

Appeal Decision

Site visit made on 5 May 2021

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/K0235/W/20/3265999
45 Putnoe Lane, BEDFORD MK41 9AD

- 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 B Whetstone (Finsbury Designs Ltd) against the decision of Bedford Borough Council.
 - The application Ref 20/00891/FUL, dated 30 April 2020, was refused by notice dated 14 September 2020.
 - The development proposed is described as 'Erection of 1.5 storey dwelling and associated works'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area.
 - Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to garden space.
 - The effect of the proposal on the living conditions of the occupiers of No 43 Putnoe Lane, with particular regard to its physical impact.

Reasons

Character and appearance

3. No 45 Putnoe Lane is a traditional style detached 2 storey dwelling. It sits on a corner plot adjacent to the junction with Stancliffe Road. The house has a parking area to the front, accessed directly from Putnoe Lane. In common with other properties along Putnoe Lane, it has a fairly deep rear garden, which the plans indicate is about 26.5 metres in its original form. However, when I visited, much of this garden had been fenced off and cleared. At the bottom of the original garden is a detached garage, accessed from Stancliffe Road, which forms the north-east boundary of the property.
4. The surrounding area is residential in its land use and character. Most dwellings in Putnoe Lane, Stancliffe Road and the wider locality are 2 storey detached and semi-detached homes, set in relatively uniform rows behind front gardens.

Most properties have good sized rear gardens, which combine to create a spacious feel and contribute to a mature and pleasant residential character.

5. The appeal proposal would create a roughly square plot in the bottom half of the original rear garden and introduce a 1.5 storey 3 bedroom house. The dwelling would be sited at the far end of the existing garden and close to the garden boundary with the neighbouring property, No 43 Putnoe Lane. The house would have an 'L' shaped footprint, with its main aspect facing towards Stancliffe Road. Parking would be provided in front of the house and a garden area, with cycle store, would be provided to the side (north-west).
6. The proposed dwelling would sit on a restricted plot that would be notably smaller than those in the surrounding area. The proposed dwelling would occupy a substantial proportion of the plot and be positioned very close to the existing boundaries, with limited space left open. As such, it would appear cramped and shoe-horned in to a plot that is not large enough to accommodate it satisfactorily. Whilst I appreciate that the main body of the house has been designed to reflect the established line of dwellings along Stancliffe Road, the forward projecting front wing, with its rather bland road facing gable elevation, and side facing dormer window, breaches this line and would appear incongruent and out of character.
7. As a result of the above, the proposal would be at odds with the surrounding pattern of development and would be harmful to the character and appearance of the area. This means that it would conflict with policies 28S and 29 of the Bedford Borough Local plan 2030 (BBLP) (adopted January 2020). These policies require, amongst other matters, that new development is of a high quality design, which integrates with and complements the character of the area, and respects its context. The proposal would also conflict with Bedford Borough Council's (the Council) supplementary design guidance¹ (SDG) (adopted January 2000) which requires new infill developments to respect the character and appearance of the area, the spaces around buildings and the streetscene. For similar reasons, the proposal would further conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which requires new development to add to the overall quality of the area and to be sympathetic to the local character of the area.
8. The Council's first refusal reason also alleges conflict with BBLP policy 31, but this relates to access impacts and highway matters. There is no evidence to suggest that the proposal is unacceptable with regard to highway related matters and I therefore find no conflict with this policy.

Living conditions – future occupiers

9. The proposal would reduce the size of the existing rear garden area of No 45 Putnoe Lane. The drawings indicate that its depth would reduce from about 26.5 metres to just over 11 metres. Whilst this would be noticeably smaller than other rear gardens in the area, it would still be of an adequate size for amenity purposes, relative to the size of the house and its likely family occupation.
10. However, as a direct result of the proposed fence line to define the plot, the resultant garden to serve the appeal proposal dwelling would be limited. It

¹ 'Residential Extensions, New Dwellings & Small Infill Developments' (adopted January 2000), Bedford Borough Council.

would be just a 5.5 metre wide strip on the north-west side of the proposed dwelling. Whilst this space would clearly be of some amenity value to future occupants, and would be accessible from glazed doors serving the kitchen and lounge, it would be extremely limited and compromised in terms of size and utility, particularly given the size (3 double bedrooms) and likely family occupancy of the proposed dwelling. It would also be in shade (at least partial) for periods of time, due to the position of the proposed house. In my assessment, the garden area falls some way short of the standard of amenity for future users that would be reasonably required to serve this size of family home in this location.

11. The appellant has drawn my attention to a number of appeal decisions on other sites concerning garden depths and the SDG provision that these should be 'at least 13 metres'. Whilst I have noted these decisions, I do not consider that any of the other cases are directly comparable with the appeal proposal. However, they do help to underline the point that the SDG is guidance and needs to be applied flexibly when assessing each proposal on its individual merits.
12. On this issue, I conclude that the living conditions of future occupiers would be unduly compromised by the inadequate garden space to serve the proposed dwelling. This would be contrary to the SDG and to paragraph 127 of the Framework which, respectively, seek to ensure appropriate spaces around new dwellings, including garden sizes, and that future occupiers are able to enjoy a high standard of amenity.

Living conditions – 43 Putnoe Lane

13. The proposed dwelling would be sited very close to the garden boundary with No 43 Putnoe Lane. The rear wall of the house, and its pitched roof (containing 3 rooflights), would rise substantially above the boundary fence for its full span (just under 10 metres).
14. The physical impact of this building mass would be confined to the bottom part of No 43's rear garden, i.e. furthest from the house. Although I did not undertake an inspection from within the garden of No 43, I did make observations from a scaffold tower erected on the appeal site and I have reviewed the photographs submitted by the occupant of No 43. It is clear that this part of the garden, which includes an outbuilding and other structures, is actively used and enjoyed by the occupants. Introducing a large and comparatively high building structure in such close proximity to the garden boundary would be overbearing and unneighbourly and would diminish the enjoyment of No 43's garden.
15. I have noted the appeal decisions referred to by the appellant concerning a site at 149 Brickhill Drive². Whilst there are some similarities, there are also some key differences, including the fact that the dwelling in that case was set in from the boundary and was of a different design. The decisions also predate the publication of the Framework and the adoption of the BBLP. In any event, no 2 cases are identical and I must make my assessment on the basis of details before me.

² APP/K0235/A/11/2148960 and APP/K0235/A/11/2151144

16. On this issue, I conclude that the proposal would be harmful to the living conditions enjoyed by occupants at No 43 Putnoe Lane, by virtue of its overbearing impact on its garden area. This would be contrary to policies 28S, 29, 30 and 32 of the BBLP. These policies require, amongst other matters, that new development has a positive relationship with the surrounding area that respects its context, and which takes into consideration the impact on neighbouring amenity. The proposal would also conflict with the SDG design code 7, which specifically states that designs must avoid having an overbearing effect on another property. The appeal proposal further conflicts with paragraph 127 of the Framework, which seeks to ensure a high standard of amenity for existing and future users.

Conclusion

17. For the reasons stated above, the appeal is dismissed.

P. Staddon

INSPECTOR