



Appeal Decision

Site visit made on 14 February 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/K0235/W/22/3307166

99 Hillgrounds Road, Kempston, Bedford MK42 8QP

- 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 Mr Kozlowski against the decision of Bedford Borough Council.
 - The application Ref 22/01448/FUL, dated 18 June 2022, was refused by notice dated 10 August 2022.
 - The development proposed is the subdivision of plot and erection of a detached 2 bedroom house together with a single storey front extension to the existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - the character and appearance of the area,
 - the living conditions of the occupiers of 99 Hillgrounds Road with particular regard to outlook and sunlight; and
 - highway safety.

Reasons

Character and appearance

3. 99 Hillgrounds Road is an end-terraced dwelling located on a large corner plot. Most dwellings in the area are of a similar design, size, use similar materials and many have a small projecting porch which creates a sense of rhythm. Dwellings in the area are also set back from the road and include small front gardens or driveways. Dwellings located on corner plots, such as the appeal site, also tend to have larger, open gardens adjacent to the road, which when combined with the front gardens and driveways results in the area having an open character and appearance.
4. The proposal relates to a parcel of open space immediately next to No.99. This open space provides a gap in the relatively dense built form of the area and as such, it makes a positive contribution to the open character and appearance of the area.
5. The proposed dwelling would be sited close to No.97 and the edge of the dwelling would sit immediately next to the pavement. The garden of the proposal would take up some of the existing garden of No.99 and project to the

- side, and car parking would be provided to the front; both of which would also be enclosed by a brick wall and some trellising.
6. The proposal would result in the entire area of open space being taken up by the property itself or enclosed with brick walls. As the open space provides a valuable gap in the dense built form of the area, its loss would have a negative effect on the open character and appearance of the area.
 7. Whilst the appeal site may only be a parcel of grass with a tree stump, it still provides the positive gap in the dense built form. I also note that residents have access to a large area of open space by the river, accessed by a path close to the site. However, this does not mitigate the loss of visual relief the open space subject to this appeal provides.
 8. There are examples of gardens to the side of properties that face the road, as well as brick walls. However, these other examples, particularly of the dwelling opposite on Vyne Close are different to the proposal as they are detached dwellings which sit on larger plots, they have not resulted in the loss of open space like the proposal would, and they also do not face onto the road.
 9. The proposed dwelling would also be detached which differs from the predominant semi-detached and terraced houses in the area. Whilst the materials and general design are similar to other dwellings in the area by virtue of it being detached, sited close to the pavement and being forward of No.97, it would upset the rhythm of other dwellings in the area, appear out of place and due to the small garden and narrow gap to the boundaries look cramped in the street scene.
 10. The proposal also includes a single storey extension to the front of No.99 which would occupy most of the width of the front elevation as well as project further than the adjacent porch. For these reasons, it would look out of place in the street scene. It would therefore upset the rhythm of the other houses in the area, which includes small porches and would also reduce the small front garden resulting in a cramped appearance.
 11. The appellant has provided examples and images of other development in the area; however, I do not have any specific details about the circumstances of these developments to make a comparative assessment against the proposal. It is noted from observations during my site visit that the character of Egglestone Close differs from the proposal in that the built form is less dense and there are more semi-detached or detached properties with space between them. Overall, this area has a more spacious feel and, as such, the loss of the green space has less of a negative impact on the character of the area. In any event, I have dealt with the appeal on the basis of the evidence, and my own site observations.
 12. I therefore conclude that the proposal would cause harm to the character and appearance of the area. It would be contrary to Policies 28S, 29 and 30 of the Bedford Borough Council Local Plan 2030 Planning for the future (LP) which, amongst other things, seek to ensure development integrates well and complements the character of the area, be of high-quality design and reinforce local distinctiveness.

