



Appeal Decision

Site visit made on 2 July 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/P0240/W/25/3360257

Land between No 12 and No 13 Earl Close, Clifton SG17 5RS

- 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 David Gill of Gill-Hudson Homes Ltd against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/02888/FULL.
 - The development proposed is 1 no 1 bedroom detached single storey dwelling and all ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above is taken from the application form and appeal form as this accurately identifies the address of the site.
3. The appellant has submitted a Preliminary Ecological Assessment Report and BNG Assessment (PEAR and BNG Report) along with a BNG metric with the appeal. This additional information does not make a substantial difference or result in a fundamental change to the application. Furthermore, the Council has provided comments on the additional information received. I am therefore satisfied that no party would be prejudiced by taking it into account.
4. The appeal proposal is for an additional dwelling within a housing estate, originally approved by the Council in 2020¹ for the erection of 22 dwellings (the original scheme). The Council's fourth reason for refusal relates to the requirements for a financial contribution towards the provision of community infrastructure and sports facilities in the area, in line with contributions secured at that time. A signed and completed unilateral undertaking (UU) has been submitted with the appeal and the Council has confirmed that the UU is acceptable. As there is no longer any dispute with regards to this particular matter, I have defined the main issues on this basis.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;

¹ Council Refs: CB/18/01628/OUT and CB/19/03941/RM

- whether the proposed development would provide suitable living conditions for future occupiers, with particular regard to provision of outdoor living space;
- whether the proposed development could deliver the mandatory biodiversity net gain (BNG); and
- the effect of the proposed parking and access arrangement on highway safety.

Reasons

Character and appearance

6. Earl Close is a gently curving estate road with dwellings arranged around it. There is a large gap between dwellings on one side of the route, part of which contains a children's play area. Dwelling types comprise two-storey detached and terraced houses, set behind similar sized front garden and/or parking areas, with their main entrances commonly fronting the street. The regularity in frontage widths, including the spacing between detached dwellings and the visual rhythm provided by fenestration and punctuation provided by porches within the terraces, ensures that individual plots are clearly distinguishable. Despite the variety of house types, these shared characteristics give a distinctive order and consistency to the street scene.
7. The appeal site is overgrown and enclosed by a mixture of post and rail and close boarded fencing, the latter forming the rear boundary of gardens serving numbers 11 and 12 Earl Close (Nos 11-12). A path leading to the rear of numbers 13-17 Earl Close (Nos 13-17) also runs alongside one edge of the site. Immediately adjacent to this path is the flank wall of number 13 and its associated front driveway and rear garden. The appeal site is currently unassuming in the street scene.
8. The proposed dwelling would be constructed using materials that match those of other dwellings on Earl Close. However, it would be a single-storey building with a tapered form, which would contrast with the prevailing character of the two-storey houses in the area. It would lack a front entrance or other obvious features that would identify it as a dwelling when viewed from the street. Although soft landscaping is proposed at the front of the site, the limited space available would not offer meaningful visual distinction in this regard. As the site narrows towards the front, the section of the building containing the bedroom, would be particularly narrow and visually cramped compared to the frontages of neighbouring dwellings. This effect would be further exacerbated by its projection forward of Nos 13-17 and the associated increase in residential activity. As a result, the proposal would not reflect the established order, rhythm or pattern of development on Earl Close.
9. There is extant planning permission² for a single storey building containing two home offices to be used in association with Nos 11-12 on the appeal site. However, that building would have a different design and siting compared to the appeal proposal. It would also have the appearance of ancillary outbuildings integrated within the rear gardens of Nos 11-12, set back from the front elevation of Nos 13-17 and partially screened by boundary treatments. Therefore, even if this building were to be constructed which would extend along a greater proportion of the rear part of the site next to the rear garden of No 13, this does not advocate a new dwelling

² Council ref: CB/19/03941/RM Reserved matters following outline application for 22 dwellings.

which for the reasons described would be discordant and would not positively reflect the defining characteristics of the dwellings and pattern of development on Earl Close.

10. The appellant has drawn my attention to an appeal decision at 3A Earl Close³ where a building originally approved for use as two home offices was permitted to be used as a dwelling. Whilst this dwelling is also single storey, this dwelling alone has not altered the prevailing character or development pattern on Earl Close. It also has a wider frontage and is set back behind the building line of the adjacent terrace, reducing its prominence in the street scene. Although consistency in decision making is important, the appeal proposal is not exactly the same. Even if it was, I am not persuaded that the appeal proposal meets the National Planning Policy Framework's objective of creating high quality, well-designed places.
11. I conclude that the proposed development would result in harm to the character and appearance of the area. In this regard, it would conflict with Policies HQ1 of the Central Bedfordshire Local Plan 2015-2035 (2021) (LP), which requires developments to respond positively to their context and to reflect the existing character of the surrounding area.
12. For the same reasons, the appeal proposal would also conflict with the guidance contained in the Central Bedfordshire Design Guide (2023) (DG) including that infill development must demonstrate that it accords with the surrounding character, pattern, and grain of development, having regard to plot size, frontage length and dwelling size.
13. The Council's reason for refusal also refers to Policy CC1 of the LP which relates to climate change. Had I been minded to allow the appeal, a planning condition requiring further details of renewable energy technologies in line with the appellants Sustainability Statement, would have been reasonable in accordance with the requirements of this policy.

