



Appeal Decision

Site visit made on 5 November 2024

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2024

Appeal Ref: APP/P0240/W/24/3345383

Land At Rear Of 180 St Neots Road, Sandy, Bedfordshire, SG19 1BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Christine Orchard against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/00006/OUT.
 - The development proposed is for outline planning permission with all matters reserved except means of access for new three bedroom single storey dwelling with access to the land at the rear to be achieved via the demolition of a flat roofed double length garage with workshop to the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development given on the application form to remove reference to the site address as this is not an act of development or necessary for clarity here.
3. The application was submitted in outline, except for access. Appearance, layout, scale and landscaping are reserved for subsequent approval. I have dealt with the appeal on that basis and treated the site layout plan and indicative drawings as illustrative only.

Main Issues

4. The main issues are:
 - 1) the effect of the proposed development on the living conditions of the future occupants of the dwelling with particular regard to overlooking and provision of outdoor amenity space, and
 - 2) the effect of the proposed development on the living conditions of the occupants of the neighbouring property at 2a Pym's Way with particular regard to loss of outlook and loss of light.

Reasons

Future occupant's living conditions

5. The neighbouring property at 2a Pym's Way comprises a two storey house with a very short rear garden. This proximity means that the first floor rear facing windows to this neighbouring property would have direct aspect over the garden area to the proposed dwelling. The windows would be very close and

offer the future occupants little to no privacy to the garden area giving rise to substandard living conditions.

6. I recognise that 2a Pyms Way already overlooks the rear garden to the existing property at 180 St Neots Road. However, this, at present, is a long garden and any direct vantage is confined to the rearmost areas away from the existing dwelling. This is a different relationship to that which is proposed as the new dwelling's garden, including patio and outdoor seating areas, would be heavily overlooked to the detriment of the future occupants living conditions.
7. The proposal therefore conflicts with policies HQ1 and HQ8 of the Central Bedfordshire Local Plan 2030 (adopted 2020) (CBLP) insofar as the highest possible quality of design is achieved which responds positively to the context.

Neighbour's living conditions

8. The site size for the proposed dwelling would mean that a building would invariably be positioned close to the rear facing windows of 2a Pyms Way. Due to the short garden, it is highly likely that the proximity of the proposed dwelling would result in it appearing overbearing when viewed from this neighbour, resulting in a loss of outlook. I appreciate that the illustrative plans suggest that the proposed dwelling would be off-set to ameliorate this effect. However, as the application is in outline, I can only attach limited weight to these plans.
9. This proximity may also result in a loss of light to this neighbour, especially given that the dwelling would be to the south. However, as the application is in outline it is not possible to form this judgement and I have seen no evidence that could confirm this as the case. Such details could only be determined once any proposed building's appearance, layout and scale had been established.
10. Overall, I conclude that the proposal would result in an unacceptable impact on the neighbouring property due to the proximity of the site to the rear facing windows of 2a Pyms Way. The proposal therefore conflicts with policies HQ1 and HQ8 of the CBLP insofar as there is an unacceptable adverse impact upon nearby existing properties.

Conclusion

11. The proposal would result in the provision of a new dwelling and I recognise the social and economic benefits associated with this. The neutral considerations, including there being no adverse effect on the character of the area and satisfactory highway access do not weigh against the proposal. However, the adverse effects on the living conditions of existing residents and future occupants means that the proposed development conflicts with the development plan. 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.

N Bowden

INSPECTOR