



Appeal Decisions

Site visit made on 25 November 2021

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2022

Appeal Ref: APP/P0240/W/21/3270059

Land to the rear of 33 Shortmead Street, Biggleswade

- 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 M Welbourne (C & A Robert (Holdings) Ltd.) against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/03784/FULL dated 20 October 2020, was refused by notice dated 17 December 2020.
 - The development proposed is described on the application form as "Converting the existing workshop into two dwellings, with partial demolition of existing workshop, and single storey bungalow."
-

Decision

1. The appeal is dismissed.

Procedural matters

2. I have dealt with another appeal on the site which is the subject of a separate decision¹. The difference between both appeals is the design and layout of the proposed dwelling on plot 3.
3. For clarity, I have used the development description shown on the application form, which differs from that on the decision notice and appeal form.
4. Different versions of the site address are shown on the planning application form and appeal form. I have used the address given on the planning application form, which also corresponds with the decision notice and the previous appeal at the site² ('the previous appeal'). The difference between the previous appeal and that before me is the design and layout of the proposed dwelling on plot 3.
5. Following the appeal statement and comment deadlines, the appellant supplied details of a recently granted planning permission for the residential conversion of the existing workshop³ ('the 2021 planning permission'). The Council was given the opportunity to comment on this and I have taken this information into consideration. I am satisfied that dealing with the appeal on this basis is in the interests of proper planning and has not prejudiced the interests of any party.

¹ Ref: APP/P0240/W/20/3262089.

² Ref: APP/P0240/W/20/3257024.

³ Planning Permission CB/21/03195/FULL dated 27 October 2021.

6. The Council has confirmed that the Core Strategy and Development Management Plan⁴ was superseded by the new Local Plan adopted on 22 July 2021⁵, with the following policies of particular relevance to the appeal;- SP1, SP7, HE3, HQ1 and HQ8. The appellant has not contested the relevance of the policies referred to. Further consultation was not carried out with neighbours or other interested parties as the Local Plan adoption has not resulted in any changes to the proposed scheme. As a consequence, my determination of this appeal is now against the Local Plan policies referred to by the Council and I am satisfied this has not prejudiced the interests of any party.
7. Since the appeal was submitted, a revised version of the Framework⁶ has been published. The appellant has been given the opportunity to comment on this and I have taken their response into account. It was not necessary to consult the Council in respect of the revised Framework as its appeal statement makes reference to it, having been drafted after it was published.

Main issues

8. The main issues are the effect of the development on:
 - the character and appearance of the area, with particular regard to plot 3; and
 - the living conditions of adjoining occupiers at plot 30 on the new development to the west of the site and future occupiers of the dwelling on plot 3, with particular regard to visual impact and outlook.

Reasons

Appeal site context

9. The appeal site falls within a predominantly residential area (with occasional commercial and retail uses) and partly within the Biggleswade Conservation Area ('the conservation area'). It contains a late 19th/early 20th Century two-storey workshop building ('the workshop building'), which is identified as a non-designated heritage asset by the Council. The appellant has not disputed this classification and I see no reason to disagree given its age, attractive traditional appearance and positive contribution it makes to the character of the conservation area.

Character and appearance, with particular regard to plot 3

10. Shortmead Street is characterised by a strong 2 and 3 storey built-form frontage that directly abuts or lies within close proximity of the public highway. The urban grain is tight, with limited gaps between buildings and terraces of narrow fronted dwellings. This frontage is punctuated by several narrow private lanes and adopted highways which lead to further residential and ancillary development behind, some of which (particularly older buildings) was developed in such a way to maximise the use of limited space and therefore has an irregular form & layout and constrained tight-knit appearance.
11. The proposed bungalow on plot 3 ('the proposed dwelling') would have a deep plan form with low pitch hipped roof, casement windows with standard vertical

⁴ Core Strategy and Development Management Policies, November 2009, Central Bedfordshire Council.

⁵ Central Bedfordshire Council Local Plan 2015-2035, adopted July 2021.

⁶ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, July 2021.

brick course lintels above and the absence of any roof features such as chimneys. As a consequence, it would have a non-descript suburban character, wholly out of keeping with the prevailing built form of historic buildings in the locality, which is dominated by gable roof forms and characterised by a variety of other features such as narrow gable depths, steep pitch roofs, chimneys, locally distinctive timber windows & doors with well-articulated lintels & cills and Flemish bond brickwork. The choice of materials, whilst appropriate to the locale, would not compensate for the lack of design quality and harm the scheme would cause to the character & appearance of the area and setting of the conservation area.

