



Appeal Decision

Site visit made on 17 October 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/K0235/W/22/3293170

15 Day's Lane, Biddenham, Bedford, Bedfordshire MK40 4AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Red Eagle Securities Limited against the decision of Bedford Borough Council.
 - The application Ref 21/02312/PIP, dated 20 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is described as 'permission in principle for the erection of an additional dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages. The scope of the first stage is limited to location, land use and the amount of development. As such, I have regarded all detailed elements of the submitted drawings as indicative only.

Main Issue

3. The main issue is whether or not the site is a suitable location for residential development, having regard to the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site relates to a two storey semi-detached dwelling located on the north-western side of Day's Lane. The rear garden of the property is irregularly shaped and extends sideways to the rear of 11 and 13 Day's Lane. There is a large Walnut tree within the rear garden which is subject to a Tree Preservation Order. To the north, east and south the site is bound by residential gardens and by a tennis court and playing field to the west. The Biddenham Conservation Area (CA) borders the site to the south and west and includes Nos 11 and 13 within its boundaries.
5. The character of the surrounding area is largely residential. Day's Lane is characterised by semi-detached and detached two storey dwellings of varying

sizes and design set within spacious plots. Mature trees and planting in the gardens of properties results in a pleasant verdant character. The appellant has provided an historic map of Biddenham which appears to show development set further back from Day's Lane in the area which is now 39 Day's Lane. However, the prevailing character on this stretch of the lane is of properties that front the road in a linear fashion. Although there has been extensive development around the historic core of Biddenham, Day's Lane itself has largely retained its linear arrangement of properties.

6. The proposed dwelling would be sited in the rear garden of the host property. Given the position of the protected Walnut tree, it is likely that any new dwelling would be located in that part of the garden towards the rear of Nos 11 and 13. Whilst existing development to the south within the CA is arranged in a more organic form, the proposal would be more closely related to the linear pattern of development on Day's Lane, including the host property, No 15, as access would be gained via the existing driveway which runs along the side of that property.
7. The location of the proposal would be at odds with the prevailing character of this part of Day's Lane in which dwellings are arranged in a linear way and directly face the public highway. Taking these factors together, I consider the proposal would be a backland form of development. The site is not within the CA, and subject to appropriate scale, design and materials the proposal would be unlikely have any adverse impact on the character or appearance of the CA. Nevertheless, the location of the dwelling would be out of context with its surroundings and would not reflect the predominant character of existing frontage development.
8. Due to its position within the rear garden, the proposal would be largely screened from nearby public vantage points. However, the proposal would be partially visible from neighbouring dwellings and their gardens. The lack of public views of the proposed dwelling does not justify the harmful effect it would have on the established pattern of development in the area.
9. The appellant has referred to a number of other developments which have been approved nearby at 29 and 59A Day's Lane. I do not have the full details of these other developments before me. However, in relation to the more recent of the appeals at No 59A¹, the Inspector noted in relation to that site that there are three areas of markedly different character and appearance within which there is no common grain or other unifying characteristic. That is not the case with the area surrounding the appeal site, where I have found that the linear arrangement of properties with road frontages is a characteristic feature. The dwellings that have been permitted to the rear of No 29 are set much further back from Day's Lane and effectively appear as a cul-de-sac rather than as backland development. They are larger and more comprehensive developments. For these reasons, I do not consider that the appeal scheme would be comparable to the other developments referred to because they have a different context. In any case, I have determined the appeal on its own merits.
10. For the reasons given above, I conclude that the appeal site is not a suitable location for residential development, having regard to the significantly harmful effect it would have on the character and appearance of the area. Therefore,

¹ Appeal ref. APP/W0205/A/09/2094566 & APP/W205/A/09/2098082

the proposal fails to accord with Policies 28S (i and ii), 29 (i and ii) and 30 (i) of the Bedford Borough Council Local Plan 2030 which, amongst other things, seek to ensure that development achieves a high quality design, integrating well and complementing the character of the surrounding area, responding positively to and reflecting the scale, density and layout of existing development and local distinctiveness.

Other Matters

11. Interested parties have raised other concerns about the proposal, including whether it would provide satisfactory living conditions for future occupiers, the effect on the living conditions of neighbouring occupiers, and impact on trees. However, the Council have not raised concerns in relation to these matters which would not fall within the scope of consideration for the first stage of the permission in principle route but would be considered at technical details consent stage.
12. The development would offer potential benefits in terms of providing a new dwelling in an accessible location and boosting the supply of homes. It would also have economic benefits through the creation of employment opportunities during the construction phase of the development, Council tax revenue and spending in the local area by future occupants. I have attached some weight to these factors. However, given the relatively modest scale of the proposed development, the weight attributable to these matters is limited and is not sufficient to outweigh the significant harm that I have identified. The appellant claims that the proposal represents an efficient use of land in an urban area, but I have found that it would be harmful to the character and appearance of the area. This factor does not therefore alter my overall conclusion.

Conclusion

13. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

M Ollerenshaw

INSPECTOR