opportunity for those passing to look directly into the living areas where residents could reasonably expect a greater degree of privacy. The resulting loss of privacy would cause harm to the occupiers of the host dwelling. The appellant notes that the occupiers would access the living accommodation from the front of the house, but the plans submitted with the appeal do not reflect this.
 8. The proposed development would not provide sufficient privacy for both the future occupiers of the dwellings and the existing occupiers and this would result in harm to their living conditions. The proposal would therefore be contrary to policy BE29, BE30, H38 and BE37 of the Bedford Borough Local Plan October 2002 (LP) and policy, CP21 of the Bedford Borough Council Development Plan Document Core Strategy and Rural Issues Plan 2008 (CS).

Second main issue – Character and Appearance

9. As already noted, the rear extension is under construction and whilst there were glimpses of the extension from the road, the existing extension was not particularly visible and does not harm the appearance of the street scene. The proposed first floor of the rear extension would not make the extension appear particularly more visible from the road and would therefore not cause harm to the appearance of the street scene.
10. Currently, the bins for the property are stored in the small area to the front of the dwelling. The proposal includes a bin store to the rear which would provide an opportunity for the occupiers to leave their bins in a secure location away from the main road, which would improve the appearance of the street scene. Despite this, based on the proposed site plan, if cars were parked as shown on the plan, then there would be no opportunity to access the bin store. In the absence of a practical solution the occupiers would in all likelihood leave their bins at the front of the property, which would add additional clutter to the street, and this would cause limited harm the appearance of the street scene.

11. The additional street clutter created by proposed development would cause limited harm to the character and appearance of the street scene and the proposal would therefore be contrary to policy VE29, BE30, BE37 and H38 of the LP and policy CP21 of the CS.

Other Matters

12. The Council cannot identify a 5 year supply of deliverable housing sites. Consequently, the tilted balance, as set out at paragraph 11 of the National Planning Policy Framework should be applied. That means granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits. In that sense, the delivery of two 1 bedroom units would make a small contribution towards meeting the Council's unmet need and is a benefit of the proposal that is given moderate weight. That is a matter to be weighed against the harm that has been identified in relation to the main issues and I shall return to that balance in the conclusion below.
13. I have noted the concerns of a neighbouring resident with regards to alleged anti-social behaviour at the premises. Those allegations are disputed by the appellant. In the absence of any further detail it is difficult to draw any firm conclusion on the behaviour of previous tenants. However, planning is a land use based system of control and the management of tenants would fall outside the remit of this decision. From the information before me there is no reason to assume that the use, of itself, would inherently lead to anti-social behaviour and that is not a matter that should be weighed against the proposal.

Conclusion

14. For the reasons given above the proposed living accommodation on the ground floor would be directly overlooked and any future occupiers would suffer from extremely poor levels of privacy to the detriment of their living conditions. Similarly, the occupiers of the proposed units to the rear would have to access the property from the rear of the site and consequently they would have to pass the ground floor living accommodation along the alleyway which would result in the loss of privacy for the current occupiers. For those reasons the living conditions or residents of the ground floor units would be below what may reasonably be expected and contrary to the relevant policies of the development plan and the Framework.
15. The proposal would also cause limited harm to the character and appearance of the street scene due to increased street clutter, again being contrary to the development plan in that respect. When taken together, the identified adverse impacts of the proposal significantly and demonstrably outweigh the modest benefits arising from the additional supply of housing. Notwithstanding the implications of paragraph 11 of the Framework the relevant development plan policies remain consistent with the aims of paragraphs 127 and 130 of the Framework in terms of providing high quality design and a good standard of amenity for existing and future occupants. As such, substantial weight should still be attached to those policies.
16. For those reasons, having regard to the balance required by paragraph 11 of the Framework and the relevant policies of the development plan I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR