



Appeal Decision

Site visit made on 3 February 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/P0240/W/19/3238856

Shire Court, West Street, Dunstable LU6 1NX

- 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 Russell against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/00627/FULL, dated 26 February 2019, was refused by notice dated 9 May 2019.
 - The development proposed is described as "demolition of commercial buildings for the change of use to C3 residential use for 3 houses and 3 flats".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development proposed on:
 - the living conditions of neighbouring occupiers, with particular regard to the privacy of Nos 130, 132 and 134 West Street;
 - the character and appearance of the area;
 - the living conditions for the future occupiers with particular regard to the provision of satisfactory accommodation; and,
 - highway safety.

Reasons

Living Conditions of Neighbouring Occupiers

3. The first-floor lounge windows to the proposed flats would directly overlook the rear gardens and elevations of Nos 130, 132 and 134 West Street with limited separation distance between the facing elevations. This would result in an unacceptable loss of privacy to the occupiers of these properties, which at present are not directly overlooked other than obliquely from neighbouring properties.
4. The appellant suggests that overlooking of the rear garden to No 138 would be reduced by the removal of the existing buildings. However, any improvement in this relationship would not be equal to the increased harm to the living conditions of the occupiers of Nos 130, 132 and 134.

5. The development proposed would therefore have a harmful effect on the living conditions of neighbouring occupiers. It would conflict with Policy BE8 of the South Bedfordshire Local Plan Review January 2004 (the LP) and guidance in the Central Bedfordshire Design Guide September 2014 (the Design Guide). Among other things these seek to prevent any unacceptable adverse effect upon residential amenity and privacy.

Character and Appearance

6. The appeal site lies to the rear of residential properties in a predominantly residential area. During my site visit I saw that neighbouring properties typically have long rear gardens and front gardens facing onto West Street that provide separation between the properties and the highway. From the evidence before me and what I saw on site backland development of the type proposed is not a common feature in the area.
7. The development proposed would create 6 new dwellings on the site. The development would be cramped within the site, with limited separation between the houses and flats, little soft landscaping at the front of the dwellings, and a layout dominated by parking spaces. This would result in an unwelcoming environment that would not be in keeping with the character of the wider area.
8. The appellant states that the design and scale of development would respect adjacent dwellings and include soft landscape frontages throughout. I recognise that the scale of the buildings would be generally in keeping with the scale of properties in the surrounding area. However, the density of the development proposed appears much higher than in the surrounding area. Whilst Nos 130, 132, 134 and 136 West Street have short rear gardens this does not appear typical of the wider area, based on the evidence before me and what I saw during my visit. The development proposed would therefore be an incongruous overdevelopment of the site that fails to integrate within the local surroundings.
9. Accordingly, I find that the appeal proposal would harm the character and appearance of the area. It would conflict with Policy BE8 of the LP which, amongst other things, seeks to ensure that the density of development complements and harmonises with the local surroundings.

Living Conditions of Future Occupiers

10. There would be limited private garden space for the proposed dwellings. The rear gardens to houses 2 and 3 would be particularly small, and based on the evidence before me significantly below the area recommended in the Design Guide. The 3 flats would have no significant communal space available to them. In this backland location where the proposed dwellings would be so close to neighbouring dwellings, the limited provision of garden space would result in an oppressive environment for future occupiers.
11. From the evidence before me the internal space of the houses and the two-storey flats would also be below the minimum recommended standard in the Design Guide. While the internal floor space and garden areas in the Design Guide are only recommendations, it contributes to the shortcomings that I have identified in the appeal proposal as a whole. Overall, I consider that these would result in accommodation of poor quality.

12. The appellant argues that the accommodation standard assumes that the properties would be occupied by 3 people rather than 2. However, it is likely that the houses would be occupied by 3 or more people for at least some of their existence. The potential for smaller floor area for flats in the accommodation standards already reflects the likelihood of their typically being occupied by a lesser number of people. In any case, the two-storey flats would still be significantly below the minimum recommended standard which leads me to find that this would be indicative of poor quality accommodation for future occupiers.
13. The appellant suggests that a requirement to provide dedicated external amenity space for the proposed flats is unreasonable given the town centre location and proximity to public open space. However, I have not been provided with evidence of how far the nearest public open space is from the appeal site.
14. From my visit, whilst adjoining properties have short rear gardens these are not typical of gardens in the wider area. I do not find that the presence of these would justify approving new development that would fail to meet the standards.
15. Consequently, I find that the appeal proposal would fail to provide satisfactory living conditions for the future occupiers. It would therefore conflict with Policy H2 of the LP and guidance in the Design Guide. Together these require, amongst other things, that development provides good quality living conditions for residents.

Highway Safety

16. Vehicle access to the site is along a single-width driveway. This driveway serves the existing use as well as No 136. At the time of my site visit there were 7 cars within the appeal site and 1 parked to the rear of 136. I have no reason to doubt that this is a typical level of use, and there is space within the appeal site for the parking of more vehicles than I saw during my visit. The appellant argues that the development proposed would result in a reduction in the number of parking spaces within the site and suggests that this indicates a likely reduction in traffic generation. I have given this argument some weight in my consideration of the appeal, and I note as well that there are no reported restrictions to the use of the site access and therefore vehicles can leave and enter the site via the driveway at any time.
17. No evidence has been submitted to show that the existing use of the site has resulted in accidents or otherwise causes highway safety issues. The level of traffic generated by the development proposed is not likely to be significantly greater than the existing. There is space included within the appeal proposal for cars to wait and allow vehicles entering the site to pass.
18. The appellant argues that the driveway is straight, affording clear visibility into and out of the appeal site and that signs could be provided within the site giving priority to inbound vehicles. Were I minded to allow the appeal, I consider that an appropriately worded condition could secure such signage.
19. As such, the development proposed would not be likely to result in a harmful effect on highway safety, given the unrestricted existing use of the site access. It would therefore accord with Section 9 of the National Planning Policy

Framework (the Framework) which, among other things, requires new development to provide safe and suitable access to the site for all users.

Other Matters

20. The appellant argues that the appeal proposal is sustainable development that would deliver economic benefits from the construction of the proposed dwellings. There would be social benefits from the contribution of new dwellings to the Council's housing need. The proposed dwellings would be constructed to a high standard of sustainability and would replace poorly performing buildings, resulting in environmental benefits. The appellant further states that the Framework encourages the redevelopment of windfall brownfield sites. The proposal involves the redevelopment of a brownfield site in a highly sustainable town centre location. However, these benefits from the development would be outweighed by the harm that I have identified.

Conclusion

21. The development proposed would cause harm to the living conditions of existing neighbouring residents. It would provide a poor standard of accommodation for proposed residents, and the proposed density would result in a cramped development out of keeping with the character of the surrounding area. Although I do not find that the development would result in harm to highway safety, the harm that I have found would be unacceptable.
22. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR