



Appeal Decision

Site visit made on 3 January 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2023

Appeal Ref: APP/K0235/W/22/3305950

170 Bower Street, Bedford MK40 3QZ

- 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 Mrs Palbinder Sohal against the decision of Bedford Borough Council.
 - The application Ref 20/02330/FUL, dated 7 October 2020, was refused by notice dated 18 March 2022.
 - The development proposed was originally described as the change of use from social club to residential dwellings. Creation of 4 apartments
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Procedural matter

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has changed to the conversion and change of use of social club to form 3 dwellings. It is clear from the plans and accompanying details that the Council dealt with the proposal on this basis and so shall I.

Main Issue

4. The main issue is the effect of the proposal on living conditions of future occupiers, particularly in regard to the provision of external amenity space, privacy and noise.

Reasons

Living conditions

5. There is no policy objection to the principle of residential development and planning permission has previously been granted for the conversion of the building into 4 dwellings in 2015. The previous permission was not implemented and has now lapsed. The scheme in front of me is different and I have therefore considered its merits as such.

6. The proposal includes an area of amenity space within the courtyard to the rear of the building, between the outbuilding which is proposed to be used to provide each apartment with a lock up store as well as communal bin and bike storage. It is noted that there may be no requirement to provide amenity space for 1-bedroom apartments. However, whilst large areas of public space are within walking distance, the site is in a densely terraced area with little public green space within the site's immediate vicinity. It is therefore reasonable to expect some amenity space for the occupiers to use.
7. In this case, due to the amenity space's location between the buildings, future occupiers would use this space to walk between the apartments and outbuilding to access their storage and waste facilities. These movements would likely be regular and as a result any occupiers using the space would be disturbed. It is therefore considered that this space would be poor quality and underused.
8. I note that there may be other proposals that have been granted in the area where no amenity space has been provided. However, I do not have the full details that led to these proposals being accepted, and so I give them limited weight. In any case, I have determined the appeal on its own merits.
9. Apartment 2 would be next to the amenity space and whilst a degree of overlooking, noise and general interaction is to be expected within a communal space, there would be 2 windows that would serve the apartment's bedroom and overlook this area. The occupiers of apartment 2 would therefore directly overlook anyone using the amenity space thus invading their enjoyment of the space, and likewise anyone using the amenity space or traveling to and from the outbuilding would be able to see directly into the bedrooms of apartment 2, thus unacceptably affecting the privacy of that apartment. Furthermore, the use of the outbuilding would give rise to a level of general noise and disturbance that would be disruptive to future occupiers.
10. It is also noted that apartment 2 would have large double doors which would give access from the lounge to a private amenity space adjacent to the courtyard. A strip of planting is proposed, as well as a low picket fence adjacent to the windows. However, these would be unlikely to provide sufficient privacy for the occupiers of apartment 2 due to the low height of the fence and closeness of the courtyard area.
11. I therefore consider that there would be harm to the living conditions of future occupiers, particularly in regard to the provision of external amenity space, privacy and noise. The proposal would therefore not accord with Policy 32 of the Bedford Borough Local Plan 2030 adopted January 2020, which amongst other things, seeks to minimise and take into the account the effects of disturbance.

Other Matters

12. The Council's third reason for refusal raises concerns for the future use of the outbuilding, particularly its potential conversion to habitable accommodation. Although the outbuilding is large and provides a significant amount of storage space for future occupiers which would be of some positive benefit to the scheme, the amount of space available is not characteristic of small apartments. Notwithstanding this, the conversion of the outbuilding into

habitable accommodation is not part of the scheme before me and I shall not consider the matter any further.

13. The proposed apartments would exceed the nationally described space standard¹ which along with bringing a vacant, dilapidated building back into use are benefits to the proposal. However, they do not outweigh the harm I have identified to living conditions.
14. The appellant submitted the proposal following pre-application advice. The Framework stresses the benefits of early engagement and of good quality pre-application discussion. Whilst this, along with internal communication between officers is not binding, it is clearly unfortunate if the outcome is an adverse one. Nevertheless, at appeal the proposal is considered afresh and consequently the positive feedback given does not warrant allowing the appeal.

Conclusion

15. The Framework is clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a proposal conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations indicate that the plan should not be followed. I have found that the appeal proposal conflicts with development plan policy. The benefit of providing new dwellings within the area with good connectivity to public transport, shops, employment and services is not sufficient to outweigh the potential significant detrimental effect to future occupiers living conditions and does not lead me to determine the appeal otherwise than in accordance with the development plan. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.
16. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR

¹ Technical Housing Standards – Nationally Described Space Standard, Department for Communities and Local Government, March 2015.