



Appeal Decision

Site visit made on 29 December 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/P0240/W/23/3324515

33 Common Road, Stotfold, Bedfordshire, SG5 4DB

- 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 and Mrs Adams against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/04806/FULL dated 21 December 2022, was refused by notice dated 3 March 2023.
 - The development proposed is described on the application form as "Detached dwelling with off street parking and cycle storage. New access to existing property".
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Decision

1. The appeal is dismissed.

Procedural matters

2. The revised National Planning Policy Framework ('the Framework') was published on 19 December 2023. Having reviewed this document, I am satisfied that the policy applicable to the scheme before me remains unchanged from the previous Framework documents published in 2021¹ and 2023². As a consequence, I did not consider there to be a need to reconsult the parties and have determined the appeal in light of the new Framework document, which is a material consideration that should be taken into account.

Main issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - the living conditions of future occupiers of the proposed dwelling, with particular regard to privacy.

Reasons

Appeal site context

4. The area is characterised by terraced, semi-detached and detached dwellings of varying architectural styles, scale and maturity that front onto the vehicular highway and a grassed public amenity space that acts as a green corridor between Common Road and Princes Street (the 'public amenity space'). The

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

² National Planning Policy Framework, Department for Levelling Up, Housing & Communities, 5 September 2023.

appeal site contains a 2-storey detached house with large front garden that directly overlooks the public amenity space.

The effect of the development on the character and appearance of the area

5. The proposed dwelling is sited in the existing front garden of No 33 Common Road, directly in-between its front elevation and the public amenity space. As a consequence, the development would; (1) obscure the front elevation of No 33 and diminish its significance as a key focal building overlooking the public amenity space; and (2) be wholly out of character with the pattern and grain of built-form in the area, which is defined by housing fronting onto the Common Road vehicular highway and public amenity space without any intervening buildings obscuring the principal facing elevations.
6. The appellant states that the scheme should be viewed in the context of the existing road, which contains a wide variety of housing, often in irregular positions with odd relationships with one another. However, these characteristics do not justify a change to the pattern and grain of housing in the road or alter my view that the development would be harmful to the character and appearance of the area.
7. In view of the above, I conclude that the development would not respect the local context of the area and would as a consequence be harmful to its character and appearance. The proposal would therefore conflict with Policy HQ1 of the Local Plan³ which seeks, amongst other things, to ensure that development; - (a) responds positively to its context; and (b) reflects the existing character of the surrounding area.
8. I also find that the development would conflict with Paragraphs 131 and 135 of the Framework which collectively seek, amongst other things; (a) the creation of high quality places; (b) development that is sympathetic to local character; and (c) development that maintains a strong sense of place.
9. I am unable to conclude if the scheme conflicts with the Council's design guide⁴ as no paragraph/figure/page numbers have been specifically referred to in the reason for refusal and accompanying evidence. It is important for the Council to note that reasons for refusal should be precise and just as it has referred to a specific Local Plan policy, the same needs to occur with other planning documents containing a variety of different paragraphs, policies and standards.

The living conditions of future occupiers of the proposed dwelling, with particular regard to privacy

10. There would be very limited intervening distance between the first floor front elevation bedroom windows of No 33 Common Road and the rear garden of the proposed dwelling, which would give rise to significant overlooking. As a consequence, the scheme would be harmful to the living conditions of future occupiers of the development by reason of loss of privacy.
11. In view of the above, I conclude that the proposal would conflict with Policy HQ1 of the Local Plan, which seeks, amongst other things, to ensure that development does not result in an unacceptable adverse impact upon the privacy of permitted uses.

³ Central Bedfordshire Council Local Plan 2015-2035, adopted July 2021.

⁴ Central Bedfordshire Design Guide, August 2023, Central Bedfordshire Council.

12. I also find that the scheme conflicts with Paragraph 135 of the Framework which seeks, amongst other things, to ensure that development creates places with a high standard of amenity for future users.

Planning balance

13. The Local Plan was recently adopted and I am satisfied that Policy HQ1 is consistent with the Framework and that the proposal conflicts with the development plan when taken as a whole.
14. I recognise that the scheme would result in benefits from; (a) a quickly-deliverable contribution towards the Council's 5-year housing land supply in a sustainable location; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; and (c) local employment during construction. However, given that only one dwelling is proposed, I consider these benefits to be of limited value and that the adverse impacts of the scheme would outweigh these, when assessed against the policies in the development plan and other material considerations.
15. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

16. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR