



Appeal Decision

Site visit made on 6 January 2020 by S Watson BA(Hons) MSc

Decision by V Lucas LLB (Hons) MCD MRTPI

An Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/K0235/W/19/3237261

2 Wyatt Road, Kempston MK42 7EH

- 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 A Sarro against the decision of Bedford Borough Council.
 - The application Ref 19/00932/FUL, dated 30 April 2019, was refused by notice dated 22 August 2019.
 - The development proposed is demolition of existing rear extension, alteration to existing dwelling and erection of 1 new dwelling in garden land.
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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.

Procedural Matter

3. During the course of the appeal, the *Bedford Borough Local Plan 2030* (BBLP) has been adopted by the Council and has therefore superseded the *Bedford Borough Local Plan* and the *Bedford Borough Council Development Plan Document: Core Strategy and Rural Issues Plan*. Both Parties have been given the opportunity to comment on the adopted plan. I am therefore satisfied that the interest of the parties will not be prejudiced by determining this appeal in accordance with the up to date Development Plan, as I am required to do.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the surrounding area; and,
 - the living conditions of neighbouring occupiers at Nos 75 and 75a High Street, with particular regard to light and outlook from the rear amenity area.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is located on the east side of Wyatt Road and contains a semi-detached two-storey dwelling with a hipped roof. The property is surrounded by a garden which wraps around the front, side and rear, with the rear garden being noticeably shallower than the other portions. Parking is currently provided by way of a driveway at the side of the dwelling. The proposal includes the demolition of an existing rear extension serving the host dwelling and the erection of a two-storey detached dwelling in the side garden. Parking would be provided at the front of both properties.
6. The proposed development would result in a dwelling which would not, by way of its size relative to the plot, respect the grain of development within Wyatt Road. Although the rear garden would not be visible from public views the overall plot would be significantly smaller than is typical of the street. Furthermore, the near entire frontages of the existing and proposed dwellings would be given over to parking and there would not be any significant space to secure soft landscaping without impeding access to the parking spaces. This would degrade the existing contribution the frontage and side of No 2 makes to the character of the street scene. The development would appear overly large and cramped within the plot, and along with the lost soft landscaping, would harm the character and appearance of the surrounding area.
7. I note that a similar development has been carried out to the south of the attached neighbour, No 4 Wyatt Road. Although No 4a is a similar development, in so far as it is a detached dwelling within a narrow plot, all development must be considered on its own merits. Moreover, I am not aware of the circumstances under which it was approved, and this dwelling does not justify harmful development which would result in the erosion of the grain of development and character of the street.
8. In conclusion, the proposal, by way of its scale and siting, would be out of keeping with the surrounding properties and area. In this way the proposal would harm the character and appearance of the surrounding area, and would conflict with Policies 28s, 29 and 30 of the BBLP which collectively seek development to contribute positively to an area's character and appearance.
9. The Council have brought two appeals¹ to my attention to demonstrate that regardless of its age, the *Residential Extensions, New Dwellings & Small Infill Developments* supplementary planning guidance (RENSID) has been given weight in recent appeals. I note that the guidance is of some age and predates the National Planning Policy Framework, however I find that those parts relevant to the appeal before me are compliant and I give them weight. As such the proposal would also conflict with the guidance contained within the RENSID which, amongst other matters, sets out recommended minimum garden sizes and boundary distances.

Living Conditions

10. The neighbouring property, No 75 High Street, fronts on to Wyatt Road and the garden runs alongside the appeal site. The land between the two properties drops towards the north. The neighbouring garden is only open towards the

¹ APP/K0235/W/18/3213452 and APP/K0235/W/19/3229795

south with buildings to the north, east and west, it therefore currently only has an open outlook in this direction.

11. The difference in land levels between the respective properties would result in the new dwelling being a tall, imposing feature in close proximity to the rear garden of No 75. The new dwelling would appear as a prominent and intrusive feature in the outlook from the rear garden. Moreover, given the height of the proposed building in such close proximity to the rear garden of No 75 it is likely that there would be a significant reduction in the level of natural light reaching the garden. Collectively the loss of outlook and natural light to the neighbour's rear garden would make it a less pleasant place to use.
12. Given my findings, I conclude that the proposal would be harmful to the living conditions of the occupiers of No 75 High Street. The proposal would therefore conflict with Policies 30 and 32 of the BBLP which, amongst other things seeks to development to take account of its location with respect to private space and disturbances to neighbouring occupiers.

Planning Balance and Conclusion

13. There is no dispute that the tilted balance is triggered as the Council does not have a 5 year supply for the provision of housing. The National Planning Policy Framework (the Framework) states that where policies which are most important for determining the application are out of date, planning permission should be granted unless 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.
14. The planning application was not refused against any spatial strategy policies, and the policies which are most important for determining this appeal, identified above, are generally consistent with the Framework and therefore are not out of date. As such the tilted balance given by paragraph 11 is not applicable in this case.
15. Even if I had agreed with the appellant on this matter, and found that paragraph 11 was applicable, the harm that would be caused to the character and appearance of the area and living conditions of neighbouring occupiers would, in any event, significantly and demonstrably outweigh the benefits of the proposal, when assessed against the Framework taken as a whole.
16. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

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

V Lucas

INSPECTOR