



Appeal Decision

Site visit made on 13 July 2023

by S Lo LLB M.SRA

an Inspector appointed by the Secretary of State

Decision date: 5 September 2023

Appeal Ref: APP/P0240/W/22/3311388

147C Station Road, Tall Trees, Station Road, Central Bedfordshire, Lower Stondon, SG16 6JJ

- 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 Mark Morris against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/02815/FULL, dated 12 July 2022, was refused by notice dated 7 September 2022.
 - The development proposed is the erection of a 2 bed chalet detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A previous permission (CB/22/00725/FULL) granted for the appeal site, permits the conversion of the existing dwelling and detached annexe into dwellings, with associated landscaping. As a result, five dwellings would be created across the site. Although I did not observe commencement works in relation to this permission during my site visit, it is likely that the extant permission would be implemented. As such, I have assessed the current proposal against this background position.
3. Subsequent to the determination of the planning application, the Council has adopted (in August 2023) a revised edition of the Central Bedfordshire Design Guide Supplementary Planning Document (SPD). As the appellant has had notice of this matter during the appeal process, and it is incumbent on me to take into account the most relevant and up to date information in reaching a decision, I have dealt with the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the proposed development would provide acceptable living conditions, in relation to private amenity space for future occupiers of the detached annexe granted under CVB/22/00725/FULL; and
 - the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

Living Conditions – amenity space for detached annexe

5. Due to the location of the proposed development in land that was previously denoted to be garden space, the proposed development would reduce the garden space available, specifically for the detached annexe. The appellant has not submitted any evidence which would contradict the Council's assessment that the garden would be reduced to 21m². It is also not disputed that the depth of the garden for the detached annexe does not reach 10m, however, it is acknowledged that this design was approved in the extant permission.
6. Accordingly, the design falls significantly below the Council's guidelines for garden and private amenity space, as set out in the SPD. This indicates that garden spaces should be usable, have a functional shape and of a reasonable size. While it is accepted that garden sizes will vary according to property size, the SPD urges that the garden for the detached annexe (as a 2 bedroom dwelling) should be no less than 50m² in size with a minimum depth of 10m.
7. The SPD is supplementary planning guidance that has been formally adopted by the Council and whose emphasis on good design is consistent with the National Planning Policy Framework. As a result, I attach significant weight to it. The proposed development would fall well short of the minimum level of provision considered acceptable by the SPD, in terms of overall size and depth. I have considered that the non-compliant depth of the garden was approved by the extant permission, however, the overall large size of the garden would have partially mitigated this aspect of the design. Given that the proposed development would reduce the garden size of the annexe to less than half of the minimum size considered acceptable by the SPD, there would be a discernible impact on the living conditions of future occupiers of the annexe.
8. Due to the limited size and depth of the garden, it would feel cramped and confined, with insufficient functional space available for domestic activities. Therefore, the proposed development would not provide satisfactory living conditions for future occupiers of the annexe or result in a good quality home. No exceptional circumstances have been put to me which would justify this harm. There is no evidence before me that access to any other public open space is available in the area, nonetheless, this would not compensate for the inadequate private amenity space provision proposed.
9. In reaching this view, I have considered the appellant's suggestion to use a condition to alter the position of boundary treatments. I have not been provided with a form of wording to allow me to assess this suggestion, against the criteria for conditions set out in the National Planning Practice Guidance (NPPG). Nonetheless, such a condition would not make the development acceptable, as I cannot be satisfied that it would meet the relevant tests set out in the NPPG. Specifically, there is insufficient evidence before me that such a condition would be precise and reasonable, as it would alter the boundaries between plots and thus would fundamentally alter the design of both the proposed development and the extant permission.
10. In conclusion, the proposed development would harm the living conditions of future occupiers of the detached annexe granted under CVB/22/00725/FULL, with particular regard to private amenity space. It would not result in high quality development, contrary to Policy HQ1 of the Central Bedfordshire Local

Plan (2021). It would therefore not comply with the requirement for development to achieve well designed places, contrary to paragraph 130 of the National Planning Policy Framework. It would also fail to provide amenity space which is functional, contrary to the Central Bedfordshire Design Guide (2023).

Character and Appearance

11. The appeal site includes a large two storey detached building with a large area of hardstanding to the front and a detached annexe located at the rear, alongside a relatively large garden area. Station Road contains similar two storey properties, albeit they are generally semi-detached with smaller frontages and gardens. A large new build development is located along Tiger Moth Way, which is a short distance from the appeal site. Due to the layout of this estate, several properties are located directly adjacent to the appeal site and are visible from it. Due to the varying form of built development in the vicinity, which includes a stadium, the area has a varied character and appearance.
12. The proposed development would introduce a detached dwelling towards the rear of the appeal site, which would include a separate garden area and parking space. It is located in the garden area of the detached annexe at the rear of the appeal site.
13. The proposed development is behind the frontage of the appeal site and while it is possible to observe this area from Station Road, it would have low visibility due to the long distance from the public highway. The context of the appeal site already contains an annexe, therefore the grain of development includes a certain amount of backland development, as granted in the extant permission. Notable other examples of backland development in the locality, includes the properties behind 103 and 171 Station Road, which are observable from the highway.
14. In terms of visual profile, the proposed development is comparable in scale and size to the annexe and follows a similar architectural style, including roof form and materials.
15. Due to the intensification of housing on the appeal site, there would be additional pressure to support the activities of the future occupiers, with a greater area of hardstanding, vehicles and associated paraphernalia (bins, storage, bicycles, etc). However, given the wide range and variety of housing in the area, including the new housing along Tiger Moth Way, the proposed development would not appear to be a significant departure from the character and appearance of the surrounding area. While the new dwelling would have an unusual location, it would be visually balanced against the detached annexe and would not appear to be 'shoe horned' in as a result.
16. The proposed development would further intensify the amount of residential development at the appeal site, however, this would not be so harmful as to be intrusive or detract from the qualities of the locality, given the breadth of styles, sizes and densities already present.
17. In conclusion, the proposed development would not have an unacceptable effect upon the character and appearance of the surrounding area. Accordingly, it would reach a high standard of quality, by relating well to the existing local surroundings and not harming the existing pattern and grain of development,

in compliance with Policies HQ1 and HQ8 of the Central Bedfordshire Local Plan (2021). It would also be sympathetic to local character, in compliance with Section 12 of the National Planning Policy Framework (2021).

18. The Council also alleges a conflict with the Central Bedfordshire Design Guide (2023). However, my attention has not been drawn to any words in it that are relevant to this issue. Those policies have therefore not been determinative with regard to this main issue.

Other Matters

19. I have considered the benefits that would arise from the proposed development. The construction of a two-bedroom dwelling on existing residential land would fulfil a need of the rental market. Given the location, the appeal site is located close to existing services, shops and transport links. However, having taken these considerations into account, I find that the benefits would be relatively limited. Given the scale and nature of the development proposed, these considerations do neither outweigh the harm I have identified nor the conflict with the development plan.

Conclusion

20. I have found that the appeal scheme conflicts with development plan policy and thus find that it would be contrary to the development plan as a whole. No material considerations have been demonstrated which would outweigh the planning development conflict. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR