



Appeal Decision

Site Visit made on 20 December 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2022

Appeal Ref: APP/K0235/W/21/3277431

Land to the rear of 10 Springfield Drive, Bromham MK43 8LE

- 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 Paul Bloss against the decision of Bedford Borough Council.
 - The application Ref 21/00025/FUL, dated 20 December 2020, was refused by notice dated 8 April 2021.
 - The development proposed is Erection of 1 two-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the area,
 - the effect of the proposal on the living conditions of occupiers of 12 Springfield Drive (No 12) with particular respect to noise and disturbance,
 - the effect of the proposed development on highway safety, and
 - whether there are other material considerations sufficient to outweigh any harm identified in respect of the above issues and any conflict with the development plan in relation to a new dwelling.

Reasons

Character and appearance

3. The appeal site is within a cul-de-sac consisting of bungalows of a similar style. These are set back from the highway within long and relatively spacious plots, in a low-density suburban area. Residential development, within the area, has a strong perimeter block formation with dwellings directly addressing the highway. The rear gardens of No's 10-16 have limited plant screening resulting in uninterrupted views across them. The appeal site, to the rear of the host dwelling, is deep, flat and without boundary landscape screening. For these reasons the appeal site makes a positive contribution to the spacious and open character of the surrounding area.
4. During my visit I observed that other structures in neighbouring rear gardens were small and discrete. In contrast, the proposed dwelling would be a substantial building with a scale and height that would be evident beyond the

site's boundaries. It would not have the bearing of a simple outbuilding and would appear out of place in this rear garden setting. As such, the roof would be a stark feature against the backdrop of the adjacent open areas.

5. The appeal dwelling would be accessed by a long access drive alongside No 12, terminating at a turning head. The site is adjacent to rear gardens of Springfield Drive to both sides. As such, I find that the proposal would be located in an open backland location adjacent to other areas of open land. Accordingly, the proposal would be out of keeping with the surrounding open gardens and would introduce a form of built development where there currently is none, which would consequently diminish the spaciousness of the area.
6. The development would also be visible from the highway, both between existing houses, and along its access drive. Although the recently approved dwelling of 30a Springfield Road is also partly visible along its access drive, it makes a positive contribution to the streetscene, as its frontage addresses a highway. Conversely, although having a low profile and being partially behind existing development, the proposal would have a detrimental impact on the streetscene. The visual impact of the backland dwelling and the extensive access track itself would be anomalous features in conflict with the established pattern of development.
7. Each case must be considered on its own merits. However, in comparison to the proposal, Tollgate Close was within an area of greater density with smaller and comparable plot sizes. Also, the scheme at 'The Berries' followed the pattern of local development with a plot size commensurate with several neighbours with no impact on the streetscene. As a result, the context of these schemes is materially different to the proposed development. Accordingly, I find that the proposal would be materially different to locally approved development. As such, the proposal would introduce a dwelling that would be harmful to the spaciousness of the local area, to the detriment of its character and appearance.
8. Consequently, the proposal would conflict with policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030 (2020) (LP) and the Council's Design Guide¹. These policies, among other matters, seek development to have a positive relationship with the surrounding area and to preserve the existing pattern of an area and the open quality of external spaces.

Living conditions

9. The parking area of the proposed dwelling would be close to the garden of No 12. Due to this proximity the sound of cars manoeuvring would be audible to occupiers of the neighbouring dwelling, especially when within their garden. However, the parking area would be separated by a boundary fence and a small area that could accommodate landscaping. It is likely that the sound of engines running would be relatively quiet and infrequent with limited associated exhaust fumes. As such, the noise and pollution impact, of this low-key activity, would be small resulting in a negligible impact on the living conditions of neighbouring occupiers.
10. As a result, the proposal would accord with policies 32 and 47S of the LP. These seek, inter alia, for development proposals to be mindful of the noise

¹ Residential Extensions, New Dwellings and Small Infill Development, SPG (2000)

and harmful emissions likely to be generated by development and to avoid noise that would give rise to significant adverse effects.

Highway impacts

11. The scheme would include two parking spaces for the existing dwelling within a newly created frontage parking area. Although the replacement parking is outside the application site, the host dwelling and its associated land is within the appellant's ownership. Section 72² makes it clear that conditions may be imposed to regulate development or use of any land under the control of the applicant, whether or not it is land in respect of which the application was made. This is on the provision that it would be expedient for the purposes of, or in connection with, the development authorised by the permission.
12. As such, a condition can be imposed on land outside the application site provided it would pass the tests of paragraph 56 of the National Planning Policy Framework. The need for replacement parking would ensure that the proposed and existing dwellings function well. Moreover, the submitted tracking plan illustrates that vehicles could readily enter and exit the site in a forward gear. Consequently, a condition could lawfully be imposed, to ensure the provision of this necessary replacement parking, had I been minded to allow the appeal.
13. Occupiers of the host dwelling would have direct and separate pedestrian access in front of their parking spaces. Also, the proposed access drive would be of sufficient width to accommodate a fire tender and the tracking plan shows that such a vehicle could safely exit the site, albeit with some overrun of the opposite grass verge. The access could therefore safely accommodate pedestrian and vehicle traffic, including a fire tender, as a shared surface without detriment to the safety of users.
14. The tall close boarded fence, that forms the side boundary of No 8, would hamper visibility for motorist when exiting the site effecting pedestrian safety. The appellant's revised access plan (appendix 4) shows a revised access design that would provide a suitable and safe pedestrian visibility splay. Furthermore, the site has sufficient size to accommodate short and long term cycle provision. These details could have been secured by conditions if I had been minded to allow the appeal. It would also be unnecessary for the proposed bin store to be accessed by a secure footpath, it seems likely that refuse collection would take place from the kerbside.
15. Consequently, the proposal would accord with policies 31 and 32(v) of the LP. These seek, among other matters, for development to accommodate a suitable access for all members of the community and emergency vehicles and when dealing with waste.

Other material considerations

16. Mr Bloss is wheelchair bound. The evidence illustrates that the proposed dwelling has been designed to accommodate the mobility requirements of the appellant. I also understand that the construction would be funded by the sale of the existing property. In his supporting statement Mr Bloss describes some of the difficulties he experiences in moving through his property with narrow corridors and small spaces. This results in his difficulty in accessing some of these awkward spaces. He has also explained that the existing property would

² 1990 Town and Country Planning Act

be hard to adapt to his needs. It is therefore clear to me that the proposed dwelling would improve the appellant's quality of life.

17. The appeal decision in evidence, for a self-built disabled person's dwelling, was allowed with a condition limiting occupancy to such a person. The case was supported by evidence that illustrated that it would address a recognised shortage of accessible homes in the district. This is therefore different to the case before me as no such position has been established in this case. Furthermore, it is not in evidence whether the appellant has explored options to find more suitable accommodation in the local area, any indication of any limiting geographic ties to the site and its surroundings, or the Council's provision of available suitable accommodation to meet such a need. As such, I afford the appellant's requirements some, but moderate, weight in the planning balance.
18. In my assessment of these benefits to the appellant's wellbeing, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Given his background, the appellant is a person who shares a protected characteristic for the purposes of the PSED.
19. Although I sympathise with the appellant's situation, I cannot conclude that the proposed development has been clearly shown to be the only option available. Therefore, having regard to the legitimate aims of planning policy, I do not find that the benefit of the proposal to the appellant and the moderate weight applied to this, would outweigh the conflict I have found with the development plan.

Conclusion

20. For the above reasons, there are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should not succeed.

B Plenty

INSPECTOR