



Appeal Decision

Site visit made on 8 December 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/K0235/W/20/3259679

11 Commercial Road, Bedford MK40 1RB

- 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 Stephen Singh against the decision of Bedford Borough Council.
 - The application Ref 20/00956/FUL, dated 12 May 2020, was refused by notice dated 29 June 2020.
 - The development proposed is for the conversion of garage to form separate dwelling including external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and precision, I have taken the description of development in the banner heading above from the Council's decision notice and appeal form, as it more accurately and succinctly describes the proposed development. I also note that the Council have advertised and determined the application on the basis of this description. Furthermore, this appeal has been advertised in a similar way to the planning application. I will therefore not prejudice any party in determining the appeal on the basis of the above description.
3. At the time of my site visit and in addition to the elements already highlighted by the appellant, I noted that domestic flooring has been installed to both ground and first floors as well as a small kitchenette, which corresponds with the proposed drawings. However, I accept that the host building is currently used for personal storage by the appellant. I have dealt with the appeal on this basis.

Main Issues

4. The main issues of this appeal are the effect of the proposed development on:
 - i. the character and appearance of the appeal site and surrounding area;
 - ii. the living conditions of the existing occupiers at No's 11a and 11b Commercial Road and future occupiers of the proposed development; and,
 - iii. the provision for cycle parking and storage.

Reasons

Character and appearance

5. The appeal site comprises an end terraced property that has been sub-divided

into 2no. one-bedroom dwellings. No 11a is located at first floor and No 11b is located on the ground floor. No 11a has a very modest amount of outdoor amenity space located at the front of the property, whilst No 11b has a larger area in the form of a rear yard. I am informed by the Council that the host property was to provide a car parking space in the host property for both No's 11 a and 11b as part of the original sub-division, which is not disputed by the appellant. Although, on the details before me, it appears unlikely that vehicles have not been parked in the host building for a notable period of time.

6. The scheme proposes to convert the host property to a single residential unit with accommodation located at ground floor and within the roof area. The front elevation of the host property has a UPVC window with lower infill panels installed in the opening to the right of the central brick pillar when viewing from the front, and a timber board located over the opening to the left of the central brick pillar, but I acknowledge that this is a temporary measure for security purposes. However, whilst the appellant refers to the boarded up opening being bricked up with a window to match the existing frontage, this does not correspond with the submitted drawings, which indicates a garage door. A new gate would be installed within the boundary wall to the courtyard to serve the proposed development to provide it with a separate access off the street.
7. Whilst noting the access arrangements at No's 11a and 11b, the majority of properties in the surrounding area have their main access directly onto the street. The plot size of the appeal scheme in this location appear significantly smaller than the surrounding properties. The prevailing character of these properties are that whilst they form a built-up area, their rear yards are generally relative to their size. Notwithstanding, the various building styles and forms, the prevailing plot sizes result in a regular pattern and rhythm of development, making a positive contribution to the surrounding area.
8. In the context of the area surrounding the appeal site, the proposed scheme would be distinctly at odds with the character of neighbouring dwellings, as it would appear more cramped. The size of the dwelling proposed would be at odds with the existing dwellings in the immediate vicinity, due to its much smaller footprint and single storey height, as the surrounding properties are in the form of much larger 2-storey terraced properties, traditional in design.
9. My attention has been drawn to other properties in the locality¹, including an inspection of the rear yard at No 3a Maitland Street. However, relatively little detail has been provided regarding the particular planning backgrounds. Without such information a full and detailed comparison between existing development and the case before me cannot be made, except insofar, as I was able to observe and assess No 3a and the other sites at my visit. In any event, the fact that other development may exist, even if there are similarities to the appeal scheme, is not a reason, on its own, to allow otherwise unacceptable development.
10. The Council have cited N3 from its Residential Extensions, New Dwellings and Small Infill Developments 2000 (the SPG) on its decision notice. Whilst noting the age of this document, I find that there is a general compliance with the Framework and therefore give it moderate weight in the determination of this

¹ No's 2 (17/01523/AOC), 21 and 21a Commercial Road (02/02574/COU); No's 3a/3b (15/01832/FUL), 35a and 41a Maitland Street (rear of No 68 Midland Road (09/00841/FUL)); 5a and 5b Battison Street.

appeal. Despite the misgivings, in the proposed design, especially on the elevation facing the street, the proposed development is for the conversion of an existing building, where the yard area has already been sub-divided. Overall, whilst I find the proposed development would create moderate adverse effects in respect of this main issue, it would nonetheless, harm the appeal site and surrounding area.

11. For the above reasons, I therefore conclude that the proposed development would unacceptably harm the character and appearance of the appeal site and the surrounding area. This would be contrary to the design, character and appearance aims of Policies 28S, 29 and 30 of the Council's Local Plan 2030, adopted 2020 (LP), the SPG and the requirements of the National Planning Policy Framework (the Framework).

Living conditions

12. I accept that the occupiers of No 11a will largely be unaffected by the proposed development as its occupiers do not have access to the rear yard. I noted during my site visit that the rear yard has already been sub-divided by a timber fence, so the amount of outside amenity area serving No 11b will largely remain unaltered. In this respect, I have had regard to the letter of support that has been submitted by the occupier of No 11b. Thus, I conclude that the proposed development would not significantly harm the living conditions of the existing occupiers at No's 11a or 11b.
13. However, whilst the effects on the living conditions on the existing occupiers will be relatively limited, I do not consider that the living conditions for future occupiers will be favourable. Whilst the Council may not have its own standards in relation to the provision of outdoor amenity space in residential developments, I find that a judgment can still be made in this instance. Therefore, on the evidence before me and due to its modest size, I find that the proposed private outdoor amenity space for the proposed development, is highly likely to be insufficient for its intended purpose. This arises, from the requirement to store 2no. bins for recycling and rubbish, and a dedicated area for secure cycle storage, in what is an already confined space.
14. Although, the windows serving the utility and bathroom in the outrigger to No 11b have obscure glazing, they are still capable of being opened. Furthermore, the submitted drawings, indicate that the internal door, connecting the host property to the outrigger would be 'permanently locked shut', and that a door would be located on the elevation of the outrigger facing the proposed amenity area. Whilst the external door on the outrigger is shown on the existing ground floor plan, I cannot be certain that it would not be installed. Collectively, I find these matters in addition to the modest size of the yard, would prevent it from being a successful usable private space for future occupiers. Furthermore, the height of the boundary wall may prevent any adverse issues arising from users of the adjacent footpath, but it will do little to address the issues identified above.
15. In reaching the above findings, I also observed a number of open spaces within walking distance in the local area, including the recreation ground located off Commercial Road close to the site. In addition, the property is close to local services, facilities, sustainable modes of travel and the town centre. Nonetheless, I do not find that this provides sufficient mitigation to outweigh the significant amenity issues identified.

16. For all of these reasons, I therefore conclude that the proposed development would significantly harm the living conditions of future occupiers. This would be contrary to the amenity aims of LP Policy 30(ii) and the requirements of the Framework.

Cycle parking and storage

17. The appellant acknowledges that a total of 3no. long stay, covered secure cycle parking spaces and 1no. short stay space are required in order to comply with the cycle parking needs of the proposed development and that of No's 11a and 11b, as set out within the Council's Cycle Parking Design Guide 2014 (SPD).
18. The appellant has indicated that they would build a structure to accommodate the cycles in the existing amenity space allocated to No's 11a and 11b in addition to the single space shown on the submitted drawings for the proposed development. Whilst the appellant asserts that they would be willing to accept a condition in relation to this matter, I am far from convinced that the existing amenity areas are of sufficient size or in the case of No 11a, in an appropriate location for such a structure. Consequently, I do not consider that a suitably worded condition could be imposed to ensure that otherwise unacceptable development could be made acceptable.
19. For all of these reasons, I therefore conclude that the proposed development has failed to adequately demonstrate that sufficient cycle parking and storage would be achieved as part of the proposed development. This would be contrary to the alternative transport aims of LP Policy 31, the SPD and the requirements of the Framework.

Other Matters

20. I have had regard to various other matters raised by the appellant, including no objections from other statutory consultees, including the Local Highway Authority, Environmental Health and Trading Standards (EHTS) and the Waste Services Manager (WS). There are also no flood risk issues. However, a lack of harm associated with highways, EHTS, WS and flood risk are neutral factors that weighs neither for nor against the development. I also note that the proposed development could possibly create 2no. additional parking spaces on Costin Street, through the removal of the dropped crossing and the amendment of the Traffic Regulation Order to extend the existing parking bays, and the advert from the Council's Rehousing Team. However, these matters are not sufficient to outweigh the harm identified above.
21. I have also noted the comments from the appellant about the way the Council handled the application, but this does not affect the planning merits of the case. I have considered this appeal on its own merits and concluded that the proposed development would be unacceptable for the reasons set out above.
22. The main parties agree that the proposal complies with the Technical housing standards – nationally described space standard 2015. However, this is based on a 1bed 1person unit. Whilst the appellant asserts that it is likely that only one person would reside in the property given that it is a studio, I note the size of the bedroom would be sufficient to accommodate a double bed and there is little detail on the submitted drawings/details regarding this matter. Consequently, I cannot be sure that more than one person would not live in the

appeal property. However, as I am dismissing the appeal in any event, I have not needed to consider this matter further.

Planning Balance and Conclusion

23. Whilst I accept the absence of other harm arising from the proposed development and the modest social and economic benefits that would arise from the single residential unit, this does not outweigh my assessment of the main issues.
24. The proposed development would conflict with the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. It would also be at odds with the requirements of the Framework, conflicting with the environmental and social objectives set out in paragraph 8. Thus, the proposal does not constitute sustainable development.
25. Taking all relevant matters into account, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR