



Appeal Decision

Site visit made on 8 June 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/P0240/W/20/3264884

4 Townsend Terrace, Houghton Regis, LU5 5BB

- 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 Hussain against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/03276/FULL, dated 15 September 2020, was refused by notice dated 6 November 2020.
 - The development proposed is the conversion of a double garage into a single storey two-bedroom detached dwelling, with off street parking and rear private garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (NPPF). Accordingly, and in light of the reference made to the previous iteration of the NPPF within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised NPPF. However, in light of this re-consultation, I am satisfied that any references made to the revised NPPF within this decision would not be unreasonable to the parties.
4. The new Central Bedfordshire Local Plan 2015-2035 (the 'Local Plan') was formally adopted on the 22 July 2021 after the submission of this appeal. It replaces the South Bedfordshire Local Plan Review. The Council initially provided the emerging Local Plan policies relevant to the proposal which are broadly similar to the newly adopted policies. The recently adopted policies of the Local Plan, provided to me by the Council during the appeal process, are also broadly similar to the superseded policies of the South Bedfordshire Local Plan Review contained within the decision notice and against which the proposal was initially assessed.

Main Issues

5. The main issues are:
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- whether the development would provide satisfactory living conditions for the future occupants with particular regard to access to light; and
- the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

Living conditions of future occupiers

6. The proposed development would not feature any windows on its southern flank elevation. However, the wide glazing on the eastern rear elevation and front western elevation would allow for a sufficient amount of light penetration within the kitchen/lounge and front bedroom. Notwithstanding this, Bedroom 2 would be wholly dependent on a narrow obscure glazed window and a small high-level window within the northern side elevation for access to light, which I note the appellant has characterised as only making provision for *some daylight*.
7. Due to the northern orientation of this bedroom and its location in close proximity to the boundary treatments with the neighbouring property at No. 5 Townsend Terrace, I am not persuaded in the absence of any technical analysis that the proposed windows would provide sufficient levels of light penetration. The room would as a consequence be gloomy and unpleasant to use, resulting in a poor quality of living conditions in this regard. Whilst I have had regard to the brief suggestion by the appellant that a condition requiring the introduction of a 'light tunnel' could have been utilised, I am not persuaded on the basis of the evidence that this would satisfactorily address the issue.
8. Given the above, the development would not provide satisfactory living conditions for the future occupants with regard to access to light. It would therefore conflict with Policy HQ1 of the Local Plan, the NPPF and the Central Bedfordshire Design Guide which together seek to ensure developments are well-designed and do not have unacceptable adverse impacts on amenity.

Character and appearance

9. The garage lies at the far end of No. 4's long and narrow rear garden. It is accessed via Freemans Close, a road to the west of Townsend Terrace serving rear garages belonging to the properties on Townsend Terrace. The surrounding area is predominantly residential and characterised for the most part by semi-detached two-storey dwellings. The area to the rear of No.4 is therefore typified by a mix of single storey garages of varying sizes on the eastern side of Freemans Close and two-storey semi-detached dwellings on the western side of the road.
10. The proposal would extend the existing building by 5.4 metres at the rear and would conserve the existing height of the pitched roof. Although the resultant bungalow would be read as a dwelling, it would appear broadly similar in scale and height as other single storey buildings along the eastern side of Freemans Close. It would not be excessively sized as contended by the Council and it is not considered that it would appear unacceptably intrusive or dominate the streetscene. It would appear as a discreet conversion and would maintain the slanted building line and set-back of the garages on Freemans Close.

11. The proposal would partition No. 4's long rear garden however this modest alteration would not adversely impact the setting to the rear of Townsend Terrace to any significant degree. It would still appear as garden land and it would allow for No. 4 and the resultant bungalow to have adequately sized gardens.
12. The proposed bungalow would therefore harmonise well with its surroundings, would not be visible from Townsend Terrace, and would not be visually overbearing in light of its simple design, modest height and overall scale.
13. Given the above, the development would not unacceptably harm the character and appearance of the surrounding area. I therefore consider that the proposed development would not conflict with Policy HQ1 of the Luton Local Plan, the NPPF and the Central Bedfordshire Design Guide which together seek to ensure proposals respect local context.

Other Matters

14. I acknowledge that the proposal would boost the supply of bungalows and 2-bedroom housing for older persons. I attach some limited weight to these matters given the nature and quantum of development but consider that the adverse impacts on the living conditions of future occupiers to significantly and demonstrably outweigh the limited benefits cited.
15. I also note the neighbours' comments in support of the proposal, although I do not attribute any significant weight to these as they mostly relate to the visual impact of the proposed building and its suitability for elderly persons. I do not disagree with these points however the harm I have identified would significantly and demonstrably outweigh the limited benefits cited.
16. The Council has also briefly raised concern over the potential for the proposed development to result in a precedent for further similar development which it would be difficult to resist. However, whilst the convention is to consider each case on its own individual merits, due to my conclusions on the main issues and the absence of other matters weighing sufficiently in support of the proposal, this is not a matter which has been central to my decision-making in any event.

Recommendation

17. Although I have concluded that the development would not harm the character and appearance of the area, it would fail to provide satisfactory living conditions for the future occupants with regards to light. Whilst I have had regard to the limited benefits of the scheme, the proposal would conflict with the development plan taken as a whole and there are no other material considerations that indicate the decision should be made other than in accordance with the development plan.
18. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR