



Appeal Decision

Site visit made on 7 February 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/K0235/W/22/3306959

129 Rushden Road, Wymington NN10 9LF

- 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 Miss Cristina Gallo against the decision of Bedford Borough Council.
 - The application Ref 21/01015/FUL, dated 31 March 2021, was refused by notice dated 27 June 2022.
 - The development proposed is the part demolition of the existing bungalow and the erection of a detached two-storey dwelling to the rear.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the Council's decision notice and the appellant's appeal form, as it more concisely describes the proposed development while the original description contained within the planning application form contained superfluous descriptive content.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area;
 - the living conditions of the occupiers of the host dwelling, with particular reference to outlook;
 - highway safety; and
 - existing trees and biodiversity assets, including whether a net gain in biodiversity can be achieved.

Reasons

Character and Appearance

4. The appeal site is located on the corner of Rushden Road and Cambridge Street and contains a detached bungalow that has been previously extended. The bungalow is set back from both roads by a garden planted with trees and other vegetation. The landscaping, together with the bungalow's siting and scale, create a leafy and open aspect to the entrance of Cambridge Street, even with the presence of a closed boarded boundary fence. Furthermore, the rear gardens of those houses that front onto Rushden Road contribute to the

openness of Cambridge Street and help to separate the houses on the main road from those on the side street.

5. It is proposed to demolish part of the single storey structure to the rear of the bungalow, subdivide the existing plot, and erect a two-storey dwelling within the westernmost part of the appeal site, fronting Cambridge Street. The proposed dwelling would result in the loss of some of the existing trees and vegetation and their replacement with a two-storey dwelling and hard surfaced front garden to be used for the parking and turning of vehicles. This would significantly reduce the open and leafy character and appearance of this part of the road. I acknowledge that views can currently be gained of 6 Cambridge Street from Rushden Road, however, the loss of the existing vegetation coupled with the dwelling's siting closer to this road and its scale, would result in the proposed dwelling being more prominent than No 6 when seen from this direction.
6. The proposed dwelling would be sited in close proximity to the plot's side boundaries. However, it would be similar to the spacing between existing properties along this side of Cambridge Street. Furthermore, the proposed dwelling would be sited in a similar position on its plot to the adjacent dwelling (6 Cambridge Street) and would have a rear garden of a similar size and shape. Therefore, I do not find that the proposed dwelling or its plot would be cramped or out-of-keeping with the surrounding area. However, the resulting plot for the host dwelling would be significantly reduced in size. The proposed rear elevation of the bungalow would be sited in close proximity to the new boundary treatment and the garden would be subdivided into two separate areas that would be narrow, both of which would be inconsistent with the predominant character of the area. This would result in a cramped form of development and an overdevelopment of the appeal site.
7. The section of bungalow to be demolished is described as dilapidated and poor quality by the appellant who states that it is suffering from subsidence. However, other than the presence of an exterior crack, its overall appearance is similar to the existing bungalow. Furthermore, it is single storey and due to the presence of the existing boundary treatment along Cambridge Street and the trees and vegetation within the side garden, it is not highly visible from the public realm. Therefore, its removal would not lead to an enhancement of the surrounding area.
8. In reference to the first main issue, the proposed development would adversely affect the character and appearance of the surrounding area. It would conflict with Policies 28S, 29, 30 and 32 of the Bedford Borough Council Local Plan 2030 Planning for the Future, adopted 2020 (LP) which, amongst other things, require developments to respect the context within which it will sit and the opportunities to enhance the character and quality of the area and local distinctiveness. It would also conflict with Design Codes N1 and N3 of the Design Guidance: Residential Extensions, New Dwellings & Small Infill Developments, adopted 2000 (SPG) which, amongst other things, require developments to harmonise with the street and to not erode its general character. It would also conflict with the National Planning Policy Framework (NPPF) which seeks to achieve well designed places.

Living Conditions of the Occupiers of the Host Dwelling

9. The proposed development would result in the existing private garden area to the rear and sides of the host dwelling severed into two separate areas. The proposed dwelling would be sited in close proximity to the northernmost section of garden, with its gable side elevation presented to the garden. The scale, massing and proximity of the proposed dwelling to this section of garden would result in a substandard outlook that would adversely affect the living conditions of the occupiers of the host dwelling, which would be compounded further by the narrowness and small size of this part of the garden.
10. I acknowledge that the host dwelling would also have an area of garden located to the south. However, this area is located adjacent to Cambridge Street and the parking areas associated with the host dwelling and the proposed dwelling, and therefore would be less private and more susceptible to noise from vehicle movements than the northern section of garden. Furthermore, this part of the garden should not be used to justify an unacceptable form of development on another part of the appeal site.
11. In reference to the second main issue, the proposed development would adversely affect the living conditions of the occupiers of the host dwelling, with particular reference to outlook. It would therefore be contrary to Policy 32 of the LP which, amongst other things, seeks to ensure that development proposals should give particular attention to factors which might give rise to disturbance to neighbours and the surrounding community. It would also conflict with Design Code N7 of the SPG that requires developments to not have an overbearing effect on another property because of its scale, massing and proximity.

Highway Safety

12. Access to the proposed dwelling would be via a dropped kerb from Cambridge Street. The junction of Cambridge Street with Rushden Road includes parking restrictions (double yellow lines) around both corners of the junction which is reinforced by 'no parking' signs. Further along Cambridge Street and adjacent to the appeal site, the road does not have any parking restrictions and the side of the road closest to the appeal site has what appears to be a lay-by.
13. There is a dispute between the parties whether the lay-by is used for the parking of vehicles. I have been provided with photographic evidence of vehicles parked in the lay-by and the lay-by free of parked cars. This demonstrates that it is possible for vehicles to park in the lay-by and there seems to be no reason why that could not happen at the present time, despite the appellant's suggestion that it no longer occurs.
14. The submitted drawing indicates that pedestrian visibility splays could be achieved when the lay-by is free of parked vehicles. Furthermore, if vehicles were parked in the lay-by, it is unlikely that pedestrians would choose to walk in the road rather than use the pavement on the opposite side. Figure 4 of the appellant's appeal statement shows tracking for a vehicle to turn within the site and exit the proposed access in a forward gear. However, the drawing does not include parked vehicles within the lay-by which, when combined with vehicles parked opposite the access, would restrict the manoeuvrability of a vehicle and impede visibility when exiting. Therefore, insufficient information has been

submitted to demonstrate that vehicles could enter and exit the appeal site safely.

15. I acknowledge that vehicles will likely be travelling at low speed due to the proximity of the access to the junction, and the number of vehicle movements along the road would not be excessive due to it being a residential cul-de-sac. However, this does not override the lack of evidence to demonstrate that the proposed access could operate safely when vehicles are parked on both sides of Cambridge Street.
16. The formation of the proposed access would lead to the loss of on-street parking spaces within the lay-by, resulting in a displacement of parked vehicles. Third parties have expressed concern in this regard as they consider that the surrounding area experiences pressure for car parking spaces and there is conflict between existing users, particularly due to the location of bus stops, a post box, parked cars and accesses on Rushden Road. I acknowledge that some properties have off-street parking however, there are a number of terraced properties in the vicinity of the appeal site with no off-street parking and at the time of my site visit, on-street parking was prevalent in the surrounding area. No parking survey has been provided to demonstrate that surrounding streets could accommodate additional on-street parking.
17. In reference to the third main issue, the proposed development would have a detrimental effect on highway safety. It would therefore conflict with Policy 31 of the LP which, amongst other things, requires development proposals to not have any significant adverse impact on access to the public highway. It would also conflict with Design Code N8 of the SPG which states, amongst other things, that it is essential that clear visibility is maintained to allow safe pedestrian and vehicular access. It would also conflict with paragraph 100(b) of the NPPF which requires a safe and suitable access to the site to be achieved for all users.
18. The Council's third reason for refusal references conflict with Design Code N4 of the SPG. This policy is in respect of the quantum of car parking provision, of which the Council has not raised an objection and therefore this policy is not of direct relevance to the determination of the appeal.

Trees, Biodiversity Assets and Net Gain in Biodiversity

19. Although not referenced in the planning application form, the appeal site contains trees. Policy 39 of the LP requires existing trees on and immediately adjacent to a development site to be recorded following guidance in the relevant British Standard. No Arboricultural Survey was submitted to assess the existing trees and therefore I am unclear of their value, or whether their loss would be acceptable.
20. The proposed dwelling and the hard landscaped parking area would occupy a large proportion of the appeal site. The proposed development would therefore likely result in an overall loss of vegetation/habitat. The scale of the proposed development relative to the plot size limits the ability to include features to provide a net gain in biodiversity. It is unclear whether a net gain in biodiversity could be achieved and therefore details could not be conditioned for subsequent approval.

21. I have been directed to a planning approval¹ in which the Council did not require a net gain in biodiversity. However, the planning approval was for extensions to an existing dwelling rather than the construction of a new dwelling; and the drawings indicate that the property has an extensive garden which would be unaffected by the proposed development. Therefore, it is not directly comparable to the appeal proposal.
22. In reference to the fourth main issue, insufficient information has been provided to enable me to determine the effect of the proposed development on existing trees and biodiversity assets, and whether a net gain in biodiversity can be achieved. It would therefore conflict with Policies 39, 42S and 43 of the LP which, amongst other things, require developments to provide a net gain in biodiversity, to assess the impact of a proposal on the biodiversity and geodiversity of the site and its surroundings, and to consider opportunities to retain trees of high amenity and environmental value.

Other Matters

23. The appellant has directed me to a pre-application response² provided by the Council for the construction of a dwelling at the appeal site. From the information before me, the Council concluded that on the basis of two indicative layouts a two-storey dwelling would be preferable to a bungalow. However, this was caveated with the need to provide a convincing justification and subject to full design details and third party comments. Furthermore, pre-application advice is given without prejudice and cannot pre-determine the outcome of a subsequent planning application.

Conclusion

24. For the reasons given above, having considered the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR

¹ Planning Reference: 22/01042/FUL

² Planning Reference: 17/00232/PREAPP