12. Although the proposed bungalow would be positioned in close proximity to the western plot boundary and have a compact tight-knit appearance that seeks to maximise use of the plot, I would not consider this in itself to be out of character with the pattern of other backland buildings in the area, which includes the adjacent workshop building.
13. Although the Council has reinforced its concerns that the bungalow would have a cramped form by stating that its private garden area falls under the 50sqm and 10 metre depth referred to in the Council's design guide⁷, the appellant states that the garden area exceeds the 50sqm threshold. However, this document states that it may not always be possible to meet these standards in all locations, such as infill sites, but that in these cases, one of the standards should be met as a minimum. Even if the proposed bungalow did not achieve one or both of these standards, I am nonetheless satisfied for the reasons stated above that the principle of a compact tight-knit appearance would not in itself be out of keeping with the character of the area. Set against this context, I have noted that the Council has not refused the scheme on the basis of inadequate amenity space for future occupants, and in view of its small scale and central location on an infill plot in close proximity to local parks, leisure and sporting facilities, I see no reason to take a different view.
14. The appellant states that the scheme is largely screened, but it would nonetheless be clearly visible from the lane inside the appeal site, much of which falls within the conservation area. In any event, I do not consider the screening of a development to be a sound basis upon which to justify an otherwise harmful design as this could be repeated too easily and often for all forms of poor quality development. The appellant also states that the Conservation Officer has not objected to the scheme, but this in itself does not demonstrate a lack of harm.
15. The appellant has drawn my attention to the previously dismissed appeal and the Inspector's conclusion at Paragraph 19 that the proposed dwelling would have a neutral effect upon the setting of the conservation area. However, that scheme was of a wholly different design and character to that before me and does not therefore justify the harm I have identified.
16. In view of the above, I conclude that the bungalow would have a harmful impact on:- (a) the setting of the conservation area and non-designated heritage asset workshop building; and (b) the character & appearance of the area. The proposal would therefore conflict with Policies HQ1, HQ8 and HE3 of the Local Plan, which collectively seek, amongst other things, to ensure that

⁷ Central Bedfordshire Design Guide, A guide for designing high quality new developments, September 2014, Central Bedfordshire Council.

developments reinforce local distinctiveness, are of a high quality design and preserve the special character of designated & non-designated heritage assets.

17. I also find that the scheme conflicts with the Council's Design Guide and Paragraph 130 Framework, which collectively seek, amongst other things: (a) development that is visually attractive and sympathetic to local character; and (b) schemes that maintain a strong sense of place.

Living conditions, with particular regard to plot 30 and plot 3

18. The eaves and ridge height of the proposed bungalow would be approximately 2.5 metres and 4.6 metres respectively. This would be significantly higher than the dividing garden fence with plot 30 and set just inside this. By reason of its close proximity, height and mass, it would appear visually intrusive and oppressive to the occupants of plot 30 when looking out of their ground floor rear elevation window/door openings and when using their rear garden and as consequence, be harmful to their living conditions.
19. I recognise that the outlook from the proposed bungalow to the rear would be limited, but in view of its infill location where minimum distance standards cannot always be met, I would have adopted a flexible approach on this matter if there were no other harmful aspects of the scheme.
20. In view of the above, I conclude that the development would be harmful to the living conditions of neighbouring occupiers on plot 30. The proposal would therefore conflict with Policies HQ1 and HQ8 of the Local Plan, which seek, amongst other things, to ensure a good standard of amenity for all existing occupants of land and buildings.
21. I also find that the scheme conflicts with Paragraph 130 of the Framework which states that planning decisions should create places with a high standard of amenity for existing users.

Planning balance

22. The Local Plan was recently adopted and I am satisfied that the policies referred to are consistent with the Framework. As I consequence, I have attached full weight to the relevant Local Plan policies and am satisfied that the proposal conflicts with the development plan when taken as a whole. Furthermore, the Council has confirmed that it has an up-to-date 5-year housing land supply and I have noted that the appellant has not supplied any substantive evidence to dispute this.
23. The appellant states that housebuilding and delivery rates have slowed down due to the national Covid pandemic, Brexit, material delays due to construction of HS2 and local authority delays in processing applications. However, I have noted that the delivery of housing in Central Bedfordshire was above its requirement over the previous three years⁸. This means that the Framework's presumption in favour of sustainable development does not apply.
24. On the basis of the evidence and my observations on-site, I am satisfied that the scheme would cause less-than substantial harm to the significance of the conservation area as a designated heritage asset and the workshop building as a non-designated heritage asset. As a consequence, I have weighed this harm

⁸ 2021 Housing Delivery Test.

against the public benefits of the proposal, including securing optimum viable use, in accordance with Paragraph 202 of the Framework. In carrying out this assessment, I have also given great weight to the protection of the conservation area in accordance with Paragraph 199 of the Framework, and had regard to the scale of harm to the workshop building as a non-designated heritage asset in accordance with Paragraph 203.

25. The scheme would result in the reuse of a brownfield site, which I have given substantial weight to in my consideration in accordance with Paragraph 120 of the Framework, and constitute an efficient use of land as supported by Paragraph 124. I also recognise that the scheme would result in other benefits from; - (a) a contribution towards the Council's housing land supply; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations; and (c) local employment during construction. However, given the low number of housing units proposed and that the existing workshop building can still be converted in accordance with the 2021 planning permission, I consider these public benefits to be of limited value and that the adverse impacts of the scheme would outweigh these, when assessed against the policies in the development plan and Framework when taken as a whole.
26. In accordance with Section 72 (1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 (see above), I have also given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the conservation area when carrying out my balancing exercise. Set against this context, I am satisfied that the dismissal of this scheme will not result in a lost opportunity to reuse the non-designated heritage asset workshop building within the conservation area as it will still be open to the appellant to convert this in accordance with the 2021 planning permission.
27. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

28. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR