
Appeal Decision

Site visit made on 4 February 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2020

Appeal Ref: APP/K0235/W/19/3239876
36 Gold Street, Riseley, MK44 1EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Dominic Batchelor against Bedford Borough Council.
 - The application Ref 19/00453/FUL, is dated 21 February 2019.
 - The development proposed is two-bedroom bungalow.
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Decision

1. The appeal is dismissed, and planning permission is refused for two-bedroom bungalow.

Application for costs

2. An application for costs was made by Mr Dominic Batchelor against Bedford Borough Council. This application is the subject of a separate Decision.

Procedural matters

3. Since the application was submitted, the Bedford Borough Local Plan 2030 (LP) has been adopted. The LP has replaced the Core Strategy and Rural Issues Plan, 2008. In its statement the Council has indicated that it considers policies 5S; 28S; 29; 30; 31; and 41S of the now adopted LP to be relevant to the appeal proposal. The appellant has had the opportunity to comment on these policies. Against this background, no injustice has been caused to either appeal party. I have therefore had regard to the most up to date development plan policies as I determine this appeal.
4. The appellant has stated that the description used by the Council does not accurately reflect the scheme proposed. To clarify, the description of development given above is as per the planning application form. It is also the description used by the appellant on the appeal form.

Background and Main Issues

5. The appeal results from the Council's failure to determine the planning application within the statutory timescale. The Council has indicated that had it been in a position to determine the application within the statutory timescale it would have refused permission on the basis that the proposed development results in a cramped and overdeveloped appearance which would have a detrimental impact on the character and appearance of this part of Riseley.

6. The Council consider the proposal would therefore be contrary to LP Policies 28S(i&ii); 29(i&ii) and 30(i&ii), and guidance in the Supplementary Planning Guidance: Residential Extensions, New Dwellings and Small Infill Developments, 2000 (SPG) and the National Planning Policy Framework (the Framework). The main issue is therefore the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site is currently laid to grass and utilised as part of the residential garden for No 36 Gold Street, an end of terrace property, set back substantially from its frontage. The area has a spacious and verdant character with hedge planting to street frontages and landscaping within the plots themselves. This verdant character and the lack of a footpath to the highway results in the surrounding area having a rural character and appearance.
8. Whilst there is some variation in the style and size of dwellings in the surrounding area, there is regularity in their siting and layout. The dwellings predominately follow a linear pattern and are set well back from their frontages, with extensive rear gardens and in well-proportioned plots.
9. There is an appreciation of the spaciousness afforded by rear gardens, via gaps in the street frontage. This is particularly evident at the appeal site which, being at a higher ground level than Gold Street, is clearly visible from the public realm and it makes a positive contribution to the established open character of the area.
10. The proposed dwelling would be to the rear of No 36 within a back-land position. Although it would be single storey, inset from the side boundaries and set back substantially from the site frontage, due to the ground level changes, the proposed dwelling would be clearly visible. It would visually occupy much of the plot width and when viewed from the street the site would lack the spaciousness that is an integral part of the established character of the site and surrounding area.
11. Furthermore, a large proportion of the site would be utilised for parking and turning areas. The large expanse of hardstanding would result in the site having a harsh appearance, and with the removal of features such as hedging to the site frontage, to accommodate the access and visibility, the current soft landscaped character of the site would be eroded. I saw on my site visit that whilst other properties in the vicinity have driveways, these are not directly comparable in terms of size or siting to that proposed. The driveway and parking areas at the appeal site would cover a significantly greater extent of the site and would not be reflective of the established character of the street.
12. Although the depth of the rear garden would adhere to the guidance within the SPG, the dwelling would still be within a noticeably smaller plot than those in the vicinity. The scheme would also significantly reduce the size of the outdoor garden area for the existing property at No 36. The resulting plots would be uncharacteristically small, at odds with the established urban grain.
13. The proposal would remove a significant part of a presently undeveloped site, which currently makes a positive contribution to the character of the area, and the layout and siting would result in a development at odds with the prevailing pattern of development in the vicinity, resulting in harm to the open and

spacious character of the site and surrounding area. The appellant has suggested that permitted development rights could restrict future development on the site. However, this would not address the harmful impacts I have outlined above with regards to the current appeal scheme.

14. For the reasons outlined above the appeal scheme would result in unacceptable harm to the character and appearance of the site and surrounding area. The proposal would therefore not accord with LP Policies 28S, 29 and 30 which, amongst other things, seek to ensure that development achieves a high quality design, integrating well and complementing the character of the surrounding area, responding positively to and reflecting the scale, density and layout of existing development and local distinctiveness. For the same reasons the proposal would also fail to achieve the high-quality design requirements of the SPG and the Framework.

Other Matters

15. The site is not located within the conservation area though it is in close proximity to a listed building, Red Lion House, 1 Church Lane (LB). The LB is a former public house and its significance is derived from its architectural and historic quality. The LB is separated from the appeal site by more modern development and the appeal proposal, due to its set back and height would have limited impact on its existing setting, as it would be viewed in this context. As such it is not considered to result in any harmful impact to its significance or setting.
16. The Cotswold Transport Planning Technical Note, 2019, submitted to the appeal, demonstrates how visibility for the proposed access, rise in ground level and drainage would be addressed. On the basis of the details before me and considering the slow speeds of vehicles on Gold Street, with regards to highway safety, the proposals would provide for acceptable parking arrangements and access. Any further details required in relation to highway and drainage matters could be dealt with by conditions. It is noted that although the Highway Officer raised concerns during the application, the Council have confirmed to the appeal that the development would not have an unacceptable impact on highway safety.
17. The appellant's concerns regarding the length of time the Council took in determining the planning application would not justify the harm I have identified. Whilst the appellant has attempted to address the Council's objections to previous schemes on the site, having considered the proposal on its own merits, this does not alter the harmful effects I have found. Therefore, having considered the appeal on its merits these other matters do not, therefore, lead me to a different conclusion.

Planning Balance

18. As detailed above the LP was adopted during the course of the appeal and there is nothing in the evidence before me to indicate that the development plan is out of date. Therefore, paragraph 11d of the Framework is not engaged in this appeal.
19. The site is within the settlement boundary and would be close to local services and facilities and LP Policies and the Framework would support development in such locations. However, they are also clear that developments should function

well, and add to the overall quality of the area, being sympathetic to and responding positively to local character, establishing or maintaining a strong sense of place. As detailed above, the appeal scheme would not achieve this, resulting in unacceptable harm to the character and appearance of the site and surrounding area.

20. I note that LP Policies and the Framework emphasise the need to support the efficient use of land and that the proposal would provide an additional dwelling. Although I recognise the important contribution small sites can make to meeting the housing requirements of an area, the provision of one additional dwelling would have a limited impact in relation to boosting the supply of housing. Similarly, any employment created during construction and from future occupants use of local services would only result in temporary and modest benefits.
21. It is acknowledged that the Council have raised no concerns in relation to the impact on existing and future occupants living conditions, and the proposed dwelling would incorporate sufficient internal and outdoor garden space. These matters would, however, have a neutral effect, and therefore do not weigh in favour of the appeal. Although the scheme would provide parking provision for No 36 this would not outweigh the harm I have identified.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed, and planning permission refused.

A Denby

INSPECTOR