



Appeal Decision

Site visit made on 31 May 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/P0240/W/22/3309316

Land to the rear of Nos. 41 and 43 Manor Road, Barton-le-Clay MK45 4NP

- 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 Julian French of Orchard Investments Limited against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/01968/FULL, dated 13 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is erection of a new 1 bedroom bungalow style dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. When this appeal was submitted, the Council was unable to identify a 5-year housing land supply, with the appellant referencing a previous appeal decision¹ to support this position. However, the Council have recently completed a 5-year housing land supply statement (January 2023) which confirms its view that it can demonstrate a 5.37-year housing land supply. The appellant has been given the opportunity to comment and I have determined the appeal accordingly.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of neighbouring properties, with particular regard to privacy, noise and disturbance.

Reasons

Character and appearance

4. Despite a variation in architectural design, the area is characterised by one and two-storey detached and semi-detached properties fronting the highway with a wide range of boundary treatments and long, verdant rear gardens. The appeal site is located in a backland position and comprises disused land which was formerly part of the residential gardens of Nos 41 and 43. Although the appeal site has already been subdivided, it contributes to the open verdant character of the rear garden environment.

¹ APP/P0240/W/21/3289401

5. The proposal for the new detached bungalow style dwelling to be accessed via a private drive from Manor Road includes the use of local materials and design features of the locality with a contemporary finish and a reduction in scale since a previous application². Nonetheless, the proposal would introduce an isolated dwelling in a backland position which would fail to replicate the road fronting pattern of development seen in the area. While there are several large, detached outbuildings in close proximity, they are subordinate in scale and function, to properties adjacent the highway. Although the proposal would be similar in height to the surrounding outbuildings, its' construction would be more robust and clearly identifiable as an independent dwelling and would therefore appear incongruous within the immediate garden context.
6. The subdivision of the existing curtilage of Nos 41 and 43 has resulted in an uncharacteristically small plot with minimal road frontage. I note the appellant's assertion that sufficient space would be provided for landscape buffers. However, the majority of the appeal site would be dominated by hardstanding. Whilst the proposal would provide sufficient outdoor amenity, parking and turning space, the sites development with a bungalow and associated features would appear cramped when viewed in relation to the surrounding large, verdant gardens.
7. My attention has been drawn to several other developments in the locality, including Nos 61a, 71a and 85 Manor Road, which the appellant considers to be backland development. However, elements of their design, including their plot sizes, separation distances, landscape character, and road frontages are significantly different. Further, the examples provided, although on the same street, are some distance from the appeal site, where the character is not the same. Moreover, the existence of other backland development in the wider area does not justify the harm identified to the character and appearance of the area as set out previously.
8. Overall, I conclude that the proposal would harm the character and appearance of the area, in conflict with Policies HQ1 and HQ8 of the Central Bedfordshire Local Plan 2015-2035 (July 2021) (CBLP), where they require developments to be of the highest possible quality and respond positively to the existing pattern and grain of development, with consideration given to landscaping. Similarly, it would be contrary to the National Planning Policy Framework (the Framework) which, amongst other things, require development to maintain and be sympathetic to an area's prevailing character and setting.

Living Conditions

9. While it is not uncommon for driveways to be located next to property boundaries, the proposed access would pass between Nos 39 and 41 and would extend significantly along the length of both properties' rear gardens. The proximity of the access to habitable rooms in the existing properties and their rear gardens would create a sensitive relationship. Although the vehicle movements from a one-bedroom dwelling would be minimal, the proposal would introduce a source of noise which would be incongruous with the rear garden environment. The introduction of activity in a backland location, particularly noise associated with comings and goings and glare from headlights of vehicles in periods of darkness when a quieter living environment

² CB/21/04432/FULL

could reasonably be expected would result in unacceptable disturbance for neighbouring occupiers.

10. Turning to matters of privacy, due to its backland position, the windows in the front elevation would face the rear of the properties fronting Manor Road, while the windows in the rear elevation would face the rear of the properties fronting Hastings Road. Although the separation distances between the proposal and the existing properties to the north and south would be shorter than the existing relationships, there would be upwards of 20 meters between the proposal and the surrounding properties. Although the Council questions the landscaping provision, the proposal would be single storey and tall fencing would be provided to the boundaries. Consequently, the proposal would not harm the privacy of the occupiers of surrounding properties.
11. Further concerns have been raised regarding loss of light to the properties in the north. Although the proposal is to the south, it would be set back from the boundary and would be single storey in height and would not result in a harmful loss of light. However, the absence of concern in that respect and with regard to privacy matters, do not outweigh the harm I have otherwise identified.
12. Having regard to all of the above, I conclude that, the proposal would harm the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance. Therefore, the proposal would conflict with Policy HQ1 of the CBLP, where it requires that development does not unacceptably impact upon amenity or noise. The proposal would also conflict with the Framework insofar as it seeks to ensure that development creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

13. The proposal would provide an additional dwelling in an accessible location which would add variety to the housing mix in the area, make effective use of land within the urban area of Barton-le-Clay and provide a suitable living environment for future residents. The proposed development would also be served by suitable access and parking arrangements with no impact on highway safety. However, whilst the Framework seeks to boost the supply of housing, the social and economic benefits of a single dwelling would be limited by the scale of the development proposed. I note the appellants desire to enhance the existing appearance of the site and to deter any further anti-social behaviour including fly tipping. However, I am not satisfied that the proposed development would be the only way to achieve those outcomes. Overall, these matters do not outweigh the harm identified to the character and appearance of the area and the unacceptable impact upon the living conditions of neighbouring properties arising from noise and disturbance as previously set out.

Conclusion

14. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR