



Appeal Decision

Site Visit made on 19 October 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2021

Appeal Ref: APP/K0235/W/21/3276328

23 Home Road, Kempston MK43 9BL

- 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 and Mrs Daniel McNamee against the decision of Bedford Borough Council.
 - The application Ref 21/00409/FUL, dated 11 February 2021, was refused by notice dated 28 April 2021.
 - The development proposed is erection of detached dwelling and single garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of No. 23 with respect to noise and disturbance; and
 - highway safety.

Reasons

Character and appearance

3. The appeal site accommodates a semi-detached dwelling and its large garden. It is the last dwelling in a row of semi-detached properties stretching south with the neighbouring land to the north being an agricultural field. The houses in the row display a strong sense of consistency in their form, scale and alignment, and the dwellings to their rear on Ibbett Close share this consistency. In the wider context, these houses, together with other mainly semi-detached properties nearby, form a distinct residential area known as Kempston Gibraltar Corner, detached from the main part of Kempston by fields.
4. The proposed dwelling is designed to be representative of a traditional Bedfordshire farm barn. This is very different to the form and design of the host dwelling and the neighbouring traditional suburban semi-detached houses. It would also be taller and considerably larger than these dwellings in terms of its footprint and would be sited a considerable distance behind the row. It is understood that this contrast is a deliberate attempt to reflect the agricultural land to the north so as to act as a transition between the residential character to the south and the rural character to the north. However, whilst the unique

size and location of the plot is recognised, it is clearly residential in character, being separated from the fields to the north by bushes and a ditch which form a distinct boundary between the field and the houses on Home Road and Ibbett Close. The development would therefore appear as a large agricultural style building incongruously placed in a residential garden. It would be clearly visible from the road when stood directly in front of the site and would also be seen from positions further north along Home Road from where its excessive depth would be apparent. From these positions the incongruity of the development in its setting would be stark.

5. Consequently, the development would contrast harmfully with the character and appearance of the area. It would therefore conflict with policies 28S, 29 and 30 of the Bedford Borough Local Plan (BBLP) which all aim to ensure development complements the character of its context. This aim is shared in the Council's design guidance for residential extensions, new dwellings and small infill developments.

Living conditions

6. The plans show that the appeal site would be subdivided by a new 1.8m high close boarded timber fence to create two plots. Alongside this fence would be a new garage and an area for vehicle parking and manoeuvring. The use of this garage and area by vehicles coming and going would generate noise that would be experienced from the rear garden of No. 23. However, though it could not be controlled, the number of vehicle movements likely to be generated by the proposed 3-bedroom house would be limited and any vehicles manoeuvring next to No. 23 would be moving slowly. It is not wholly uncommon in residential areas for vehicles to be close to the rear gardens of neighbouring houses and in this case I do not consider the vehicle movements would be unacceptably disturbing to the living conditions of the occupiers of No. 23. In this respect the proposal would accord with policy 32 of the BBLP which seeks to ensure that development minimises disturbance to neighbours.

Highway safety

7. The existing access point onto Home Road is a dropped kerb which is roughly similar in width to those at the neighbouring houses which all serve two properties. The Council's Highway Officer states that although the point of access would be 4.1m wide, which is sufficient for two cars to pass each other, the access then narrows as it passes the car parking area in front of No. 23 such that two cars would not be able to pass. The Officer also suggests the necessary angle of approach from the north means even the 4.1m access point is not sufficient for two cars to pass.
8. As noted above, I would anticipate that the number of vehicle movements generated by the development, and by No.23, would be small. The likelihood therefore of cars needing to pass each other on the site would be limited. Even if such conflicts did occur, visibility across the verge between the road and the access is good and it is likely that one car would simply wait for the other. Indeed, I would imagine similar situations occur at the other properties in the row as, though their shared driveways do appear wide enough for cars to pass, it is more likely that cars would wait for the driveway to become completely clear instead of squeezing past each other.

9. Visibility along Home Road from the access would be satisfactory in both directions. In particular, to the north, although the road bends slightly, no part of the road is not visible. The straight line, as referred to in the Highways Officer's comments, may cross the centre of the road, but the road is wholly visible behind the splay line. Similarly, although no pedestrian splay to the north is shown on the plans, and the pedestrian splay to the south that is shown is at the back edge of the grass verge not the back edge of the pavement, from my site visit I was satisfied that there would be sufficient pedestrian visibility in both directions.
10. Overall the development would not represent an unacceptable risk to highway safety. It would therefore comply with policy 31 of the BBLP which seeks to ensure that development does not have any significant impact on the access to the highway.

Other Matters

11. The Council's first reason for refusal reflects the Council's concern that the site is in the open countryside and the provision of a new dwelling in the open countryside would be contrary to BBLP policy 7S. The Council have since clarified that although the site is within the small settlement of Kempston Gibraltar Corner, to which BBLP policy 6 applies, the site is not within the built form of that settlement and therefore the proposal still falls to be considered against policy 7S. Both policy 6 and 7S include a requirement that any development must contribute positively to the character of the settlement. As I have set out above, the proposal would harm the character of the area. Accordingly, it is not necessary for me to determine which of the two policies is applicable as the proposal would not comply with either.
12. The provision of an additional house to add to the supply locally would be a benefit, albeit only small due to the limited quantum of housing. Similarly, the economic benefit would be limited. Also the proposal would make a more efficient use of the site, which is encouraged by the National Planning Policy Framework. These benefits carry modest weight.
13. The appellant refers to the provision of a planning obligation to secure funds for tree planting in the Forest of Marston Vale. However, no such obligation has been provided so has no bearing on my decision.

Conclusion

14. Although the development would not compromise highway safety and would maintain acceptable living conditions for the occupiers of No. 23, it would harm the character and appearance of the area. As such, the proposal would fail to accord with the development plan as a whole and the benefits outlined above do not outweigh that harm to indicate the decision should be made other than in accordance with the development plan.
15. Therefore, for the reasons given above, and taking account of all other matters, the appeal is dismissed.

Andrew Owen

INSPECTOR