



Appeal Decision

Site visit made on 18 July 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2022

Appeal Ref: APP/P0240/W/22/3291692

Land to side and rear of 9-11 Lower Shelton Road, Marston Moretaine, MK43 0NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Joe Gill against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/00800/VOC, dated 19 February 2021, was refused by notice dated 30 July 2021.
 - The application sought planning permission for the erection of 4 dwellings without complying with a condition attached to planning permission Ref CB/19/01022/FULL, dated 4 December 2019.
 - The condition in dispute is No. 2 which states that: "The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans: Location Plan (scale 1:1250); Plots 1,2 (October 2019); Plots 3,4 (October 2019); Landscaping Plan (February 2019); Refuse Details Plan (LSR/R6/JL - RE1)".
 - The reason given for the condition is: "In the interests of certainty".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks to amend the approved plans to alter the roof pitch of the dwellings and change the location of some window openings. On the basis that the proposed development is largely complete, and therefore retrospective, s73A of the 1990 Town and Country Planning Act applies. I have therefore dealt with the appeal on this basis.
3. The proposal was allowed at appeal¹ in 2020. I shall pay regard to this appeal decision where relevant in my consideration of the appeal.

Main Issues

4. The main issues are;
 - The effect of the revised design of the dwellings on the character and appearance of the area, and
 - The effect of the revised scheme on the living conditions of the neighbouring occupiers with particular respect to outlook.

¹ Planning Appeal Reference: APP/P0240/W/19/3243550

Reasons

Character and appearance

5. Lower Shelton Road is a residential street that consists of housing with a variety of types and styles. The appeal site is a narrow, deep plot that is adjacent to dwellings of Snagge Court and Horseshoe Close. Snagge Court consist of terraced housing with rear elevations that overlook the site. Horseshoe Close consists of more modern detached houses, with 7 Horseshoe Close (No 7) presenting a side elevation towards the site. The area includes a compact pattern of residential development.
6. The proposed development consists of brick and render elevations with pitched roofs. During my visit I noted that the site is relatively discrete. It has a narrow access, and width, and is bound by a dense mature tree screen. This largely obscures the development from the A421 and the footpath to its side. Views are more open from the playing fields behind the site although these would largely be framed by tree cover in its background. As such, the site makes a limited contribution to wider views or the surrounding area.
7. However, the dwelling of Plot 1 is prominent in views from within Horseshoe Close. The new dwelling is immediately adjacent to No 7 with a ridgeline that is significantly taller than its neighbour. It has a tall and disproportionate roof area in comparison to neighbouring development. Furthermore, the new dwelling crowds and dominates the side of No 7. Consequently, this dwelling forms a bulky and awkward addition to the streetscene. The harmful appearance of the roof is exacerbated by its large roof plane and close proximity to the lower roofs of dwellings within Horseshoe Close, especially No 7. This results the appearance of a contrasting and strident dwelling that is substantially discordant with the predominant character of the area.
8. The dwellings of the remaining plots within the application site are set deep into the appeal site. These also have increased ridge heights for the approved version. Nevertheless, despite being prominent in views from the playing fields, these are set away from neighbouring development, preventing a direct visual contrast with surrounding development. Accordingly, due to their positioning and subdued siting, these have a negligible effect on the streetscene and surrounding development. As such, the dwellings of Plots 2, 3 and 4 would complement the character and appearance of the area.
9. Consequently, due to the harmful effect of the dwelling of Plot 1, the proposal would conflict with policy HQ1 of the Central Bedfordshire Local Plan (LP) and the National Planning Policy Framework (The Framework) with respect to character and appearance. These policies seek, among other matters, for development to enhance or reinforce local distinctiveness and be sympathetic to local character.

Living Conditions

10. The dwelling of Plot 1 would be alongside No 7. Although this roof is higher than was approved, the effect of the increase has resulted in no substantive impact on the front or rear outlook from windows of No 7. Also, Plot 2's dwelling is alongside a garage block enabling only oblique views from the outlook of windows of 15 Snagge Court.

11. Plots 3 and 4 are a pair of semi-detached dwellings arranged perpendicular to the rear of the terraced row of Snagge Court. The dwelling of Plot 3 is overlooked by the rear outlook of windows of No's 8-11 Snagge Court (No's 8-11). The gardens of No's 8-11 are relatively short, are bound by a rear fence, and contain limited tree and hedge screening. However, the dwelling of Plot 3 is set away from the shared boundary by a driveway and its roof is viewed from the neighbouring plots as a gable end. This relationship limits the overall effect of the increased roof height on adjacent neighbours' rear facing habitable windows and their rear gardens.
12. Consequently, the revised design of the dwellings is not overbearing and has no material impact on neighbour's living conditions with respect to outlook. As such, the proposal would accord with policy HQ1 of the LP, in regard to effect on living conditions. This seeks, inter alia, for development to not result in an unacceptable adverse impact upon nearby existing uses, including impact on amenity.

Other Matters

13. The proposed scheme would provide an effective use of the site and contribute to local housing supply. However, these benefits would be equally delivered by the approved scheme. As such, these merits are of limited weight in favour of the proposal.

Conclusion

14. The proposed scheme would not accord with the development plan when taken as a whole. For the above reasons the appeal is dismissed.

B Plenty

INSPECTOR