



Appeal Decision

Site visit made on 28 May 2025

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th June 2025

Appeal Ref: APP/K0235/W/24/3355247

Land off Odell Road, Harrold, 495402 257588

- 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 Brampton Valley Homes Ltd against the decision of Bedford Borough Council.
- The application Ref is 24/00243/MAF.
- The development proposed is residential development of 17 dwellings and associated infrastructure.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant provided amended plans with the appeal showing both a hipped roof to the house on plot 17, and alternatively amending this house to be a bungalow rather than a two-storey house. With regard to the *Holborn Studios* judgement¹, it is necessary first to consider whether either of these amendments would result in a fundamental change to the nature of the development, and then whether accepting the proposed amendment would cause unlawful procedural unfairness to anyone involved.
3. The proposed change to the roof would result in a consistent design for this house, as it was originally shown with a hipped roof on the site layout drawings. This amendment would not result in a fundamental change to the proposal. Given the limited scope of the change and as it was shown on some of the original drawings accepting this amendment would not cause unlawful procedural unfairness.
4. As originally submitted the proposal was entirely for two-storey dwellings, including the maisonettes on plot 1. It is not the purpose of the appeal process to allow the evolution of a proposal, and the amendment of the house on plot 17 to a bungalow would result in a fundamental change to the nature of the development. Given this, accepting the amendment would also cause unlawful procedural unfairness.

Main Issues

5. The council have stated that the Preliminary Ecological Appraisal and Section 106 obligation submitted with the appeal directly address their reasons for refusal relating to great crested newts and the securing of affordable housing and financial obligations. I am satisfied that this is the case, and therefore there is no reason to consider these matters further. The main issues are therefore:
 - The effect of the proposed development on the living conditions of the occupiers of 91 Odell Road with regard to outlook,

¹ *Holborn Studios Limited v The Council of the London Borough of Hackney* (2017) EWHC 2823 (Admin)

- The effect on the character and appearance of the area,
- Whether it would make adequate provision for communal open space; and,
- Whether it would adequately integrate the affordable and market housing.

Reasons

Neighbour living conditions

6. No 91 Odell Road is close to the shared boundary with the appeal site. The house on plot 17 would be two storeys in height at its maximum, with that part of the house close to the shared boundary with No 91 and sitting far beyond its rear elevation. This would result in a loss of outlook from the nearest windows to No 91, which variously face towards and along the shared boundary. The most significant impact would be to the patio doors and dormer window that face along the shared boundary. At present these offer essentially unrestricted outlook over the appeal site and the open field to the rear. Given the height, depth and proximity of the house on plot 17 the outlook from these windows, which are the principal windows to habitable rooms, would be substantially reduced. The accepted amendment to the roof form of the house would not be sufficient to overcome this harm.
7. The appeal proposal would therefore result in unacceptable harm to the living conditions of the occupiers of No 91. It would therefore conflict with policy 32 of the Bedford Borough Local Plan (the Local Plan). This policy requires, amongst other things, that development proposals should minimise the effects of disturbance, including factors which might give rise to disturbance to neighbours.

Character and appearance

8. The appeal site lies on the outskirts of the settlement, beyond two rows of terraced houses on this side of Odell Road. There are also detached houses near the site, including opposite and immediately to either side of the site. Those detached houses generally occupy spacious plots. The surrounding character is therefore mixed in terms of housing, but there is a sense of spaciousness to which the extensive mature landscaping along Odell Road contributes.
9. The site has been designated for 17 homes, and the scale of the appeal proposal accords with this. However, the proposal includes larger family homes for which there is less of an identified demand. These larger homes would result in limited spacing between individual houses, especially around those proposed for plots 12-17. Notwithstanding that this includes a pair of semi-detached houses, where there would be spacing this would be limited with little visual benefit.
10. While not every detached house in the area has generous spacing on all sides, the appeal proposal would result in an extended run of houses where most of the detached properties would have comparatively little space around them. There would be some larger gaps within the development, including the access to the field beyond, and the development would be set back from Odell Road. There would also be variety from the different designs and materials. However, the dwellings would share a single access onto Odell Road and would be read as a group. Within this context the development would overall appear uncharacteristically cramped in the wider street scene.
11. The development would benefit from the retained trees and hedge along the Odell Road frontage. This would provide screening for the proposal in the street scene.

However, the properties and the lack of spacing around them would still be visible within Odell Road. There would be potential for additional landscaping within the development, which could have been secured by condition had I otherwise been minded to allow the appeal, and an additional hedgerow is proposed to the western boundary. However, given the extent of built development and hardstanding to provide vehicle access this would not be sufficient to acceptably soften the appearance of the development in the street scene.

12. The gardens to the dwellings would mostly be shorter than the 13 metres sought in the council's Residential Extensions, New Dwellings & Small Infill Developments guidance. However, guidance does not carry the weight of policy and there is variety in the depth of gardens locally. While most appear deeper than those proposed as part of the appeal development, some are of comparable depth. On balance, given the presence of some on-site communal open space and the sense of space offered by the open field to the rear of the site, I do not consider that the depth of the rear gardens would result in harm.
13. Nonetheless, the appeal proposal would overall result in an uncharacteristically cramped development not in keeping with the character and appearance of the wider area. It would therefore conflict with policies 28S, 29 and 30 of the Local Plan and policies NDP1 and NDP4 of the Harrold Neighbourhood Development Plan. Taken together these require that development have a positive relationship with the surrounding area, integrating well with and complementing the character of the area in which the development is located and be sensitively designed taking opportunities to protect and improve the character and appearance.
14. The council also referred to policy 38 of the Local Plan which seeks the incorporation of existing landscape features and the inclusion of new landscaping in new development. The proposed development would retain much of the existing landscaping and include new landscaping, and in isolation would not conflict with the aims of this policy.

Communal open space

15. Policy AD28 of the Allocations and Designations Local Plan 2013 seeks the provision of open space as part of new housing development. The Council's Open Space Supplementary Planning Document (the SPD) says that developments of 10 or more dwellings should provide informal green spaces, including low maintenance landscaping, and seating where appropriate. While this is only guidance, the provision of good quality and useable open space would be a benefit to future occupiers of the development. The extent of open space proposed as part of the development would exceed the minimum area sought in the SPD.
16. The open space would principally comprise a grassed area between the retained hedgerow along the site frontage and plots 9-17. This area would be limited in width and incorporate multiple parking bays for residents and visitors which would restrict its usability. The scope to accommodate landscaping or seating within the space would be limited, even allowing for a possible revised layout if I were otherwise minded to allow the appeal. The area's contribution to the quality of the development and to future occupiers would also therefore be limited.
17. An area of open space would exist on site between plots 11 and 12, over the storm drain easement. This is not indicated to be available for resident use, and in any case would also provide access to the field gate. It is not clear that it would provide any additional value to residents.

18. Overall, the area proposed would be larger than the minimum area sought by the council. While due to its layout it would provide limited additional benefit to occupiers of the development, on balance it would not conflict with policy AD28.

Integration of affordable housing

19. Policy 58S of the Local Plan states that where a development provides a mix of affordable and market homes the affordable housing should be integrated within the market housing. The affordable housing provided as part of the development would be contained within a terrace of 4 houses and the pair of maisonettes at one end of the site. There are two rows of terraced houses close to the site, and the maisonettes would be similar in appearance to the detached houses elsewhere on site. Given this variety in the existing and proposed local character the affordable housing would appear as integrated within the site.

Other Matters

20. I note the comments of interested parties on, amongst other concerns, apparently incomplete data submitted regarding highway safety. As I am dismissing the appeal on other grounds it is not necessary for me to pursue this matter further.

Planning Balance

21. The council acknowledges that it cannot demonstrate a 5 year supply of deliverable housing land. Consequently, the presumption in favour of sustainable development set out in the National Planning Policy Framework is engaged.
22. The appeal proposal would deliver 17 new homes of a mix of tenures on an allocated housing site, so would represent a more efficient use of the site. The importance of delivering new homes has been highlighted by the government. The affordable units would be smaller homes in line with the need identified in the Local Housing Needs Assessment. The proposed homes would be a significant contribution towards the council's housing targets. Given the considerable shortfall in the council's supply of housing land, which is stated to be 3.46 years, this therefore attracts substantial weight in the overall balance. The provision of communal open space exceeding the area sought by the council would attract limited additional weight in favour of the development. There would also be economic benefits arising from the construction and occupation of the development, which attract moderate positive weight overall.
23. However, the proposal would result in unacceptable harm to the living conditions of the occupiers of No 91 Odell Road through loss of outlook. The development would also be harmful to the character and appearance of the area due to its cramped layout with uncharacteristically limited spacing between properties.
24. Taken together these harms attract such great weight that they clearly and demonstrably outweigh the identified benefits that would arise from the appeal proposal. There are therefore no considerations to indicate that this appeal be determined other than in accordance with the development plan.

Conclusion

25. For the reasons set out above, the appeal is dismissed.

M Chalk

INSPECTOR