



Appeal Decision

Site Visit made on 19 July 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2021

Appeal Ref: APP/K0235/W/21/3272879

Flat B, 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 20/03072/FUL, dated 29 December 2020, was refused by notice dated 1 March 2021.
 - The development proposed is described as: 'Change of use of Garage / Storage area ancillary to 11B Commercial Rd into additional bedroom and living space increasing the existing 1 Bedroom Flat (11B) to a two bedroom Flat (under Use Class C3). Proposal includes replacement of garage doors with UPVC double glazed window and door and internal reconfiguration of the existing flat.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted existing and proposed floor plans¹ contain an error in the sense that access to Flat 11B is depicted to be via the property's Commercial Road frontage. As could be confirmed upon inspection, this is not the case. Access to Flat 11A is via the property's frontage, whilst access to Flat 11B is instead drawn from Costin Street (the Street). I shall consider the appeal based on this corrected understanding and am satisfied that no party with an interest in this appeal is prejudiced by me doing so.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties to this appeal have had the opportunity to comment upon any relevance of this to the outcome of the appeal.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the area, having particular regard to the potential for a separate unit of living accommodation to be created; and
 - Whether or not acceptable arrangements for the storage of cycles would be provided.

¹ Ref: 1002 Rev A

Reasons

Character and appearance

5. The appeal site currently contains two separate flats. Flat 11A is located at first floor, whilst Flat 11B is situated at ground floor and served by a gated external amenity area to the side. Located to the rear of Flat 11B is a brick-built garage (the garage) that is currently used for ancillary storage purposes.
6. The description of development given sets out that the intended conversion of the garage would provide additional habitable floor space for Flat 11B. Nevertheless, the proposed floor plans illustrate that all the facilities likely required for day-to-day living would be contained within the garage. Cooking equipment would be provided within an open plan kitchen, dining and family room area whilst showering facilities and a bedroom would be offered within the roof space above. The garage would also be served by its own points of access, one direct from the Street and the other via the external amenity area that itself is accessed off the Street. Thus, whilst the garage is not currently served by its own utility supplies, the proposed layout of the scheme suggests that it could potentially be used as a self-contained flat.
7. Moreover, owing to the very minor nature of the prospective internal works that would be required to create a self-contained unit, the nature of the property's future occupation would be unduly difficult to monitor. On this basis, a potential planning condition setting out that the garage is not to be used as a separate unit of living accommodation would, to my mind, be unduly problematic to enforce effectively. This finding would continue to apply even should a further condition be separately imposed in the interests of seeking to ensure that an entrance door direct from the Street is not provided.
8. Whilst any development scheme must be considered upon its own merits, the site's planning history is material to the determination of this case. I note that multiple unsuccessful attempts have been made in the recent past to convert the garage into a self-contained unit of accommodation. It thus follows that an element of caution should rightfully be applied in the assessment of this proposal. This is particularly when factoring in the floor plans and intended access arrangements submitted.
9. A December 2020 appeal decision² is an important material consideration. It relates to a proposal to convert the garage into a separate dwelling. The previous Inspector, amongst other findings, identified that the size of the dwelling would have been at odds with existing dwellings in the immediate vicinity and that the scheme would have caused unacceptable harm to the character and appearance of the appeal site and surrounding area. This was even though his attention was drawn to examples of other flatted developments in the local area. Indeed, I have no reason to disagree with the conclusions that were drawn in a character and appearance sense.
10. On the basis that I have found there to exist a clear potential for the garage to be occupied on a self-contained basis, the scheme's effect upon the character and appearance of the area would be broadly consistent with the previous Inspector's findings. Indeed, an unduly cramped form of development would be brought forward that would cause unacceptable harm.

² APP/K0235/W/20/3259679

11. For the above reasons, the proposal would cause harm to the character and appearance of the area having particular regard to the potential for a separate unit of living accommodation to be created. The scheme conflicts with Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030 (adopted January 2020) (the Local Plan) in so far as these policies set out that development will be expected to contribute positively to the area's character and identity.

Cycles

12. The Council's Cycle Parking Design Guidance Supplementary Planning Document (September 2014) (the SPD) sets out that, with respect to flats, one short stay parking space per two units and one long stay space per bedroom should be supplied. The SPD indicates that, amongst various provisions, long stay spaces should be secure and covered. It also lays out specific guidance with respect to dwellings with garages, where garages are described as sometimes the most convenient and secure place to park cycles. In terms of long stay facilities, the proposal, through the provision/occupation of an extra bedroom, generates a requirement for one additional space when compared to current site circumstances.
13. The external amenity area in place to the side of Flat 11B is of constrained overall size and serves as a multi-functional space. Whilst I observed the presence of short stay uncovered hoops, it has not been demonstrated that a covered structure offering secure long stay parking could be suitably provided within this external space.
14. Consistent with the description of development given, I observed the garage to be used for general storage purposes. Whilst having not been used in recent times for the parking of motor vehicles, the garage currently offers potential opportunities for multiple cycles to be stored/parked on a convenient and secure basis by on-site occupiers.
15. Whilst it has been suggested that two cycles could be stored beneath the garage's internal staircase as part of the intended conversion works, this assertion has not been robustly substantiated. Notable practical difficulties would apply, not least due to the staircase's position to the back of the garage. Furthermore, the proposed ground floor plan highlights the immediate proximity of a kitchen and associated cooking facilities, whilst my own internal inspection of the area in question indicated that undue height and space constraints would likely apply. Thus, the intended provision of a readily accessible cycle storage facility of a suitably high standard and capacity has not been demonstrated.
16. Whilst the appellant has stated that neither current tenant at the site has a cycle, the composition of tenants could alter/evolve at any time. The appellant has also sought to suggest that the privacy of Flat 11B's occupier would be undermined should separate on-site occupiers potentially have access to the same internal storage space. However, the reasons why this would necessarily be the case have not been robustly substantiated. Indeed, I see no obvious reason why a communally accessible part of the garage could not potentially be dedicated to cycle parking without prejudicing either the privacy of existing occupiers or pedestrian safety.
17. My attention has been drawn to flatted developments close by, including at Nos 21 and 21A Commercial Road and Nos 3A and 3B Maitland Street, that are

served by external spaces of limited expanse that do not contain covered/secure cycle storage. However, particularly when noting the SPD's adopted requirements, such circumstances should not, I consider, be used to indicate an acceptable benchmark. Furthermore, the appeal site differs from the aforementioned other sites by virtue of the garage and the existing storage provisions that it offers.

18. Thus, in the absence of evidence to clearly demonstrate otherwise, acceptable arrangements for the storage of cycles would not be provided. For the avoidance of doubt, this matter cannot be resolved acceptably by way of a planning condition due to the uncertainties that apply and the likelihood of material alterations to the scheme being necessitated. The proposal conflicts with Policy 31 of the Local Plan and with the SPD in so far as this policy and guidance require that particular attention is given to the extent to which development is served by, and makes provision for access by public transport, cyclists and pedestrians.

Other Matters

19. I have noted objections/concerns raised by interested parties with respect to matters including on-street parking and the effects upon neighbouring living conditions. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Planning Balance

20. The scheme involves the conversion of an under-utilised building and would provide additional residential floorspace in an accessible urban location. Even so, the scheme's benefits in this sense attract limited weight due to the scale of development that is under consideration.
21. Whilst it has been suggested that the proposal would assist in addressing a shortage of two-bedroom units in the Borough, the scale of development and my findings with respect to the first main issue in this appeal dictate that minimal weight should be applied to any potential benefit in this sense. Furthermore, any possible health and safety benefits for Flat 11B's current occupier also attract minimal weight. This is particularly as the current layout of this flat can be observed to promote acceptable living conditions.
22. The proposal involves the replacement of plywood boarding to the garage's street-facing elevation with brickwork and new openings that would better respond to the design and makeup of surrounding properties. However, these works would be limited in extent and confined to ground floor level. I attach limited weight to the benefit that would be anticipated in visual terms.
23. Whilst it has been suggested that the proposal could lead to the creation of new on-street parking opportunities outside the garage (via the removal of a dropped kerb and associated waiting restrictions), the number of on-street spaces that could be provided would be limited. Furthermore, the appellant has sounded resistance to a potential planning condition being imposed to secure the removal/reinstatement of the crossover/kerb. It is also relevant to note that a sub-division of the appeal site was originally granted permission³ on the basis that the garage be retained for parking purposes. In the context

³ Ref: 05/00339/FUL

described here, I attach minimal weight to any potential benefits in a vehicular parking sense.

24. The scheme's benefits, even when considered in cumulative terms, would be modest and would not outweigh the considerable harms and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

25. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR