
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: 23RD December 2021

Appeal Ref: APP/K0235/W/21/3282093

Flats A & B, 1 Goldington Avenue, Bedford, Bedfordshire MK40 3BY

- 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 Mrs B. Nijjer against the decision of Bedford Borough Council.
 - The application Ref 21/00802/S73A, dated 15 March 2021, was refused by notice dated 10 May 2021.
 - The development is loft conversion with rooflights to enlarge flats A and B (development already commenced).
-

Decision

1. The appeal is allowed and planning permission is granted for loft conversion with rooflights to enlarge flats A and B (development already commenced) at Flats A & B, 1 Goldington Avenue, Bedford, Bedfordshire MK40 3BY in accordance with the terms of the application Ref 21/00802/S73A, dated 15 March 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: 121/P1A (Existing Floor Plans), 121/P2A (Existing Elevations), 121/P3 (Proposed Floor Plans, Site Plan and Location Plan), 121/P4A (Proposed Elevations), 2820/BR (Attic Floor Plan Attic Cross Section).

Procedural Matters

2. The Council's decision letter describes the development as already commenced. It is clear from the evidence provided and my site visit that the loft conversion work had been partially completed and the rooflights had already been installed. I shall determine the appeal on this basis accordingly.
3. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issue

4. The main issue is the effect of the development on the living conditions of the prospective occupiers of the flats, neighbouring properties and the character of the area.

Reasons

5. The appeal site comprises of a large detached two storey property subdivided into four flats, which is currently vacant and unoccupied. It is located on a corner plot within a mature high density residential area, characterised by traditional two storey properties, some of which have been converted to flats and Houses in Multiple Occupation (HMO).
6. The appeal site has an extensive planning history including planning permission granted in August 2021 for the rooflights already installed¹. The Council has raised concerns that the intended use of the loft conversion for study/games area and storage would be difficult to control and could be used for additional bedroom spaces. The Council's case is that the proposal would increase the intensity of the use of the property, including the facilities such as the outdoor amenity space and bin and cycle storage space.
7. However, the appellant has stated that the converted loft space would serve as an ancillary space for the benefits of the prospective occupiers of the first floor flats A and B as shown on the submitted plans. Each of the first floor flats has its own independent staircase up to the loft conversion and the submitted floor plans clearly show no net new additional bedroom accommodation being proposed within the loft conversion. There is little substantive evidence before me to demonstrate that the proposed use would lead to the intensification in the use of the property that would be materially greater when compared with existing use of the appeal property. This is particularly important considering the current use of the property is licenced for an HMO for a maximum of 4 flats. Any additional changes to the property would be subject of planning and enforcement controls and HMO licensing by the Council.
8. Whilst I observed on my site visit that the ceiling heights within the converted loft would be restricted and the staircase leading up to the loft conversion would be provided within the existing kitchen area for flat B, the Council has not referred me to any specific requirements for internal space and the minimum ceiling height required to serve the needs of the occupiers of the flats. Having regards to these facts and my observations during my site visit, I consider that the kitchen area for flat B and the loft area would be of a practical usable shape and reasonable size for the intended uses in this particular case. I therefore consider that a satisfactory living environment would be provided for the prospective occupants of the flats as a result of the development.
9. Given the proposed intended use and in the absence of any substantive evidence to support the Council's supposition regarding the intensification of the use of the property, I consider that the loft conversion would not result in significant harm to the living conditions of the prospective occupiers of the flats, neighbouring properties and the character of the area.
10. Consequently, I conclude that the development would not result in unacceptable harm to the living conditions of the prospective occupiers of the flats, neighbouring properties and the character of the area. It would be consistent with the overall aims of Policies 2S (iii), 29 (i) (ii) (viii), 31 (ii), 32 (i-v) and 33 of the Bedford Borough Local Plan 2020 and the Council's Houses in Multiple Occupation Supplementary Planning Document 2020. These policies and guidance, amongst other things, seek to ensure that development

¹ 21/01580/S73A

proposals, including HMOs, contribute positively to the area's character, have a positive relationship with the surrounding area, promote healthy communities, minimise and take into account the adverse impacts on pollution and disturbance, local infrastructure and access to sustainable means of transport.

Other Matters

11. I have noted the other development in the area drawn to my attention by the Council. However, the appeal for the change of use and garage conversion dismissed at Commercial Road has different development and locational characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced that the circumstances are compellingly similar to the appeal proposal.
12. I have noted the objections raised by third parties to the proposal. These include the proposal will result in additional accommodation, impact on the amenities of local residents, character of the building and area, overcrowding, noise, disturbance, previous planning history and unauthorised works, substandard accommodation and building works, health and safety, safeguarding and welfare of children, anti-social behaviour, waste and rubbish, parking, traffic, congestion, inadequate outdoor amenity space and facilities, capacity of infrastructure, drainage, poor management of the HMO, loss of property value and problems during construction period.
13. However, I have addressed the matters relating to the living conditions of the prospective occupiers of the flats, neighbouring properties and the character of the area in the main issue above. Property devaluation is a material planning consideration to which I can attach only limited weight in making my decision. The other matters raised did not form part of the Council's reason for refusal.
14. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

15. Having regard to the National Planning Policy Framework and, in particular paragraph 56, I have imposed a condition relating to the approved plans as this provides certainty.

Conclusion

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR