



Appeal Decision

Site visit made on 3 April 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2024

Appeal Ref: APP/K0235/W/23/3327474

108 Ampthill Road, Bedford MK42 9PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Harkesh against the decision of Bedford Borough Council.
 - The application Ref is 23/01230/FUL.
 - The development proposed is a garage and outbuilding conversion to 1no one bedroom studio flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area,
 - b) the living conditions of the occupants of the host property, and
 - c) the living conditions of the future occupants of the proposed dwelling having regard to noise exposure, privacy, natural light and outlook and internal floorspace.

Reasons

Character and appearance

4. The proposed dwelling presently comprises a detached outbuilding in part of the rear garden of 108 Ampthill Road where it sits alongside Muswell Road. The area in the vicinity of the appeal site is largely comprised of terraced houses although there are examples of semi-detached homes and commercial uses. The homes are in a variety of styles and vernaculars but almost exclusively comprise brick-built, sometimes rendered or painted, properties under tiled pitched roofs. Most homes have front gardens, which although fairly small, allow a degree of separation from the street.
5. Whilst there are examples of subservient, utilitarian style outbuildings within rear gardens, there is a strong impression of houses forming strong building lines that address the street. Their frontages were clearly designed in this

manner. They often have considered architectural features such as bay windows and front doors addressing the street.

6. The proposed dwelling would be a single storey structure, formed mainly using the existing detached garage style building. It would be broadly rectangular and feature a mix of flat and pitched roofs. The entrance to the dwelling would be via the existing rear garden of the current host property. It would not feature any windows directly addressing Muswell Road.
7. The single storey profile and basic, utilitarian design of the dwelling would not harmonise with the established character and appearance of the area as it does not reflect the prevailing features and characteristics of established housing. The site's effective backland location within an existing rear garden would fail to respect the pattern of development. Consequently, the proposal would have an unacceptable effect on the character and appearance of the area. It would not comply with policies 28S, 29 and 30 of the Bedford Borough Local Plan 2020 (BLP) or design principles of the Bedford Borough Design Guidance on Residential Extension, New Dwellings and Small Infill Developments 2000 (BDG) which expects development to contribute to good place-making.
8. Although the area has a mixed character, with a variety of residential and commercial uses, the immediate vicinity is clearly residential in nature and is easily separated from the large-scale commercial uses on the opposing side of Amptill Road. Equally, other commercial uses on the same side of Amptill Road are read in a different context to the residential uses along the side streets to the east including Muswell Road. Therefore, given that this proposal is for a residential purpose, it follows that it should accord with this residential character. Whilst the removal of the outdoor storage and tidying up of the site may also be a benefit to the area, this is not contingent upon the creation of a new dwelling.

Living conditions – host property

9. The existing outbuilding would be altered to replace what is presently a covered storage area with an unbroken wall in proximity to the rear facing windows to 108 Amptill Road. This would result in harm to the living conditions of the occupants of the host property. Whilst this outlook may well be restricted at present, the proposed walling would further impair this. It would likely reduce the prospect of this situation being resolved through the removal of what is presently a relatively temporary canopy structure.
10. The replacement of the existing hardstanding to the side of the premises with grassed area to provide an improved outdoor amenity space could be undertaken without undertaking this conversion. As such, it does not alter my reasoning here.
11. Therefore, I conclude that the proposed development would result in a loss of outlook for the residents of 108 Amptill Road, to the detriment of the living conditions of the occupants. This conflicts with policies 30 and 32 of the BLP and the aims of the BDG which requires new development to consider the relationship of the development with the context in which it is placed.

Living conditions – future occupants

12. The proposed dwelling would be set in proximity to the busy Amptill Road and the associated commercial uses that are set along it. The only aspect from the

proposed dwelling would be in this direction, as would the outdoor amenity area. Although an acoustic fence to mitigate an aural intrusion has been nominated by the appellant, no details of this have been provided. Nor has any detail of noise exposure to the proposed dwelling. In the absence of such information, it cannot be concluded, with certainty, that the proposed dwelling would not be subject to levels of noise that would be detrimental to the living conditions of the occupants. As such, the development fails to comply with policies 32 and 47S of the BLP and the intent of the BDG which require development proposals to ensure that they minimise and take account of the effects of disturbance.

13. Turning to the garden to the proposed dwelling; this would be formed in part of the side garden to the host property. This is immediately below an existing side facing first floor window to the host property. This window would have direct vantage over the private amenity area to the proposed dwelling resulting in an inadequate level of privacy for the occupants. The development therefore conflicts with policies 2S and 32 of the BLP and provisions of the BDG and Framework insofar as overlooking should be minimised. Whilst the window to the host property could be obscure glazed through the use of an appropriate condition, this may result in a substandard level of amenity to the occupants of this property which could be of detriment to their living conditions.
14. The proposed dwelling has a single aspect outlook from the living, kitchen and dining area. No windows are proposed to the bedroom area. The depth and orientation of the proposed dwelling means that the future occupants would have minimal aspect of the outside world, limited natural light and insufficient opportunity to adequately ventilate the proposed dwelling. For this reason, I consider that the development further conflicts with policies 2S and 32 of BLP, the BDG and the Framework as it has not been designed to promote health, safety and active living for all age groups.
15. However, in terms of overall floorspace, the proposed dwelling would exceed the requirements of the Nationally Described Space Standard for a one-bedroom, one-person dwelling. The appellant's assessment of the floorspace would also comply with these standards in relation to a one-bedroom, two-person dwelling. Although the Nationally Described Space Standard is not referred to in the Council's policies, it remains useful guidance and, in this regard, there would be sufficient living space for the future occupants in order to comply with the requirements of the BDG and Framework. This, however, is a neutral consideration and does not overcome the other concerns I have identified above.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

Nick Bowden

INSPECTOR