



Appeal Decision

Site visit made on 14 June 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2024

Appeal Ref: APP/P0240/W/23/3334375

13 Park Lane, Henlow, Bedfordshire SG16 6AT

- 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 S Worboys against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/02290/FULL.
 - The development proposed is the demolition of garage and erection of 1 detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework ("the Framework"), was published before the Council's appeal statement was submitted and before the final comments stage of the appeal process. As such, both parties have had the opportunity to consider the relevance of the revised Framework to this appeal. As such, they would not be prejudiced by me not seeking their views on it.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area,
 - the living conditions of nearby occupiers with particular regard to outlook, access to light and privacy, and
 - whether the proposed development would provide adequate living conditions for future occupiers of the proposed dwelling, and those of Number 13 Park Lane (Number 13), with particular regard to the amount of outdoor amenity space.

Reasons

Character and appearance

4. This part of Park Lane is generally defined by a row of 2 storey residential buildings, that are set back from the road behind relatively open front gardens. Opposite is the expansive open space of the Park. Although these buildings vary in style and materials, they have wide facades and are separated in the row by relatively wide gaps at first floor level and above. These gaps contribute to a relatively loose-knit pattern of buildings, and they allow views through to the greenery of the trees growing in rear gardens. Whilst the gap between

Numbers 7 and 9 Park Lane, is narrower at ground floor level, Number 9 is set back further from the road and its roof slopes away from the boundary with Number 7, thus providing a sense of space between them.

5. Together, the relatively open front gardens to the dwellings fronting this part of the Lane, the gaps between them and the openness of the Park opposite, contribute to the area's loose-knit and discernibly spacious and verdant character and appearance.
6. The simple gabled design and materials of the proposed dwelling would reflect the architectural styles of the buildings on either side of the appeal site. However, the proposed dwelling would infill a large part of the existing gap between Numbers 13 and 15. The resultant gap between its side gable and that of Number 13 would be considerably narrower and inconsistent with those separating most other dwellings in the street scene. Views through the gap of the trees growing in rear gardens would also be significantly obscured by the proposed dwelling.
7. Even accounting for its slightly lower roofline and the distance of its façade from the road, the proposed dwelling, with its relatively narrow façade, would have a comparatively cramped relationship with Number 13, which would be jarring in the street scene. These effects would be clearly apparent in close distance views from the road and in longer panoramic views of the street scene from the Park opposite.
8. Consequently, the appeal proposal would harmfully erode the generally loose-knit and spaciouly verdant character and appearance of the area. Although a number of dwellings on Park Lane are relatively tightly spaced, these are located to the north and beyond the Park, where the character and appearance of the area is different.
9. For these reasons, the appeal proposal would have a harmful effect on the character and appearance of the area, contrary to Policy HQ1 of the Central Bedfordshire Local Plan 2015-2035, July 2021 ("the CBLP"), which amongst other requirements, seeks to ensure that development is of the highest quality, relates well to its local surroundings and reinforces local distinctiveness. The proposal would also conflict with the Framework's requirements in Paragraph 135.c) in ensuring developments are sympathetic to local character, including the surrounding built environment.

Living conditions – outlook, access to light and privacy

10. The massing of the proposed dwelling would be clearly visible from parts of the rear garden of Number 15, including at close distances from the seating area behind the rear wall of its garage. However, the rear garden of Number 15 is relatively wide, and the proposed dwelling would not have an oppressively harmful effect on the occupiers' outlook in views from most of their garden. There being an alternative seating area close to the rear wall of Number 15, at the opposite end to the appeal site, gives occupiers a choice of seating areas.
11. The proposed dwelling would be expected to reduce the amount of sunlight reaching parts of the rear garden of Number 15 during morning hours. However, given the position of the proposed building, set more or less on the established building lines in the row, I find that sufficient sunlight would

continue to reach most parts of the garden of Number 15, as the sun moves through its arc, particularly when it is highest in the sky in the south.

12. The separation distances between the rear facing bedroom window in the proposed dwelling and the rear walls of Numbers 44a and 44b High Street would be less than the minimum set out in the Design Guide¹ (DG). Land levels are lower on High Street. However, the rear windows in several dwellings on Park Lane and High Street face one another in a back-to-back relationship. These rear windows provide occupiers with elevated views over relatively short gardens and towards the windows in opposing properties. As such, a degree of overlooking is an established characteristic of this built-up residential area.
13. In this context, I find that views out of the rear facing bedroom window in the proposed dwelling and towards those properties would not lead to a harmful loss of privacy for nearby occupiers, particularly given the likely low occupancy level of the bedroom.
14. Despite the technical conflict with the quantitative separation distance in the DG, I find that the proposed dwelling would not harm the living conditions of nearby occupiers with particular regard to outlook, access to light and privacy. As such, it would be consistent with CBLP Policy HQ1 insofar as it requires development to promote healthy lifestyles through inclusive design.

Living conditions – garden sizes

15. The DG states that gardens should be 10 metres deep to ensure that suitable levels of privacy are maintained. The proposed gardens would fall below this distance, as does the existing garden of the host property. However, for the reasons given above, the appeal proposal would not harm the privacy of nearby occupiers. The relationship between the existing dwelling at Number 13 and the dwellings behind it would not change.
16. Even taking the Council's position on the proposed garden sizes as the worst case scenario, I find that the rectangular shapes of the gardens would be practical and would aid usability for domestic purposes. They would have sufficient space to establish a modest seating area, allow play space for children and accommodate domestic activities like the drying of washing. As such, the proposed gardens would not be unduly cramped relative to the scale of the dwellings they would serve, and they would not result in unacceptable living conditions for future occupiers.
17. Despite the technical conflict with the relevant standards in the DG, I find that the appeal proposal would provide appropriate living conditions for future occupiers of the proposed dwelling, and those of Number 13. As such, it would be consistent with CBLP Policy HQ1 insofar as it requires development to promote healthy lifestyles through inclusive design.
18. It would also be consistent with the Framework's requirements in Paragraph 135.f), insofar as it states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

¹ Central Bedfordshire Design Guide August 2023

Other Matters

19. The appeal proposal would use land efficiently and would make a positive contribution to the supply of housing in the Council's area, in a location where housing is supported as a matter of principle by the development plan. However, the economic and social benefits of delivering a single home would be comparatively small and of limited weight in its favour. An absence of any other harms, including to the living conditions of nearby occupiers and to future occupiers of the proposed dwelling, do not weigh positively in its favour.
20. An interested party raised an objection on the grounds of harm to the Henlow Conservation Area. However, it is not necessary for me to reach a finding on this issue, or to any effects on the nearby listed building fronting onto the High Street, as neither would alter the outcome of this appeal. I note that the Council, including its Conservation Officer, raised no concerns in these respects.

Conclusion

21. For the reasons given above, the proposed dwelling would cause harm to the character and appearance of the area, which brings it into conflict with the development plan as a whole. There are no material considerations of sufficient weight to outweigh this finding and indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR