



Appeal Decision

Site Visit made on 23 March 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2021

Appeal Ref: APP/K0235/W/20/3262383

53 Hill Rise, Kempston MK42 7DN

- 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 Mrs Aravinder Singh against the decision of Bedford Borough Council.
 - The application Ref 20/01546/FUL, dated 17 July 2020, was refused by notice dated 12 October 2020.
 - The development proposed is erection of three dwellings and access improvement following demolition of an existing bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the application form. Part E of the appeal form states the description of development has not changed but a different wording has been entered. Neither of the main parties have confirmed that a revised description has been agreed and so I have used the one given on the original application.

Main Issues

3. The main issues are (i) whether the proposal would provide adequate living conditions for future occupiers in terms of the amount of garden space, (ii), the effect on the neighbouring property, 51 Hill Rise (No 51), in respect of privacy, and (iii) the effect on the character and appearance of the area.

Reasons

Living conditions of future occupiers

4. The houses on plots 2 and 3 would have little front gardens and their back gardens would be smaller than that on plot 1. I have been provided with no policy guidance on the overall size of private gardens but a previously approved scheme for 2 dwellings on the site includes back gardens of 70 m². The private outdoor areas on plots 2 and 3 would be markedly smaller than this at 54.4 m². Also, they would have a shorter maximum depth of approximately 5.67 m with a smaller gap between the back of the attached garages and the rear boundary. The limited size and depth of these gardens would restrict their potential for private recreation use. This would be a particular shortcoming given the suitability of the proposed 3 bedroom units for family accommodation.

5. The dwellings would not be overlooked and would provide space to store bins and for small outbuildings. Also, the garden to plot 1 would be larger than plots 2 and 3 and would provide sufficient space for private enjoyment of the outdoors. However, these factors fail to address the limited size and useability of the external space on plots 2 and 3.
6. Therefore, I conclude the proposal would not provide adequate living conditions for future occupiers in terms of the amount of garden space. In these regards, it would not accord with policy 30 of the Bedford Borough Local Plan adopted 2020 (LP) which, amongst other things, looks to ensure development incorporates appropriate private space.

Effect on No 51

7. Currently, views from the appeal property of the private outdoor space to the side and rear of No 51 are obstructed by a boundary fence. The front first floor windows of the proposed units on plots 2 and 3 would face directly towards the side and rear of No 51 and would provide new elevated vantage points onto the neighbouring property. As the front of the proposed houses would be close to the boundary, overlooking from the first floor windows would be highly intrusive to the privacy of users of No 51.
8. The appellant advises that the neighbouring property is not a dwelling but is used to provide educational and care needs support on a non-residential basis. Nevertheless, it is reasonable for users of such a facility to expect a degree of privacy to associated outdoor space.
9. As such, I conclude the development would have a harmful effect on No 51 by reason of loss of privacy. In this regard, it would be contrary to LP policy 32 which, amongst other things, seeks to minimise overlooking impacts.

Character and appearance

10. The appeal property is one of 3 bungalows on the access drive to the nearby education buildings. It and No 51 are set back from the road and so both have a spacious appearance despite being close to the rear and side boundaries.
11. The driveway to serve the dwellings would allow views from the road to the back boundary of the site and so would give an impression of space and depth to the development. The area to the front of the houses would be largely hard surfaced but planting could be provided on small areas to either side of the driveway to soften the visual impact of the development.
12. The proposed houses would have shorter back gardens compared to most other residences on Hill Rise. However, the gardens would not be readily apparent due to the screening effects of an adjacent wooded area and vegetation along the footway to the rear. Also, the proposed dwellings would prevent clear sight of the rear gardens from the road and views from the adjoining school premises would be partly screened by boundary treatments. As such, the development would not appear cramped despite the relatively short garden lengths.
13. For these reasons, I conclude the proposal would not harm the character or appearance of the area. In these regards, it would accord with LP policies 28S, 29 and 30, which aim, amongst other things, to ensure proposals respect their context.

Other Matters and Conclusion

14. I have been referred to an appeal decision relating to 2 Blenheim Road, Shortstown which allows 2 dwellings with back gardens of around 6 m in depth. The Inspector found this scheme would cause limited harm to the character and appearance of the area and did not conclude on whether it would provide suitable living conditions or would cause harm by reason of overlooking. A crucial factor in the decision to grant planning permission was an identified shortfall in housing land supply. There is no dispute that the Council can now demonstrate in excess of the minimum 5 year housing land supply. As such, this other development and the relevant planning considerations are significantly different to the current proposal. Therefore, the decision does not constitute a precedent that I am bound to follow in respect of this appeal.
15. Through the imposition of planning conditions, the development would be acceptable in terms of its impact on highway safety, noise, water usage, broadband provision and waste bin storage. The scheme would not result in harm to features of biodiversity interest. Acceptability in all of these regards is a neutral factor in my assessment rather than a benefit to which I attach positive weight. No objections have been received from other parties but this fails to influence my own views on the effects of the proposal.
16. The development would make a more efficient use of land in a built-up area where there is good access to services and facilities. Also, it would boost the supply of housing and generate construction employment. I attach modest weight to the benefits of the proposal as it would only result in 2 additional dwellings.
17. The development would not harm the character and appearance of the area. However, it would be unacceptable in terms of the amount of outdoor space on plots 2 and 3 and overlooking of No 51. The harm caused in these respects is sufficient to find that the scheme would be contrary to the LP when read as a whole. Other considerations do not justify allowing the appeal contrary to development plan policies. As such, I conclude the appeal should fail.

Jonathan Edwards

INSPECTOR