



Appeal Decision

Site visit made on 20 June 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2022

Appeal Ref: APP/P0240/W/21/3287764

Land rear of 48 Elmwood Crescent, Flitwick, Bedford MK45 1LH

- 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 Mac&Burg Developments against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/02761/FULL, dated 11 June 2021, was refused by notice dated 29 September 2021.
 - The development proposed is Remove existing single storey garage and replace with a single storey 1 bedroom bungalow with associated parking and garden amenity space. Widen existing dropped curb to provide access to the forecourt on plot parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of future occupiers of the proposed dwelling with respect to privacy,
 - The effect of the proposal on the living conditions of occupiers of 48 Elmwood Crescent (No 48) with particular regard to outlook, and
 - The effect of the proposed dwelling on the character and appearance of the area.

Reasons

Living conditions – proposed

3. The external amenity space, associated with the proposed dwelling, would be located to its side, adjacent to its driveway. This space would be adjacent to the shared boundary with No 48, with the host dwelling retaining a garden area to its side and rear. The side garden, of the proposed dwelling, would be partly restricted by its size and location in comparison to the public realm. Although proportionate to the size of dwelling and meeting the Council's size standards, these characteristics would create a constrained garden area of modest quality.
4. The rear windows of No's 48 and 50 would overlook the proposed garden over a short distance. These windows would serve habitable rooms of both properties. I am cognisant that the existing gardens within the area are already overlooked, to some extent, by existing first floor windows. Nevertheless, these largely overlook neighbouring gardens from substantial distances. Therefore,

whilst a degree of overlooking is an established feature of this suburban environment, the proposed separation distance is substantially less than those examples evident locally.

5. The Council's Design guidance¹ requires private outdoor space to not be overlooked from adjoining properties and requires all gardens to have a minimum depth of ten metres. The guide does not explain the expected size for a one bedroom bungalow, such as proposed, but explains that private gardens should preferably include an area which is not directly overlooked by other residents, referred to as the 'patio area'. The proposed garden would be partially overlooked by first floor windows of No's 48 and 50. The rear extension of No 48 would obscure parts of the garden adjacent to the shared boundary. Nevertheless, there would be a clear line of sight towards the proposed patio area and the large living room window over a short distance. The existing and proposed landscaping would not substantially reduce the extent of overlooking that would occur.
6. Accordingly, the proposed garden would be substantially overlooked, resulting in an absence of privacy. Therefore, the proposal would result in the creation of poor-quality living conditions for future occupiers.
7. Therefore, the proposed dwelling would conflict with policy HQ1 of the Central Bedfordshire Local Plan (LP), the Council's Design guide and the National Planning Policy Framework (The Framework) in regard to its effect on the living conditions of future occupiers. These policies seek, among other matters, for development to be of the highest possible quality and to achieve a high standard of amenity for future users.

Living conditions – existing

8. The rear garden of 50 Elmwood Crescent, similar to many of its neighbours, is a relatively narrow garden. It has several fir trees located adjacent to the side boundary of No 48. The proposed dwelling would be single storey and have a hipped roof that would recede away from the boundary with No 50, reducing its overall bearing on the occupiers of this dwelling. Boundary landscaping would also offer some screening. Therefore, whilst the proposed eaves would be taller than the boundary fence, creating some sense of enclosure, this would be most evident from the part of the garden furthest from the dwelling.
9. The proposal would be some distance from the rear windows of No 50. Therefore, the scheme would have a negligible effect on the outlook from the dwelling. As such, the proposal would not affect the outlook from the neighbour's dwelling and would only result in limited harm when perceived from the furthest part of their garden. Accordingly, the harm to the living conditions of neighbouring residents would be limited.
10. The proposed dwelling would therefore accord with LP policy HQ1, the Council's Design guide and the Framework with respect to its effect on existing living conditions. These seek, among other matters, for development to not create an unacceptable adverse impact upon nearby existing uses including on amenity and to achieve a high standard of amenity for existing users.

¹ Central Bedfordshire Design Guide 2014

Character and appearance

11. Elmwood Crescent and Lime Close are residential streets consisting of semi-detached brick housing and bungalows. Buildings largely follow an established front building line and stand behind low walls with planted front gardens. The appeal site is a corner plot, with frontage parking and a rear access providing access to a driveway and garage. The site, to the rear of the host dwelling, is not especially prominent being located close to the end of a cul-de-sac and being on land slightly lower than the highway. The rear garden is of a similar depth and width as its neighbouring plots. As such, the appeal site accords with the surrounding area and making a positive contribution to its character and appearance.
12. The site contributes to a network of small gardens that in combination form a line of open spaces behind the houses of Elmwood Crescent. However, this space is a short run and is interrupted by rear extensions that erode the sense of openness and reduce its significance as an undeveloped and open area. The appeal site would be smaller than neighbouring plots and would result in the loss of an open area. However, the contribution it makes to the surrounding gardens is limited due to the density of local development. Moreover, the site's width as viewed from Lime Close, would be comparable to the width of plots of other dwellings in this road.
13. The proposed dwelling would include a hipped roof and consist of brick elevations. It would align with the front building line of 14 Lime Close and the side elevation of the host building. Therefore, although occupying a large percentage of its plot, the proposal would address the highway in a conventional and complementary manner without being particularly cramped. Moreover, the absence of a rear garden for the proposed dwelling would not appreciably degrade the positive contribution the proposal would make to the streetscene.
14. Furthermore, despite being located between two two-storey buildings the scale of development would be in keeping with the relatively diverse range of built form found within the immediate area. Accordingly, the scheme would follow the established pattern of development in terms of alignment, building line and scale, and would be in keeping with the character and appearance of the area.
15. Consequently, the proposal would accord with policy HQ1 of the LP, the Council's Design guide and the Framework, with respect to considerations of character. These seek, inter alia, for development to take account of opportunities to respect and enhance the local distinctiveness and character of an area.

Other Matters

16. The site is within the settlement limits of Flitwick, defined as a Major Service Centre, which garners policy support through policy SP7 of the LP. The proposal would be located within a settlement where future occupiers could benefit from easy access to goods and services. The scheme would deliver a required house type which would make a contribution, albeit limited, toward specialist housing in the area. These merits weigh in favour of the proposal.

Conclusion

17. The Framework seeks to significantly boost the supply of housing. However, the identified benefits do not outweigh the harm found to the living conditions of future occupiers. Consequently, the proposal would result in the provision of a poor-quality dwelling harming the living conditions of future occupiers and this would not accord with the development plan when taken as a whole. For the above reasons, the appeal is dismissed.

B Plenty

INSPECTOR