



Appeal Decision

Site visit made on 8 December 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/K0235/W/23/3323282

Land adjacent to 97 Village Road, Bromham, Bedford MK43 8HU

- 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 Ms J Buck on behalf of the Executors of the late Joyce Brooks against the decision of Bedford Borough Council.
 - The application Ref 22/00921/FUL, dated 27 September 2022, was refused by notice dated 7 March 2023.
 - The development proposed is the erection of 2 x residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located adjacent to No 97 Village Road which is an entirely separate dwelling. As a result, I have amended the address from that on the application form to more closely align with the address included on the appeal form and on the Council's decision notice as it represents a more accurate description of the address of the appeal site.
3. A revised National Planning Policy Framework (the Framework) was published in December 2023. Whilst this publication is material to my considerations, in view of the nature of the determining issues in this appeal I have not considered it necessary to seek observations from the main parties.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupants of 16 The Green - Kerry Thatch and 97 Village Road with particular reference to whether the proposed development would result in a sense of enclosure.

Reasons

Character and appearance

5. The appeal site currently comprises a large open area of land which was most recently used as a private allotment. It is located within an established residential area comprising a mix of housing types of different periods. It sits

behind 16 The Green - Kerry Thatch (No 16) to the south, properties along Orchard Close to the north and is adjacent to 97 Village Road (No 97) to the east and the rear part of the garden of 15 The Green - Kerry House (No 15) to the west. Access would be gained from Village Road via a gap between No 16 and No 97.

6. I observed that existing properties in the area sit comfortably on their plots and in the main have well-proportioned gardens. This combined with the fact that the appeal site is currently open and is largely undeveloped creates a sense of spaciousness that makes a positive contribution to the character and appearance of the area.
7. The appeal proposal would involve the introduction of two detached dwellings. The side elevation of the proposed dwelling on plot 1, particularly to the rear, adjacent to No 97 would be located very close to the common boundary with this neighbouring property. Similarly, the side elevation of plot 2, again particularly to the rear, adjacent to the garden area of No 15 would be close to the common boundary. Although I accept that the architectural design, proposed materials, and garden areas would be suitable for this location, the proposed dwellings would not sit harmoniously on their plots.
8. The proposed dwellings would be set back from the road and views into the appeal site would, to a certain extent, be screened. Nevertheless, views of the appeal site and the proposed development would be possible from a number of surrounding properties. Given the current open and undeveloped nature of the appeal site, due to the inadequate set in from the eastern and western boundaries, the proposal would introduce development with a significant mass that would appear unduly cramped on the site, would not integrate well with its surroundings, and would undermine the existing spacious character. As a result, the proposed development would appear as a discordant feature that would look harmfully out of place.
9. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area and would not accord with Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030, January 2020 (BBLP) and Policy HA3 of the Bromham Neighbourhood Plan 2030, June 2021, which among other things, seek to ensure development contributes positively, integrates well with and complements the areas character, respects the context within which it will sit, should reinforce local distinctiveness and windfall sites should not have a detrimental effect on the character of the area.
10. Moreover, the proposal would not accord with the Supplementary Design Guidance titled Residential Extensions, New Dwellings and Small Infill Developments January 2000 (SDG) which among other things seeks to ensure new development harmonises with its setting in terms of character and scale and spacing between dwellings should be determined by the need to preserve the open quality of external spaces. Moreover, the weight I ascribe to the SDG in relation to this issue is not reduced because it predates the National Planning Policy Framework (Framework) as it is consistent with relevant Framework guidance which seeks to ensure development is sympathetic to local character.

