



Appeal Decision

Site visit made on 1 December 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th January 2021

Appeal Ref: APP/P0240/W/20/3257024

Land to the Rear of 33 Shortmead Street, Biggleswade SG18 0AT

- 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 M Welbourne (C & A Roberts (Holdings) Ltd) against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/00985/FULL, dated 17 March 2020, was refused by notice dated 19 May 2020.
 - The development proposed is described as "Converting the existing workshop into two dwellings, with partial demolition of existing workshop, and erection of detached barn cottage."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site address above is taken from the Council's decision notice which more accurately reflects the location of the appeal site.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the:
 - character and appearance of the area;
 - living conditions of adjoining occupiers at Plot 30 and future occupiers of the proposed dwelling at Plot 3 with particular regard to privacy and outlook; and,
 - highway safety.

Reasons

Character and Appearance

4. The appeal site contains a part two storey and part single storey workshop building, which is accessed via a narrow lane off Shortmead Street. Although there are commercial and retail buildings in the vicinity of the appeal site, the area is predominantly residential with a housing development currently under construction immediately to the west of the appeal site, known as the Wheatley Homes Site (WHS).
5. Examples of in depth development exist in the area, such as that at Wharf Mews where dwellings have been sited behind frontage development on Shortmead Street. Nevertheless, the area has a pleasing suburban character that is created by the layout of properties that are mainly arranged with parking to the front and decent sized private garden areas to the rear.

6. The proposal seeks the partial demolition of the existing workshop building and its conversion into a one bed and a two bed dwelling. The existing workshop is sited close to its rear boundary and as a result, to enable its retention, private amenity areas would be provided either side of the proposed units, with further limited areas to the rear.
7. The development proposes a further detached two bed dwelling which would be sited directly opposite and north of the converted workshop building. The dwelling at Plot 3 would be positioned very close to the rear and side boundaries of the site. As a result, this leaves very little space about Plot 3 so that the private garden area would be positioned to the front of the dwelling and bound on two sides by parking areas.
8. I acknowledge that the Council's Design Guide¹ (the DG) advocates a minimum area of 50 sq. m of private garden space for two bed dwellings. Although there is a disagreement to the extent of the garden area to be provided for Plot 3, the DG also recognises that garden spaces will vary according to property size and in certain circumstances, such as infill sites, it may not be possible to meet the requirements of the DG. I also accept that there is no requirement for a development to have its private garden area to the rear of the property.
9. Nevertheless, Plot 3 as positioned would appear as though it had been shoehorned into the northern corner of the site with little regard to the prevailing character of the area which displays a more open and spacious nature. Furthermore, the location of the amenity space to the front of the dwelling would further emphasise the limited depth of the plot and the cramped appearance of the proposed dwelling. Whilst there is some variety in the form and appearance of dwellings within the surrounding area, the siting of the dwelling in such a tight plot would appear at odds with the prevailing more open form of development within the vicinity, and thus would cause harm to the character and appearance of the area.
10. Thus, the development would have an unacceptable impact on the character and appearance of the area. It would be in conflict with Policies CS14 and DM3 of the Central Bedfordshire Core Strategy and Development Management Policies 2009 (the CSDMP) and paragraph 127 of the National Planning Policy Framework (the Framework) which seek, amongst other things, to ensure that developments are appropriate in scale to their setting and respect local context. In reaching this decision I have also had regard to the DG.

Living Conditions

11. As part of the WHS development, new dwellings are to be erected on the appeal sites western boundary. The Council argue that the relationship between Plot 3 of the proposed development and Plot 30 of the adjoining WHS would result in an *"uncomfortable relationship between the two properties"*.
12. The proposed dwelling at Plot 3 of the appeal site would be some 9.6m and 10m from the rear elevation of the property at Plot 30 of the WHS. While I acknowledge that the dwellings would not be sited directly behind one another, given the distance between the properties and notwithstanding the proposed boundary screen, there would be the ability to overlook the garden area and living room of the proposed dwelling from the first floor windows of Plot 30 of the WHS, therefore resulting in a loss of privacy to future occupiers of the proposed dwelling at Plot 3. Thus, although the appeal site is within a suburban location, I am not

¹ Central Bedfordshire Design Guide, September 2014

persuaded that this should warrant a reduction in design standards that would result in harm to living conditions.

