



Appeal Decision

Site visit made on 25 October 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/K0235/W/22/3294809

33 Houghton Road, Bedford MK42 9HQ

- 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 Red Kite Living against the decision of Bedford Borough Council.
 - The application Ref 21/01544/FUL, dated 28 May 2021, was refused by notice dated 21 September 2021.
 - The development proposed is the demolition of existing garage and erection of two-storey semi-detached dwellinghouse, with associated amenity space and cycle parking, for use as a small HMO.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the development upon the living conditions of the occupiers of the neighbouring property, at 33 Houghton Road, with particular regards to privacy and garden size;
 - whether appropriate living conditions would be secured for the future occupiers of neighbouring properties with particular regards to refuse storage;
 - the effect of the development upon the character and appearance of the surrounding area; and
 - the effect of the development upon highway safety.

Reasons

Living conditions of the occupiers of No. 33

3. The neighbouring property at No. 33 is an end of terraced property, which the evidence before me is indicative that the existing building is in use as a House in Multiple Occupation (HMO) for six people. The property features a garden to the rear of the property.
4. The proposed development would result in a reduction in the size of the garden available for occupiers of the existing dwelling to use. This is a concern as given the scale of the existing HMO, it is likely that the garden would be used with a relatively great level of intensity for recreation, as well as frequently for the undertaking of routine household tasks, such as the drying of washing.

5. Therefore, the proposed development would result in a diminished ability for the occupiers of the existing building to undertake such activities, which would lead to an erosion of the living conditions of the occupiers of the existing development.
6. In reaching this view, I have had regard to the presence of public open space in the surrounding area. These would provide a venue for the undertaking of outdoors recreation. However, this is unlikely to be a satisfactory alternative for all activities owing to a lack of convenience and privacy. In addition, such public open space could not be readily used for other household tasks.
7. Therefore, although such public open space would be close to the appeal site, it would not be a satisfactory alternative for the occupiers of the existing development. Therefore, this suggestion does not overcome my previous concerns. In addition, the availability of room in the house to undertake household tasks would not allow me to forego my concerns regarding the lack of space within the garden for the undertaking of external recreational activities.
8. In addition, the proposed development would feature a first-floor side window that would readily overlook a window of the existing HMO, even though this would take place at an angle. This would prevent occupiers of the existing property from experiencing appropriate levels of privacy as views would be possible from the proposed development into the existing building. Furthermore, movement behind the proposed window would also be perceptible. This would add to the general loss of privacy.
9. This is a concern given that the existing building at No. 33 is used as an HMO. By reason of the nature of this use, there is a possibility that not all occupiers of the building would necessarily be well known to one another. In result, occupiers of No. 33 may be more likely to spend a greater amount of time in their rooms for this would have a greater level of privacy.
10. In result, the loss of privacy arising from the fenestration pattern of the proposed building would mean that the proposed development would lead to a notable adverse effect upon the living conditions of the occupiers of No. 33. I note that similar outriggers are present elsewhere in the surrounding area. However, in considering this appeal, I have been directed towards planning policies that have been adopted relatively recently.
11. These policies would be breached by the proposed development. From this, harm would emanate. Therefore, the presence of developments elsewhere does not allow me to disregard my previous concerns.
12. I have given consideration as to whether it would be possible to impose a condition that would require the provision of additional landscaping or other form of screening that might ensure the retention of the existing property's privacy. However, given the layout of the proposed development and the existing building this would likely erode outlook levels owing to the height that it might need to be. Therefore, this suggestion does not mitigate my concerns.
13. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of the neighbouring property. The development, in this regard, would conflict with Policies 28S, 30 and 32 of the Bedford Borough Local Plan (2020) (the Local Plan); and N3 of the

Residential Extensions, New Dwellings and Small Infill Developments Design Code (2000) (the Design Code). Amongst other matters these require that developments be of a high quality in terms of design; consider the relationship of the development with the context in which it is placed; provide appropriate gardens; provide privacy; and avoid overlooking.

Living conditions of the future occupiers of the proposed development

14. The proposed development features a relatively small garden, which would also include an area for the storage of refuse and materials for recycling. This would be located near to a window of the proposed HMO.
15. As the proposed development could be occupied by up to four adults, there is a likelihood that a notable amount of refuse and materials for recycling could be generated over time. The nature of such activities is such that it would potentially generate odours that would be noticeable within the building.
16. Given that the proposed development would be used as an HMO, there is a reasonable likelihood that occupiers of the development would not necessarily be well known to one another. Therefore, occupiers may elect to spend greater amounts of time in bedrooms for reasons of privacy. This means that any odour arising from the storage of materials would have an adverse effect upon the living conditions of the occupiers of the proposed development.
17. In addition, the usage of the refuse storage would also generate some noise and disturbance as residents unconnected with the occupiers of the effected bedroom might place items in the refuse storage at inopportune times. Given that such activities might take place during periods of warmer weather, there is a likelihood that residents might have windows open and therefore noise and odours would be readily perceptible in the bedroom nearest to the proposed refuse storage.
18. It has been suggested that, if I were minded to allow this appeal, I could impose a condition that would require the proposed refuse storage to be located elsewhere on the site. Although these are different locations to that within the appeal proposal, I am conscious that these have not been the subject of public consultation.
19. In result, the imposition of such a condition could cause prejudice to the occupiers of neighbouring properties as they would not have the opportunity to comment upon the revised positioning of the storage area. Therefore, this would not overcome my concerns.
20. I therefore conclude that the proposed development would not secure appropriate living conditions for the future occupiers of the proposed development. The development, in this regard, would conflict with the requirements of Policies 29 and 32 of the Local Plan; and the Houses in Multiple Occupation Supplementary Planning Document (2020). Amongst other matters, these seek to ensure that developments integrate refuse and recycling storage; make arrangements for dealing with waste; and be well-designed.

Character and appearance

21. The proposed development would feature an outrigger than would run alongside the side boundary of the site adjacent to Ossary Way. Towards the rear of the appeal site is Millbrook Road. This would be adjacent to the edge of

the pavement. The surrounding area features a combination of semi-detached and terraced houses. These are constructed to varying designs and are also sited near to the edge of the pavement.

22. Whilst the proposed development would increase the overall level of built form close to the highway edge, this form is reflected on dwellings that are located elsewhere in the surrounding area. In particular, I note that there is a development sited on the corner of Ossary Way and Millbrook Road that features a side elevation adjacent to the edge of the pavement.
23. By reason of the general proximity of the appeal proposal to the neighbouring property, the existing and proposed buildings would be readily viewed alongside one another. In consequence, the proximity of the side elevation of the proposed development to the edge of the highway would not be unusual or incongruous for it would be viewed alongside a building of broadly comparable form. Although the existing building is constructed to a different design, it contributes to a varied character in the surrounding area.
24. Furthermore, the surrounding buildings feature varying different design features in the form of their layout. In result, there are some differently designed outriggers within a relatively short distance of the appeal site. This means that the form of the appeal proposal, including the outrigger close to the edge of the pavement would not be incongruous within the varied context.
25. The design of the proposed development would include architectural details that would ensure that the proposed development would harmonise with the design of the neighbouring dwellings. This would further reduce the overall prominence of the appeal scheme.
26. In addition, the proposed development would, by reason of the layout of the road network, also not be a prominent addition to the vicinity. In addition, the appeal site's location at the end of the road would also lessen the number of properties that would be able to view the development. These factors, when combined, would further reduce the effect of the proposed development upon the character and appearance of the surrounding area.
27. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conform with the requirements of Policies 28S, 29 and 30 of the Local Plan; and N1 and N2 of the Design Code. Amongst other matters, these seek to ensure that developments promote local distinctiveness; respect the context within which it will sit; reinforce or create local distinctiveness; harmonise with the street; and incorporate some of the key characteristics that give a locality its character.

Highway safety

28. The appeal proposal is located in Houghton Road, which, for motor vehicles is a one way street leading to Ossary Way and Millbrook Road. These other roads also only allow for motor vehicles to travel in a single direction. However, cyclists are able to travel in both directions. There is on-street car parking in Houghton Road. The appeal site features a garage that would be removed to make room for the proposed development.
29. The proposed development would be located adjacent to the edge of the pavement. Furthermore, the existing development features a garage that is

close to the edge of the pavement. Although set back from the highway edge, the distance is relatively small. Therefore, the proposal would not result in a significant reduction in the level of forward visibility for motorists in Ossary Way. This means that motorists would be likely to view approaching cyclists.

30. In addition, on my site visit I was able to view several, prominently located, signs that indicate that the road network features cyclists travelling in both directions. Therefore, motorists would be reasonably expected to anticipate approaching cyclists. This means that there would not be conflict between cars and cyclists.
31. Furthermore, the presence of on street car parking spaces would mean that motorists travelling along Houghton Road are likely to be travelling closer to the middle section of the road, which would also aid forward visibility of any approaching cyclists. Relatively few of the neighbouring properties feature off street car parking and, therefore, it is likely that the on street spaces are likely to be in the greatest of demand. In result, the previously described scenario has a reasonable likelihood of occurring.
32. In addition, the road network is one way for motor vehicles. This means that the proposal would not result in conflict in movement of vehicles given that drivers making the turn between Houghton Road and Ossary Way would not face vehicles travelling in an opposite direction. This means that vehicle to vehicle visibility would not be eroded by the proposed development.
33. I therefore conclude that the proposed development would not have an adverse effect upon highway safety. The development, in this regard, would be in conformity with Policy 31 of the Local Plan. Amongst other matters, this seeks to ensure that developments make provision for access by cyclists; and should not erode safety.

Conclusion

34. The proposed scheme would have an adverse effect upon the living conditions of the occupiers of the neighbouring property and would not provide appropriate living conditions for the future occupiers of the development. This outweighs the fact that the development would not have an adverse effect upon the character and appearance of the surrounding area and highway safety. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR