
Appeal Decision

Site visit made on 14 December 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/K0235/W/21/3274739

1 Whitley Road, Shortstown, Bedford MK42 0XA

- 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 James Guden of Avictos Ltd against the decision of Bedford Borough Council.
 - The application Ref 20/01302/FUL, dated 23 June 2020, was refused by notice dated 25 February 2021.
 - The development proposed is demolition of derelict garages and erection of 2no. 3 bed dwellings.
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Decision

1. The appeal is dismissed.

Procedural matter

2. A signed and completed S106 Unilateral Undertaking (UU) has been submitted by the appellant. This would secure contributions towards the creation of the Forest of Marston Vale and I return to this matter later.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the area, and
 - (ii) the living conditions of the future occupiers of the proposed dwellings with particular regard to outdoor amenity space.

Reasons

Character and appearance of the area

4. The appeal site comprises part of the enclosed garden area with a large outbuilding and a block of single storey garages at the side of No. 1 Whitley Road (No. 1), a two storey semi-detached property that occupies a prominent corner plot. The proposal would involve the demolition of the existing block of garages and the construction of 2no. two storey semi-detached dwellings with provision of on-site parking spaces and ancillary works.
5. The appeal site is located in a mature well-established residential area, typically characterised by two storey semi-detached and terraced dwellings set back from the road behind front gardens/driveways. The properties are

relatively evenly spaced, of comparable scale and form, with uniform separation distances between them. Where garages and other structures exist between dwellings, including those on the appeal site, these are very low, clearly subsidiary, and have little impact upon the sense of separation. No. 1 being situated on a corner plot has more expansive grounds, which add to the open character and appearance of the area, which is further enhanced by presence of a wide grass verge with established trees along the front and side of the site.

6. The existing character of the site would change significantly as a result of the residential development on this previously developed site. A change in the nature of the site would be an inevitable consequence of this. The Council has not raised concerns in relation to the principle of development in this location. Rather, it considers the specifics of the scheme to be inappropriate.
7. It is noted that a number of other corner properties in surrounding area have been subdivided including at Nos. 1A and 1B Canberra Road and on land adjacent to the properties at No. 2 Lincoln Road and No. 2 Blenheim Road, which are currently under construction, but not completed. These are likely to have been built on garden land and such this type of infill development would not be unduly harmful to the residential character of this area. I observed during my site visit that the 2no. semi-detached dwellings located at the corner of Blenheim Rd and Canberra Road, were of a similar scale and form to the dwellings immediately adjacent to these sites. An additional example would not necessarily be harmful in principle as a result.
8. Variety does not necessarily lead to harm. Whilst visually the design of the proposed dwellings would be acceptable, the scale and form of the two storey dwellings would nevertheless still be a significant addition in this location. Although they would be set back, the overall scale and form of the proposed dwellings would be out of character with the more modest scale and form of the main property at No. 1 and adjacent properties along Whitley Road. Such positioning would erode the visual gap between the dwellings and the highway and compromise the sense of space and openness in the area.
9. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along Whitley Road and Central Avenue. The new paved garden areas at the front of the appeal site and the position of the proposed dwellings in close proximity to the boundaries, would provide limited opportunity to soften the impact of development through a comprehensive landscaping scheme. I therefore consider that the proposed development, by virtue of its scale, siting and layout, would fail to promote or reinforce the distinctive characteristic of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
10. I have considered the appellant's arguments that the design and layout of the proposed development on the previously developed site has been carefully considered in order to minimise any impacts on the area and would be in keeping with the other infill type developments in the area. Whilst the use of matching materials, fenestrations, boundary treatment and the street landscaping adjacent to the site would assist with integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.

11. Consequently, I conclude that the proposed development would result in harm to the character and appearance of the area. It would be contrary to the overall aims of Policies 28S (i) (ii) (viii), 29 (i) (ii) and 30 (i) (ii) of the Bedford Borough Local Plan 2020. These policies, amongst other things, seek to ensure that development proposals provide the highest design quality that contributes positively, responds to the character and quality of the existing building and the surrounding area and include appropriate landscaping. In addition, the proposal would not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

Living conditions of the future occupiers

12. The proposed dwellings would be provided with a small paved front garden and a small rear garden measuring about 6.2 metres in depth that would be enclosed by proposed 1.8m high timber fencing, with car parking spaces associated with Unit B running along the rear boundary of the site.
13. The Council's Residential Extensions, New Dwellings and Small Infill Developments Supplementary Design Guidance 2000 requires individual rear gardens for new housing of least 13m in depth. Whilst this guidance is somewhat dated, the approach is broadly consistent with the Framework.
14. Given that the appellant outlines that the proposed three-bedroomed dwellings would be suitable for family housing, there is a need for adequate outdoor amenity space to be provided for the occupiers of the proposed dwellings. The occupiers would need sufficient space to carry out leisure and household activities such as to allow family members to play outside, relax and sit out and hang out their washing if they wish, particularly during the summer months. In this context, I consider that the rear outdoor amenity space for the proposed dwellings, particularly in relation to Unit B, would be contextually small and hemmed in by virtue of its narrowness and lack of depth in between the built form of the two storey dwellings, boundary fencing and the car parking spaces at the rear of the site.
15. Notwithstanding the lack of policy guidance on what can be defined as useable garden area and the variation in the rear garden sizes of the properties in the surrounding area, I consider that the users of the rear garden spaces would experience an enclosed environment, lacking in quality as usable, private outdoor space. I therefore consider that the proposal would result in a poor quality living environment and would not deliver acceptable living conditions for the future occupiers of the proposed dwellings in this particular case.
16. Consequently, I conclude that the proposed development would result in an unacceptable impact on the living conditions of the future occupiers of the proposed dwellings with particular regard to outdoor amenity space. It would be contrary to the overall aims of Policies 2S (iii) and 29 (i) of the Bedford Borough Local Plan 2020 and the Council's Residential Extensions, New Dwellings and Small Infill Developments Supplementary Design Guidance 2000. These policies and guidance, amongst other things, seek to ensure that all developments provide the highest design quality that contributes positively to area's character and identity, promote healthy communities and provide sufficient space around buildings. In addition, it would not accord with the Framework that seeks create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130).

Other Matters

17. A signed and completed UU has been submitted by the appellant towards the creation of the Forest of Marston Vale. However, in light of my findings on the main issues above, it is not considered necessary to look at the UU in detail, given that the proposal is unacceptable for other reasons.
18. I have noted the other developments drawn to my attention by the appellant. However, the infill style residential developments in the surrounding area have different development characteristics and were permitted in a different policy context. As a consequence, whilst I have taken these other examples into account, they do not materially alter my conclusions on the appeal proposal.
19. I note the appellant's comments regarding the previous planning permission for a single detached dwelling granted in 2004, but not implemented on the appeal site¹. However, this is a different form of development that was granted some time ago in a different policy context and should not be taken as an acceptable context for or justification of the appeal scheme.
20. The appellant questions the robustness of the Council's current housing position and considers that the development would boost the supply of housing in line with the requirements of the Framework. Whilst this may be so, based on the Council's statement² and the appeal decisions³ provided, the Council is able to demonstrate a five year supply of deliverable housing sites against the development plan requirement. Therefore, based on the evidence before me, the relevant policies for the supply of housing are considered up to date and the tilted balance under Paragraph 11 (d) of the Framework does not apply.
21. I have noted the comments received from third parties, including the letters of support for the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.
22. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design, the additional dwellings contributing to the housing supply and need for family accommodation in the area, making the effective and efficient use of a small previously developed site within an accessible location and a developer contribution towards the creation of the Forest of Marston Vale. While I have given them some weight in favour of the appeal, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR

¹ 04/01417/FUL

² Bedford Borough Council 5 Year Supply of Deliverable Housing Sites 2021/22-2025/26 (Appendix 8a) and Interim Housing Monitoring Report 2020-2021 (Appendix 8b)

³ APP/K0235/W/20/3256135 and APP/K0235/W/20/3259981