13. However, given that the first floor window of Plot 3 would be located on its two storey element and set away from the shared boundary, any views across the adjoining site at Plot 30 of the WHS would be at an oblique angle. As such, I do not consider that such overlooking would be reciprocated.
14. With regard to a sense of enclosure, it is not uncommon for neighbouring gardens to border one another and it is highly probable that each garden would also be separated by fencing. Consequently, I am not persuaded that either development would result in a harmful sense of enclosure. Furthermore, the separation distance and its part single storey nature would ensure that the erection of the dwelling at Plot 3 of the appeal site would not amount to an overbearing development that would affect the outlook of the occupiers of either property.
15. Thus, the development would result in harm to the living conditions of future occupiers of the proposed dwelling through loss of privacy. It would be in conflict with Policies CS14 and DM3 of the CSDMP and paragraph 127 of the Framework which seek, amongst other things, to ensure that developments create places with a high standard of amenity for existing and future users.

Highway Safety

16. The appellant has provided details of a bin collection point close to Shortmead Street, which would negate the need for large refuse vehicles from entering the site. Moreover, the Council has accepted that the access can accommodate sufficient turning for vehicles up to 5m long in its consideration of a subsequent planning application² at the site. Moreover, given the nature of the access, which is bound on both sides by buildings, I am not persuaded that larger vehicles would indeed attempt to navigate the access on a regular basis and there are a number of parking bays on Shortmead Street that cater for delivery vehicles.
17. Thus, I am satisfied that the development would not result in harm to pedestrian and highway safety. It would not be in conflict with Policy DM3 of the CSDMP and paragraph 109 of the Framework which seek, amongst other things, to ensure that developments provide adequate areas for parking and servicing.

Other Matters

18. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The workshop building lies within the Biggleswade Conservation Area (BCA) and the proposed additional dwelling at Plot 3 would be located outside of the BCA, but within its setting. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced.
19. I am satisfied that the conversion of the existing building would result in its desirable retention and would preserve the character of the BCA. Furthermore, notwithstanding my findings on the effect of the development on the character and appearance of the area, the proposed dwelling at Plot 3 would be seen against the backdrop of the new development at WHS. Thus, I am also satisfied that this particular element would have a neutral effect upon the setting of the BCA.

² CB/20/02285/FULL

20. I acknowledge that the principle of the development is acceptable and that suitable materials could be employed for the construction of the proposed dwelling at Plot 3. I also accept that the site is close to amenities and services within Biggleswade. Whilst I note the comments from the Council's Conservation Officer, these are directed at the effect of the development on the BCA and not the character and appearance of the wider area. I also note that representations were made by a local resident and the Town Council, raising additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Planning Balance and Conclusion

21. The Council has provided a housing land supply statement³ to demonstrate a 5.57 years supply of deliverable housing sites. Nevertheless, the appellant suggests that the Council is unable to demonstrate a five year supply of deliverable housing sites and, thus, the policies which are the most important for determining the application are considered to be out-of-date. In such circumstances, the tilted balance at paragraph 11 d) of the Framework requires that, in the circumstances of this case, 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.
22. In this case, the development would contribute towards boosting the supply of housing, and thereby helping to meet any identified shortfall. There would be social benefits through the provision of three new dwellings and some economic benefits through the construction of the dwellings and in the future when residents could be expected to be economically active and to contribute to the support of local businesses and services. However, given the limited amount of development proposed, I afford these benefits moderate weight in favour of the appeal.
23. Nevertheless, I have found that the proposal would be contrary to the Development Plan in that it would result in harm to the character and appearance of the area and the living conditions of future occupiers, to which I afford significant weight. Moreover, even if the Council is unable to demonstrate a five year housing land supply and whether or not the policies from the Development Plan which are the most important for determining the appeal should be considered out-of-date, the harm I have found is serious and in my view that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.
24. Thus, for the reasons given above, and having regard to the Development Plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR

³ Central Bedfordshire Five Year Housing Land Supply Statement (1st July 2020)