Living conditions

14. Taking into account both the front and rear garden areas, the proposal would satisfy the minimum garden requirement of 50m² set out in the DG for 1- or 2-bedroom dwellings. However, the front garden would lack privacy, and the depth of the rear garden would not meet the minimum depth requirement of 10 metres. The DG states that smaller garden sizes may be acceptable in exceptional circumstances at the discretion of the case officer.
15. In this case, the proposed dwelling would be a modestly sized 1-bedroom bungalow more likely to be occupied by an individual or a couple, as opposed to a family with children. Potential occupiers may prefer a smaller garden due to lower maintenance demands. Even with the installation of an air source heat pump, the rear garden would be sufficient space in size to accommodate a modest patio/seating area, a lawn and space for bin/cycle storage. Additionally, an area of open space including a play area is also located opposite the site, albeit it is considered unlikely that occupiers would need to rely on use of this area of communal space given the provision of outdoor living space within the appeal site.

³ Appeal ref: APP/P0240/W/23/3335736

16. I therefore conclude that proposed development would provide suitable living conditions for future occupiers, with particular regard to provision of outdoor living space. In this regard, it would comply with Policy HQ1 of the Central Bedfordshire Local Plan 2021 which supports healthy lifestyles through the design and layout of development.

Biodiversity net gain (BNG)

17. The appellants PEAR and BNG Report proposes that mandatory BNG could be provided both on and off-site, through the planting of trees on-site, habitat creation on the adjacent land parcel and or/through the purchase of off-site credits.
18. If the appeal were to succeed, it would be subject to the statutory pre-commencement biodiversity gain condition (the condition) as set out in Schedule 7A to the Town and Country Planning Act 1990 (as amended). The condition would set out that development cannot begin until the Biodiversity Gain Plan (BGP) has been approved. It would be for the Council to consider the BGP, and whether or not the measures are acceptable and secured. In light of the additional information received, the Council do not suggest that it would not be possible for an appropriate plan/agreement to be entered into at BGP stage and I find no reason to disagree.
19. Therefore, I conclude that the proposed development could deliver the mandatory BNG. In this regard, it would also comply with Policy EE2 of the LP which is supportive of applications that have regard to opportunities for enhancing the green infrastructure network.

Highway safety

20. The proposed plan indicates the provision of two car parking spaces to the front of the site. The Council indicate that the size of the proposed parking spaces do not meet the standards set out in the Central Bedfordshire Parking Standards for New Development Supplementary Planning Document (Parking SPD). Whilst I agree that the space for two car parking spaces would be tight, the Parking SPD requires the provision of one parking space for a 1-bedroom dwelling. There would be sufficient space available to accommodate the parking of one vehicle on the appeal site. Visitor parking space would be available on street.
21. There is a footway to the front of the site and there are currently no obstructions within the required pedestrian visibility splay. Given the well-established grass verge and open nature of driveways, there is nothing to suggest that this would change as a result of the appeal proposal.
22. I conclude that the proposed parking and access arrangement would have an acceptable effect on highway safety. In this regard, it would comply with Policies T2 and T3 of the LP which require new development not to have a detrimental effect on highway safety and patterns of movement, to provide appropriate access and to have regard to the car parking standards.

Other Matters

23. Whilst I have found no harm in relation to BNG, highway safety or living conditions for future occupiers, this does not alter the harm to the character and appearance of the area identified under the first main issue.

24. The proposal would make an important contribution of one dwelling to the local housing supply which could be built out relatively quickly. This would increase the choice and mix of homes in the area, including as a potential starter home. It would have an energy efficient and single-storey accessible design, located in close proximity to local services and facilities in Clifton. There would be economic benefits relative to the construction phase and as future residents feed into the local economy. Given that the proposal is for one additional dwelling, these associated benefits would be limited and would not outweigh the harm to the character and appearance of the area.
25. I note that the appellant sought to address Councils reasons for refusal on a previous planning application⁴ through the submission of the appeal proposal and that no objection was received from Clifton Parish Council or the Clifton Action Group. Furthermore, the Council identified no harm including in relation to internal space provision or the effect of the appeal proposal on a previously approved refuse store, the living conditions of neighbouring occupiers, light, flooding or trees. However, these considerations indicate the absence of harm in those respects rather than any benefit.

Conclusion

26. The proposal conflicts with the development plan and 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.

H Marriott

INSPECTOR

⁴ Council ref: CB/22/04562/FULL