



Appeal Decision

Site visit made on 11 May 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17TH May 2022

Appeal Ref: APP/K0235/D/22/3294586
37 Nursery Gardens, Bedford MK41 8DU

- 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 H Kaur against the decision of Bedford Borough Council.
 - The application Ref 21/02920/FUL, dated 29 October 2021, was refused by notice dated 13 January 2022.
 - The development proposed is a wall and gates.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The entrance to Nursery Gardens from Kimbolton Road is marked by tall brick boundary walls sited at, or close to, the edge of the pavements. However, thereafter the Nursery Gardens streetscene becomes markedly more open or landscaped, with the front boundaries of the plots typically delineated by very low walls or vegetation. That includes a low wall in front of the relatively new dwelling at No 1A opposite the appeal site.
4. To the front of the dwelling at No 37 there is a broadly triangular shaped area of unenclosed lawn and a driveway. It is proposed to enclose that part of the area which is in the appellant's ownership with a brick wall to match the finish of the house, along with sliding gates.
5. In this location on the outside of a curved section of the highway, the proposed 1.8 metre high brick wall and the up to 2 metre high solid timber gates would be very prominent when approaching from Kimbolton Road. The short return section of wall which would link to the host's garage would be particularly visible and stark.
6. As such, the scheme would jar with the generally much more open or landscaped ambiance in Nursery Gardens. Consequently, notwithstanding the presence of walls at the entrance to the road, the scheme would significantly harm the area's prevailing character and appearance.

7. The appellant points out that members of the public currently trespass on the open lawn to the front of No 37, and that the scheme is therefore necessary to improve privacy, safety and security, in accordance with the social objectives of the National Planning Policy Framework ('Framework').
8. However, I am not persuaded that this scheme is the only way in which the private garden space could be better protected, including from inconsiderate parking and dog fouling. The benefit of the scheme to the appellant does not outweigh the public harm that it would cause to the character and appearance of the area.
9. The scheme would conflict with those parts of Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030 (adopted 2020) which in broad terms require development to promote local distinctiveness, respect the context within which it will sit, and to complement the area's character. Additionally, the scheme would not satisfy the relevant design considerations in the Framework, particularly at part 12. Planning conditions would not make the proposed development acceptable.

Conclusion

10. For the above reasons, the scheme would significantly harm the character and appearance of the area. As a result, it would conflict with the development plan and, having regard to all other matters raised, including representations by interested parties, the appeal is therefore dismissed.

Chris Couper

INSPECTOR