



Appeal Decision

Site visit made on 22 January 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Reference: APP/K0235/W/24/3352555

Land adjacent to 19 Rosedale Way Kempston Bedford MK42 8JE

- 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 R Rahman against the decision of Bedford Borough Council.
 - The application Ref is 24/00959/FUL
 - The development proposed is 2 storey detached dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for 2 storey detached dwelling at Land adjacent to 19 Rosedale Way Kempston Bedford MK42 8JE in accordance with the terms of the application, Ref 24/00959/FUL and the plans submitted with it, subject to the 11 conditions appearing on the schedule appearing at the foot of this decision.

Preliminary Matters

2. The Council have advised that at this point it would have a housing supply of 3.46 years and acknowledges, therefore, that the appeal would be subject to the presumption in favour of sustainable development but that, nevertheless, they consider the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The Council have raised five reasons for refusal (RFR), however RFR 1 & 4, and RFR 2 & 3 may properly be addressed as components of the main issue set out below.

Main Issue

3. The Main Issue is whether the development would be a suitable location for the development proposed having regard to:
 - The effect of the development upon character and appearance of the area including the contribution of the site to visual amenity, and upon
 - Highway safety, and
 - Living conditions for occupiers.

Reasons

Character and Appearance

4. The appeal site is a parcel of land which abuts the side boundary of 19 Rosedale Way (No.19) which is a 2-storey semi-detached house within an area of similar

housing¹ likely dating from the third quarter of the twentieth century. The proposal would enclose an area of open land with a curved perimeter that corresponds to the inside edge of the footway where Rosedale Way ends in a turning area. The proposed house would sit within a larger, broadly rectangular, area bounded by terraced housing blocks on the north, east and west sides. These houses have fore gardens, and whilst some of these are laid to parking, most are enclosed or planted to varying degrees and therefore reliant on street parking or separate garages which appear little used. Overall, the area surrounding the site has an established suburban character with several houses looking towards the site, which is open, flat and grassed but lacking any planting. Immediately to the rear of No.19 there is a small hard-paved area and untidy neglected ground which provides access to a single storey building. At the time of my visit a small van was parked on the appeal site (grass) and a number of cars were parked on the road in front of houses.

5. The proposal would insert built form of a similar size to, and at the end of, an existing row of family houses. In doing so it would wholly occupy an area of open land which provides a moderate degree of visual amenity as an open outlook for some 15 houses that surround it, notwithstanding its limited aesthetic and biodiversity value as an area of mown grass. However, although the loss of openness would introduce planning harm, this would be partly offset, notwithstanding the limited opportunities available within the site, by a scheme of planting, if appropriately conditioned and incorporating some perimeter hedging and other softening. The implementation of a Biodiversity Gain Plan would also be a benefit in favour of the development.
6. Overall, whilst the loss of openness would be a significant detriment of the scheme, taking these factors into account I find there would be no more than a moderate degree of conflict with Policy 30 of the BBLP which seeks that development should attend to the contribution of the proposal to distinctiveness, townscape and the quality of public space.

Highway Safety

7. The proposal would provide one off-street parking space which, having regard to the Council's parking standards, they suggest would cause pressure for on-street parking and therefore 'unacceptable traffic congestion'. These comments are also raised by neighbouring residents. Together with the deficient visibility spay referred to in their third reason for refusal (RFR) it is suggested that there would be additional hazards or danger for other users of the highway. Rosedale Way is a cul-de-sac; and whilst I observed a number of vehicles parked on the highway and adjacent to it, there was no congestion or circumstances that could reasonably signify a risk to highway users at the time of my visit. The Framework is clear that development may only be refused on highway grounds where there is a severe impact on operation of the network or an unacceptable impact on highway safety.
8. Rosedale Way is a quiet suburban street where I observed traffic speeds to be low or very low. Whilst visibility would be substandard this would not, in the circumstances I observed, signify a risk to highway users, including pedestrians, as through traffic absent, users of a familiar environment adjust their behaviour accordingly. Even if parking were displaced to other parts of the street from time to time, such inconvenience is not indicative of a harm to safety or that congestion in

¹ Many in terrace blocks

the terms set out in the Framework, would arise. Overall, the proposal would not result in unacceptable congestion or deplete highway safety. I therefore find no conflict with Policy 31 of the Bedford Borough Local Plan 2030 (BBLP) which seeks to avoid significant adverse impacts upon access to the public highway.

Living Conditions

9. The Council indicate that the proposal would not meet the minimum space standards for a 4-person dwelling according to the Government's Nationally Described Space Standards. The appellant has indicated that the deficiency could be addressed by re-defining the proposal as a three-person dwelling together with an internal adjustment to increase bedroom 1 by 0.29m². Overall, noting that the description of development does not indicate the bedroom capacity, the accommodation is of adequate size for a two-bedroom dwelling and has the necessary facilities required for occupation as a permanent dwelling.
10. Whilst the Council indicate that the proposal would thereby conflict with Policy 2S of the BBLP which seeks development that enhances health and wellbeing, it is material that these standards have not been adopted by the Council, thereby having the status of guidance, and that internal alterations such as those proposed by the appellant do not require planning permission unless the external appearance of the dwelling is altered. I consider it would be reasonable to require an adjusted first floor layout to be submitted by condition as this would address the concerns raised and make the development acceptable in planning terms and, in consequence, remove the identified conflict with the development plan.

Other Matters

11. Neighbouring residents have raised concerns on grounds which I have already addressed in the decision but also refer to the impact of construction on neighbouring amenity. The possibility of disturbance can be addressed by a condition as to working hours and deliveries or worker parking.

Planning Balance and Conclusion

12. Whilst I have concluded that the proposal would not detriment highway safety nor the living conditions of occupiers if controlled by appropriately worded conditions, I have identified that the proposal would, on balance, result in moderate conflict with the development plan in relation to the impact of the proposal on the visual amenity and outlook of surrounding dwellings.
13. However, the Council accept that the presumption in favour of sustainable development is engaged and in such circumstances the Framework is clear that permission should be granted unless the benefits of the development are significantly and demonstrably outweighed by the harms identified. Whilst the provision of a single additional dwelling is a modest benefit, that benefit is not outweighed to the degree required by the Framework in the circumstances I have considered, by the harm identified. Consequently, for the reasons given and taking all matters raised into account, the appeal succeeds subject to conditions as I now address.

Conditions

14. In addition to the usual plans and timing conditions further conditions have been suggested by the Council which I have considered and adjusted where appropriate to accord with my reasoning. The general biodiversity gain condition has a separate statutory basis as a planning condition under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended). The condition is deemed to apply to every planning permission granted for the development of land in England and therefore the condition proposed by the Council is neither necessary nor appropriate. Conditions in relation to hard and soft landscaping, boundary treatments, to address surface water and water use, to restrict permitted development are reasonable and necessary having regard to the reasoning in this decision and the constraints of the site. I have applied a condition to ensure the Council's concerns as to bedroom size is addressed and to ensure disturbance to neighbours is minimised during construction. A condition to ensure access to the development is constructed adequately and in a timely way is appropriate whereas the conditions for further information are disproportionate having regard to the scale of the development and the general condition imposed to provide details of boundaries and hard surfaces in the interests of visual amenity. A materials condition is appropriate to ensure the development accords with its surroundings.

Andrew Boughton

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: JJ23-019 001 Rev A; JJ23-019 002 Rev A.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no fences, gates, walls, extensions, sheds, greenhouses or additions to the roof (Classes A - G of Part 1, and Class A of Part 2 Schedule 2 of the GPDO) shall be erected within the curtilage of the dwellinghouse hereby permitted without the specific grant of planning permission by the Local Planning Authority.
- 4) No development shall commence unless and until a scheme for the management of surface water run-off has been submitted to, and approved in writing by, the local planning authority. The development shall proceed in accordance with the approved details.
- 5) Development shall not commence unless and until a scheme of working hours, and for the management of deliveries and parking of construction traffic, has been submitted to and approved in writing by the local planning authority. The development shall proceed only in accordance with the approved scheme.

- 6) No development above ground level shall take place until details of the junction of the proposed vehicular access with the highway have been submitted to and approved in writing by the Local Planning Authority. Details shall include the means of preventing surface water from the site entering the highway. The access shall be constructed to base course level prior to the commencement of any other development on the site.
- 7) Notwithstanding the plans hereby approved, prior to construction above ground level a revised first floor layout shall be submitted to, and approved in writing by, the local planning authority. The plan shall not vary the position or size of any windows appearing on the approved plan but shall show a bedroom layout and size which complies with the relevant parts of Nationally Described Space Standards. The development shall be completed according to the approved revision prior to first occupation of the dwelling.
- 8) Prior to development above slab level taking place a scheme of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority, which shall include details of the following:
 - a) Extent of paved and soft planted areas
 - b) New planting proposals including boundary hedging giving location, species, number, density and planting size.
 - c) Areas of grass turfing or seeding and other surface materials.
 - d) Extent of hard and permeable surfaces
 - e) any fences walls or other structures within the curtilage of the development other than those appearing on the approved plans.
- 9) All planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) Prior to the commencement of construction above ground level, samples or trade descriptions of all materials to be used in the external surfaces of the development shall be submitted to, and approved in writing by, the local planning authority and thereafter used for the completion of the development.
- 11) The new dwelling shall achieve and maintain the higher water efficiency standard in the Building Regulations as set out in Approved Document G: Sanitation, hot water safety and water efficiency, 2015 edition, DCLG October 2015 (or similar replacement standard).