
Appeal Decision

Site visit made on 17 February 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2020

Appeal Ref: APP/P0240/D/19/3238904

75 Holland Road, Ampthill, Bedford MK45 2RR

- 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 Moss against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/02118/FULL, dated 22 May 2019, was refused by notice dated 20 August 2019.
 - The development proposed is erection of new brick built summerhouse in rear garden space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Within the evidence before me reference has been made to the Council's emerging Local Plan. However, as I am unaware of the extent and content of unresolved objections to the plan, I can only afford its policies limited weight in my decision. I have relied upon policies within the Central Bedfordshire Local Development Framework Core Strategy and Development Management Policies 2009 in coming to my decision.

Main Issues

3. The main issues are the effect of the proposed summerhouse on the:
 - character and appearance of the surrounding area;
 - living conditions of the occupants of 26 Parmiter Way, with particular reference to outlook.

Reasons

Character and Appearance

4. 75 Holland Road is a detached two storey dwelling, in a residential housing estate comprising similar two storey dwellings. The plot is a triangular shape, with the dwelling located at the narrowest point and the garden opening up behind the dwelling.
5. The residential estate of Parmiter Way is to the rear of the site and can be accessed via a public footpath which runs along the side boundary of No 75 and links Holland Road and Parmiter Way.

6. The area is characterised by a mix of dwelling styles and boundary treatments with close boarded fencing, brick walls and evergreen trees all visible from the public footpath. The rear gardens are generally enclosed and not visible from the public realm, with the exception of the appeal site and the neighbouring property of 88 Holland Road which has the public footpath bordering their side boundary. However a level of privacy is afforded by the existing close boarded fencing and landscaping.
7. The proposed summerhouse would be located in the corner of the rear garden, adjacent to the rear boundary of 26 Parmiter Way. Its irregular polygon shape has been designed to take account of the shape of the garden, and results in the front of the summerhouse being wider than its rear. The summerhouse would be approximately 5.5m high and constructed of brick under a tiled roof.
8. The proposed position of the summerhouse, adjacent to the public footpath and rear boundary would enable views of the building from within the public realm, as the height of the summerhouse would exceed the height of the existing boundary treatment. I consider that the siting and overall height of the summerhouse would introduce a prominent and incongruous feature which would be highly visible from Parmiter Way.
9. It has been put to me that the building would be similar in height and scale to a double garage, however within Parmiter Way the garages that I saw were attached to dwellings or located to the side of properties and not to the rear of existing dwellings. Therefore, the structure would appear at odds with the general pattern of development within Parmiter Way.
10. I accept that the summerhouse would not be visible from Holland Road and therefore would not detract from the character and appearance of the street scene within Holland Road, however this does not overcome the concerns I have set out on the character and appearance of Parmiter Way.
11. In conclusion, for the reasons given the proposed development would represent an unduly dominant and highly discordant feature and would have a significant adverse effect on the character and appearance of the surrounding area.
12. The development would conflict with Policies CS14 and DM3 of the Central Bedfordshire Local Development Framework Core Strategy and Development Management Policies 2009 (CS) which require development to be of the highest quality and be appropriate in scale and design to their setting. It would also fail to accord with The Central Bedfordshire Design Guide 2014 (DG) which sets out that proposals should relate well to the character and context of their surrounding area.

Living Conditions

13. 26 Parmiter Way has a shallow rear garden which shares a rear boundary with 75 Holland Road. The property has windows on the rear elevation serving the kitchen and dining area. These look out on the rear garden with views across the rear fence towards the properties within Parmiter Way and the trees and skyline beyond. The outlook from these windows are partly restricted by the tall evergreen trees which are within the garden of 75 Holland Road. The restricted outlook makes the existing gap in the screening more important as the views afforded by it provide a degree of openness from those windows.

14. The introduction of a summerhouse, sited in close proximity to the boundary at a height of approximately 5.5m would result in a loss of outlook, reducing the feeling of openness currently experienced from the kitchen and dining room windows and prevent the views out to the trees and skyline beyond.
15. I find that the proposal would have an overbearing impact when viewed from within the dwelling and the garden immediately to the rear and would lead to a loss of outlook when viewed from within the closest habitable room. In my view that would be harmful to the living conditions of 26 Parmiter Way.
16. Therefore, by virtue of its overall height in proximity to the boundary, the proposed summerhouse would have an overbearing impact and result in a loss of outlook when viewed from the neighbouring property at 26 Parmiter Way. Accordingly it would be contrary to policies CS14 and DM3 of the CS which requires development to be of a high quality design which respects the amenity of surrounding properties. It would also fail to accord with the DG which requires development not to result in an overbearing impact on neighbouring properties.

Other matters

17. The appellant has indicated that they would be willing to accept a restrictive condition to ensure the summerhouse's use was ancillary to the main dwelling. However, even if I were to find this restriction necessary it would not alter my findings with regard to the impact on the character and appearance of the area or the impact on the living conditions of 26 Parmiter Way.
18. I have had regard to the concerns of the appellant with regard to the lack of privacy currently afforded to their garden. However, the construction of a summerhouse along their rear boundary would not be the only option open to them to provide screening of their garden. The site is already well screened by both existing landscaping and boundary fencing which screens the site from the public footpath.
19. I agree that the overall footprint of the summerhouse is not excessive, nor would it result in an overdevelopment of the plot, having regard to the size of the existing garden.
20. I have been provided with details of a proposal for a double garage at 3 Station Road, however from the information provided this is for a proposal for an outbuilding to the front of a detached dwelling, therefore the details do not appear directly comparable to the proposal before me. However, I am not aware of the full circumstances of this case and in any event each scheme must be considered and determined on its individual merits.

Conclusion

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

G. Pannell

INSPECTOR