

Appeal Decision

Site Visit made on 15 June 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 5th July 2021

Appeal Ref: APP/P0240/W/21/3269606

72 Newtown, Henlow SG16 6AJ

- 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 Daniel Ayres against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/03569/FULL, dated 4 October 2020, was refused by notice dated 18 December 2020.
 - The development proposed is change of use from existing B1 use detached building to C3 dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note the Central Bedfordshire pre-submission Local Plan 2015-2035 January 2018. However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.

Main Issues

3. While I note the single reason for refusal, from the evidence, the main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide a suitable living environment for future occupiers with regard to private amenity space.

Reasons

Character and appearance

4. The area surrounding the appeal site is characterised by residential properties with a traditional style and moderate spacing such that the area has a pleasant spacious feel.
5. The proposed change of use would convert the existing building to a residential dwelling with driveway and turning area as well as a small patio. The changes to the building itself would be minor and would not significantly alter its character and appearance.
6. However, the scheme would be likely to result in some domestic paraphernalia at the front of the site given the location of the proposed private amenity area. The domestic paraphernalia could include washing line and seating area that

would appear incongruous near the open public pavement, highway and grassed verges.

7. While a boundary around the private amenity area could be secured by a condition to ensure that the activities would be screened from public view, they would be likely to be tall such that the scheme would result in an adverse effect on the spacious quality of the area.
8. I acknowledge that seating could be provided at the front of the building under its current use. However, a change of use to a dwelling would be likely to result in a wider range of paraphernalia that would be of a domestic nature. While other properties along the road have front gardens, there are generally lacking in domestic paraphernalia as they do not form the private amenity space of those dwellings.
9. Nearby dwellings also have paved driveways such that the proposed drive would not appear out of keeping in this particular respect. While bins and bicycles would be stored at the front of the site, these would be located to one side and given their modest height, a condition could be reasonably imposed to secure an enclosure such that they would be screened from view.
10. Consequently, the proposed development would unacceptably harm the character and appearance of the area. Therefore, it would conflict with Policies CS14 and DM3 of the Core Strategy and Development Management Policies November 2009 (CS) in this particular respect which seek, among other things, development that respect local context and distinctiveness. It would also conflict with the aims of the Central Bedfordshire Design Guide (September 2014) (DG) which seeks development with gardens that make a positive contribution to the character of the area. In addition, it would conflict with the National Planning Policy Framework (Framework) in this respect.

Living environment

11. The private amenity space would be located at the front of the site. Given the limited number of future occupiers, it would be of an adequate size to accommodate common domestic paraphernalia that would be required. However, the position of the garden at the front of the property would allow views from the street, resulting in harm to the privacy of future occupiers. Furthermore, as I observed during my site visit, the existing low-level timber fencing along the front boundary of the site allows views to the proposed private amenity area.
12. While I acknowledge the set back of the property and that taller boundary treatment could be secured via a suitably worded condition, this would harm the spacious character and appearance of the area as detailed above.
13. I note the comments of the Inspector for the case at The Droveaway. However, it is in a different district and further details are not before me to enable a direct comparison with this scheme which must be determined on its own merits.
14. Consequently, the proposed development would not provide a suitable living environment for future occupiers with regard for private amenity space. Therefore, it would conflict with the aims of CS Policies CS14 and DM3 and the DG in this particular respect which seek high quality design including garden space.

Other Matters

15. I acknowledge concerns regarding the service provided by the Council. However, I have necessarily assessed the appeal based on its planning merits.
16. I also note the evidence regarding effective use of land. However, this matter does not override the harms identified above.

Conclusion

17. For the reasons given above the proposal would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal should be dismissed.

R Sabu

INSPECTOR