Living Conditions

11. A significant part of the proposed dwelling on plot 1 would project beyond the rear elevation of No 97. The proposed dwelling would be set in by a small distance from the common boundary with this neighbouring property. Given the depth of development that would be sited beyond the rear elevation of No 97, the proposal would result in a substantial two storey block of development with an overall height that would be a considerable margin above the height of the existing boundary fence. The neighbouring property has large side windows serving two habitable rooms next to the boundary. Although there is another window serving both rooms, due to the size of the side windows they provide an important open outlook from these rooms. Due to the height and projection of the proposed dwelling it would unacceptably dominate the outlook from these windows.
12. Further, the proposed dwelling on plot 1 would be overbearing on the garden of this neighbouring property, it would dominate the garden space nearest to the house and would be detrimental to the living conditions of the residential occupiers of No 97 when using their garden.
13. I note that planning permission has recently been granted for an extension to this neighbouring property that if implemented would, among other things, add an additional storey above the existing lounge which currently has a flat roof. However, this extant permission for an extension, even if implemented does not ameliorate the harmful impact the proposal would have on the living conditions of the occupants of No 97.
14. The rear garden of No 16 immediately abuts the appeal site. The nearest part of the proposed dwelling on plot 1 would be located some distance away from the common boundary and given the resulting separation it would not have any harmful impact on the living conditions of the existing occupants of No 16.
15. The nearest part of the proposed dwelling on plot 2 would be located about 5 metres away from the common boundary with No 16. This element would be single storey and although it would be about 5.5 metres high, given the separation distance it would not appear overbearing or have an oppressive impact on the occupiers of No 16. Further, this element of the proposal does not have any windows facing towards No 16 and so there would not be any harmful overlooking. Similarly, the two-storey element of the proposed dwelling on plot 2 and any associated windows facing toward No 16 would be located far enough away to ensure that it would not have any harmful impact on the living conditions of the occupants of this neighbouring property.
16. I therefore conclude that the proposal would not have an adverse impact on the living conditions of the occupants of 16 The Green, but it would have an unacceptable harmful impact on the living conditions of the occupants of 97 Village Road with particular reference to their outlook and sense of enclosure.
17. The proposed development would therefore conflict with Policies 30 and 32 of the BBLP which among other things, seek to ensure development takes account of the principles of good design, gives particular attention to its relationship with the context in which it is placed and avoids factors which might give rise to disturbance.

18. Further, the proposal would not accord with the SDG which seeks to ensure new development does not have an overbearing effect on another property because of its scale, massing and proximity. Again, the weight I ascribe to the SDG in relation to this issue is not reduced because it predates the Framework as it is consistent with relevant Framework guidance which seeks to ensure developments create places with a high standard of amenity for existing and future users.
19. I note that Policy 32 of BBLP does not specifically mention the need for a development to avoid being overbearing. However, it does provide other factors that might give rise to disturbance including overlooking and to my mind an overbearing development would fall within a similar category and would cause disturbance to the occupants of No 97. However, even if I am wrong, and Policy 32 of BBLP is not relevant, for the reasons set out above, the proposal would be at odds with Policy 30 of BBLP, the SDG and the Framework.

Other Matters

20. I am aware that 14 The Green (No 14), No 15 and No 16 are all Grade II listed buildings. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving their setting. The historic nature of these buildings located within the core of the village positively contribute to their significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the setting of these listed buildings and the contribution they make to their significance. I note the Council had no concerns in this regard either.
21. I have concluded that the proposal would have an adverse impact on the character and appearance of the area. As outlined above, this is due in large part to the inadequate set in from the eastern and western boundaries which would introduce development with a significant mass that would appear unduly cramped on the site, would not integrate well with its surroundings, and would therefore undermine the existing spacious character. This finding is not inconsistent with my finding in relation to the preservation of the setting of the listed buildings due to the separation distance between the proposed development and Nos 14 and 16, and due to the separation distance and the intervening rear curtilage outbuilding located between the proposed development and the dwelling at No 15.
22. The appellant has undertaken constructive engagement with the Council, and I note that they were under the impression that the application was going to be recommended favourably. However, any engagement undertaken, or any positive feedback provided during the application process does not alter my view on the main issues which I have considered based on the particular circumstances of the appeal.
23. I have taken account of the economic and social benefits of providing two dwellings and accept that the proposal would make efficient use of the appeal site which is a suitable location for housing. However, these matters are outweighed by the harm the proposal would have on the character and appearance of the area and on the occupants of No 97, as outlined above.

24. The proposal would not result in harm arising from overlooking, the loss of light or result in parking or highway safety concerns. However, these are neutral factors that do not weigh in favour of the proposal.

Conclusion

25. For the reasons given above, I conclude that the proposed development would conflict with the development plan and the Framework taken as a whole and there are no material considerations which indicate that the decision should be made otherwise in accordance with the development plan. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR