



Appeal Decision

Site visit made on 17 March 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/K0235/W/24/3357208

2C Cleveland Street, Kempston, Bedford, Bedfordshire MK42 8DN

- 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 Mattu against the decision of Bedford Borough Council.
 - The application Ref is 24/00543/COU.
 - The development proposed is the change of use from nail salon (*sui generis*) to residential flat (class C3) (amended proposal).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

3. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupants with regard to outlook, odour, natural ventilation and noise; and
 - the effect of the proposal on the living conditions of the occupiers of 2B Cleveland Street with regard to odour.

Reasons

Living conditions – future occupants

4. The appeal building is located in a mixed residential and commercial area. The proposed change of use involves internal alterations to the existing layout to accommodate a studio flat.
5. The bedroom/living area would be served by a window and a rooflight. The bins would be located in between the only window serving the flat and the entrance door. Existing obscure glazing in the window would be replaced with clear glazing as part of the proposed development. But this would still fail to provide adequate outlook due to the placement of bins outside the window.

6. I noted at my site visit that several bins were stored on the pavement, in front of the appeal site and neighbouring homes. Whilst this was just a snapshot in time, it reflects the appellant's statement regarding the location of bins for neighbouring homes and commercial properties. The placement of bins in the proposed location would exacerbate the current issue, particularly in the context of the change of use. Residential waste would be different from that of the existing use and the future occupiers of the proposed residential unit may be more sensitive to odour than the previous commercial occupant. The refuse storage arrangement would be inappropriate, as future occupants would rely on the only window for ventilation, particularly for the living area. Accordingly, due to the proposed placement of bins, the proposal would likely lead to an increase in odour, which would be harmful to the health and wellbeing of the future occupiers.
7. The flat would have a kitchen, store space and bathroom to the rear. Subject to the proposed rooflights being openable, the ventilation would be acceptable for those rooms, having regard to their uses. The outlook from the kitchen would be limited. However, given the appropriate size of the room, and the open plan nature of the layout, it would not be harmful. The level of traffic noise would not be so high as to have a detrimental effect on the living conditions of future occupiers, having regard to the distance from Bedford Road and the use of neighbouring properties.
8. I acknowledge the changes made to the previously refused and dismissed at appeal scheme (Ref: APP/K0235/W/23/3320415 dated 20 October 2023). However, due to inadequate outlook for the main living area and increased odour, the proposal would be harmful to the living conditions of future occupiers.
9. Accordingly, I conclude that the proposal would not provide acceptable living conditions for future occupants regarding outlook and odour. In this regard the development is contrary to Policies 2S and 32 of the Bedford Borough Local Plan 2030 (adopted 2020) (LP), which collectively require, amongst other things, that developments promote health, minimise and take account of the effects of pollution. The promotion of healthy communities is also reflected in the aims of the Framework, which at paragraph 135 states that, amongst other things, places should provide a high standard of amenity for existing and future users.

Living conditions – Occupiers of 2B Cleveland Street

10. The guidance outlined in the Technical Guidance: Waste & Recycling in New Developments 2021 states that bin storage areas must be at a neighbourly distance from other properties and must not form the foreground view of any dwelling. Due to the refuse storage arrangement to the front of the appeal building, next to the residential unit at 2B Cleveland Street, the proposal is likely to increase odour, which would cause harm to the living conditions of the occupiers of neighbouring home 2B Cleveland Street.
11. I conclude the proposal would harm the living conditions of the occupiers of 2B Cleveland Street, with particular regard to odour. In this regard, the proposal would not comply with the aims of Policy 32 of the LP and those of the Framework, as set out above.

Other Considerations

12. The proposal would add one residential unit to the housing stock, in a suitable location, close to amenities. Benefits would also ensue for the local economy. Given the scale of the development, these benefits would attract minor weight.
13. A lack of objections from some of the Council's consultees is a neutral matter, rather than one that carries positive weight for the development.

Planning Balance

14. The appeal proposal would cause significant harm to the living conditions of the future occupiers and those of the occupiers of neighbouring home No 2B Cleveland Street. Therefore, there would be conflict with the development plan as a whole.
15. The latest information is that the Council is able to demonstrate a housing land supply of only 3.46 years. This is well below Government expectations. The LP dates from January 2020 but the weight to be attached to it does not hinge on its age. Paragraph 232 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework. As identified above, Policies 2S and 32 of the LP reflect the aims of the Framework. However, due to the housing land supply position, paragraph 11 d) of the Framework is engaged.
16. Set against the harm identified above, there would be limited social and economic benefits from the proposal. One additional studio flat would make a minimal difference to the overall supply of housing and the support one extra small household would provide to the local economy would be modest. Consequently, the harm to the living conditions would significantly and demonstrably outweigh the limited benefits of the proposal when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

17. The development would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

Andreea Spataru

INSPECTOR