
Appeal Decision

Site visit made on 7 August 2023

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th October 2023

Appeal Ref: APP/K0235/W/23/3315647

28 Brooklands Avenue, Wixams, Bedford MK42 6AB

- 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 Darren Morrin against the decision of Bedford Borough Council.
 - The application Ref 22/02084, dated 15 October 2022, was refused by notice dated 1 December 2022.
 - The development proposed is the demolition of the existing wall, change of use of amenity land to side and enclosure with a 1.8m high fence to form additional residential garden.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has already commenced and I had the benefit of seeing it at my visit to the area.

Main Issue

3. The main issue in this appeal is the effects of the proposal on the character and appearance of the area.

Reasons

4. The appeal relates to the side area adjacent to the garden of this 2 storey, end of terrace house. The property is part of a recent residential development where evident care has been taken in the form and detail of the buildings and spaces to give rise to a well-considered and high-quality form of development. The areas around the buildings at the frontages are enclosed by consistent metal rails and where the rear gardens have boundaries with roads or other public areas, these are enclosed by brick walls which match the buildings and are generally set behind open amenity land and/or planting. These and other features make a strong and positive contribution to the character and appearance of the area.
5. The side elevation of the house at 28 Brookland Avenue, the original brick wall to the garden and the adjacent garages and buildings further along Little Causeway are all built to a fairly consistent line. The appellant seeks approval for the removal of the side wall which formed the boundary between the rear

garden area of the house and the amenity land adjacent to the highway. He has then erected a wooden fence of around 1.8m in height which runs close to the rear edge of the hard-surfaced area of Little Causeway, projecting beyond the line formed by the above features. He has incorporated the amenity land within the rear garden area.

6. I consider that the fence appears significantly out of place and is contrary to the character that I have identified. It has reduced the green area significantly and results in a hard edge close to Little Causeway rather than the previous appearance as a green feature, providing space between the pavement/road and the boundary of the gardens. In addition, due to the materials of the fence, it appears at odds in this area where brick boundary walls are a consistent feature.
7. The appellant states that the amenity area has been driven over by vehicles and has attracted dog fouling. I can appreciate that this must have been unacceptable for the appellant. However, I note that other similar areas within the locality do not appear to suffer from this and I do not accept that the erection of the fence and enclosing this area is the only means of resolving any such issues, particularly within an area where open areas such as this are such a significant and positive feature. Therefore, the appellant's concerns in this respect do not outweigh the negative effects that the development has on the area.
8. As a result of my consideration of the appeal, the development is contrary to Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030. I have taken account of all other matters raised by the appellant but I find that there are no matters which are sufficient to outweigh that conflict, consequently, the appeal is dismissed.

T Wood

INSPECTOR