Living conditions of the occupiers of 99 Hillgrounds Road

13. The proposal would result in the reduction in size of the existing garden of No.99 and the proposed dwelling would be located immediately on the common boundary. At present, the outlook from the garden and rear windows of No.99 largely includes the rear gardens of houses on Hillgrounds Road. The proposed dwelling would be located on the boundary and be two-storey and therefore the outlook would largely be dominated by the proposal. Therefore, the proposal by reason of its height and proximity would be an overbearing feature and result in an unacceptable outlook for the occupiers of No.99.
14. Also, by virtue of its height, proximity and position to the southwest of No.99, combined with the reduction in size of the garden, it would also result in a large proportion of the garden having a reduced amount of sunlight.
15. Whilst I note that a section of the proposed dwelling nearest to the boundary of No.99 will be single storey, it would still be visible from the garden and would only partly reduce the impact from the remaining 2-storey dwelling and therefore not sufficiently address the loss of sunlight. I also acknowledge that loss of sunlight would mostly affect the furthest end of the garden, and whilst this may not be a prime area of the garden, the overall reduction in size of the garden would mean that there would be an increased value of all of the garden space available for occupiers.
16. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of 99 Hillgrounds Road with regards to outlook and sunlight. The proposal would therefore be contrary to Policy 32 of the LP which seeks to ensure that the effects of disturbance to neighbours is minimised.

Highway Safety

17. The proposal shows that the existing parking area adjacent to No.99 will be used for parking. The Council's parking standards require that a 2-bedroom dwelling should have 2 parking spaces and, due to the small area available for parking this would not be achieved and as such the proposal is contrary to this guidance. Although the appellant suggests it would be large enough for two small cars, this has not been satisfactorily demonstrated and there would be no method to ensure future occupiers of the dwelling only have small cars.
18. At the time of my site visit, the level of on-street car parking was high, particularly on Gulliver Close and Hillgrounds Road. Not all dwellings in the area have parking to the front of the property by way of driveways and, as such, it is likely that any occupiers, and their visitors, are parking on the road in front of or near the dwellings.
19. The appellant has carried out an aerial survey which does show that spaces are available over a number of days, however those immediately next to the site are limited. This is compounded by the dwelling being on a corner as well as there being a bus stop next to the house which restricts parking. This means that residents and visitors might have to find a space away from the dwelling which would not be practical. I note that the appellant only has one car and that some residents may not own a car, and instead use public transport; however, on the basis of my site visit and the study provided, car use does appear to be high in the area and as a result so does demand for parking.

20. The proposal would introduce an increased demand for on-street parking by means of the occupiers' cars as well as any visitors. Furthermore, the proposal results in the existing spaces for No.99 being removed and as such they would likely be forced to park on the road.
21. I note that No.99 has access to a garage block which is currently being used to park a medium sized car and that there may be other residents that also use their garage for parking. However, the garage would not assist in serving the proposed dwelling.
22. The proposed extension to No.99 projects forward of the dwelling however views to the right would still be predominantly open. However, the wall, whilst only 1.2 metres high would significantly restrict views to the left which would be exacerbated by the entrance being on a bend making pedestrian visibility limited.
23. I acknowledge that the car parking arrangements have been in use for a long time, however the proposals would significantly reduce the visibility further.
24. I therefore conclude that the proposal would result in harm to highway safety. The proposal would therefore be contrary to Policy 31 of the LP which seeks to ensure development does not have a significant adverse impact on access to the public highway for all members of the community.

Other Matters

25. The Council's 5th reason for refusal, which relates to the provision of a hard surfaces pathway to enable residents of 99 Hillgrounds Road to bring bins out to the Highway for collection from their rear garden could have been dealt with by way of conditions had I allowed the appeal.
26. I have no reason to conclude contrary to the Council's assessment that the proposal would provide an acceptable amount of garden space, there is no loss of privacy for neighbours, there would be no increase in noise and disturbance and no significant loss of wildlife habitats and vegetation. I also note that the proposal is an efficient use of land that would provide an affordable place for a family to live and was bought with the intention of developing a self-build home to live mortgage free. Nevertheless, these considerations do not outweigh the harm I have identified.
27. I note the appellant's concerns that the appeal site is subject to fouling and littering however I am not convinced that the appeal proposal is the only way of dealing with these matters.
28. The appellant has referred to a letter received from the Council concerning working in a positive and proactive way which they feel has not been the case. Furthermore, the appellant contends that the Council has not provided an appropriate attention to detail. I note the appellant's frustration, but I can only consider the planning merits of the case.

Conclusion

29. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR