
Appeal Decision

Site visit made on 4 November 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 28th November 2025

Appeal Ref: APP/K0235/W/25/3369661

Rear of 16 Myrtle Road, Bedford MK42 0QT

- 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 Anil Chand against the decision of Bedford Borough Council.
 - The application Ref is 25/00494/FUL.
 - The development proposed is the erection of a two-storey 3 bedroom house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of 16 Myrtle Road, with particular regard to the amount of private outdoor amenity space, and any implications in this regard and in respect of privacy for the living conditions of future occupiers.

Reasons

Character and appearance

3. The appeal site comprises part of the rear garden area of a two storey semi-detached dwelling that lies in a residential area. There is some variation in style, and several dwellings have been altered and extended in some way, including up to shared boundaries with neighbouring properties. However, the immediate context is predominantly characterised by similar sized semi-detached dwellings that are laid out in an orderly manner and have long rear garden areas.
4. A key characteristic of the locality is the sizeable back-to-side separation and long garden areas between the end houses on side streets such as Myrtle Road and the dwellings on Willow Road. Whilst many of these intervening garden areas contain small scale single storey outbuildings, they still provide the immediate context with a sense of spaciousness. This separation and space are visually distinctive and provide relief to the built-up character of the locality. The large garden area of No 16, in which the appeal site is located, thereby positively

contributes to the spacious layout and pattern of development along this section of Willow Road.

5. I appreciate that design is subjective and that the height, roof type and materials proposed would be similar to neighbouring properties. The siting of the proposed dwelling would also ensure that the established building line along this part of the highway would not be broken. Nonetheless, by effectively subdividing No 16's garden area, and introducing a detached two storey dwelling, the proposal would inevitably increase the built form and scale of development across the site. Given the restricted depth of the appeal site, the proposed dwelling would also be in proximity to the shared boundaries with No 14 and No 2 and would inevitably result in a narrower sized house and smaller garden space than is typical in the immediate area.
6. These factors would combine to introduce a cramped, dominant and conspicuous form of development that would interrupt the rhythm and erode the sense of spaciousness along this part of the street. Accordingly, it would appear out of context with the prevailing pattern of development and spacious layout of the properties in the immediate vicinity.
7. Whilst a fence has been erected to the rear of No 16 my site observations confirmed that a gap has been retained to enable direct access between this property and the appeal site. Moreover, I have not been presented with evidence of any planning permissions for the change of use of this land from garden, or any permissions of other altered plots and boundaries in the area. Reference has also been made to a planning permission for a similar proposal on land to the rear of No 17. Nonetheless, on the evidence presented I cannot be certain that this permission is extant and represents a direct parallel to the appeal proposal. The recently constructed housing development of 35 dwellings is to the south eastern end of Willow Road and therefore does not form a part of the immediate local context. As such, these matters do not outweigh or overcome all of the harm that I have identified would be caused to the character and appearance of the area.
8. Furthermore, although the proposal would result in the removal of unattractive buildings and an untidy site, neglect of land does not in itself justify the grant of permission for an otherwise unacceptable proposal.
9. I therefore find that the proposed development would cause unacceptable harm to the character and appearance of the area. As such, it would conflict with Policies 28S, 29, and 30 of the Bedford Borough Council Local Plan 2030 (2020) (Local Plan). Amongst other matters, these require development to have a positive relationship with the surrounding area, to integrate well with and complement the character of the area in which it is located, and to be sensitively designed. It would also fail to accord with Design codes N1, N2 and N3 of the Council's Residential Extensions, New Dwellings and Small Infill Developments Supplementary Design Guidance 2000 (SPG)..

Living conditions

10. I have not been made aware of any development plan policies which specify minimum separation distances or garden sizes. Whilst the main parties disagree about the size of the proposed garden, and that remaining at No 16, both of these areas would be much smaller than neighbouring plots and have depths that would

fall markedly short of the 13 metre (m) threshold recommended in the SPG.

Although I have only regarded this document as guidance in this context and note that cycle and bin storage facilities are shown on the submitted plans, it is a clear indication that the gardens proposed here would be substandard in relation to the size of the dwellings that they would serve.

11. In my view, both of these proposed garden areas would be of limited depth and restricted practical use and what I consider to be less than is reasonable for family sized dwellings. While the proposed dwelling's internal living arrangements may comply with nationally described space standards, this would not mitigate the inadequate outdoor amenity space provision. Nor would the proximity of the site to any local parks and public green spaces. These facilities would not offer the same accessibility, convenience or privacy as reasonably sized garden areas.
12. Although the appellant has stated that numerous approvals for dwellings with garden areas below 13 m in depth have been granted in Bedford, I have not been provided with any details of these. I am therefore unable to be certain that their circumstances would be comparable to those which apply in this appeal.
13. The Council's concerns in respect of overlooking relate to the privacy levels of future users of the proposed dwelling's garden area only and I have no reason to question this. The location and orientation of this garden area would be such that it would be directly overlooked by the first-floor rear windows of No 16. I am mindful that a degree of mutual overlooking of garden space is a common feature in most residential areas. However, the distance between these neighbouring first floor windows and the proposed garden boundary would fall short of the SPG's recommended 9 m separation distance. I appreciate that guidance within the SPG should not necessarily be applied prescriptively, nevertheless, this intervening distance would be very short by any standard and would be likely to lead to a significant lack of privacy. The use of obscure glazing within the windows of the proposed dwelling would not mitigate or overcome these concerns.
14. I am also not satisfied that measures such as planting and the erection of a boundary fence would, of themselves, be adequate to mitigate the harm identified. New planting would take time to establish itself and there is no substantive evidence before me to demonstrate that sufficient screening could be achieved to address the matter successfully. Furthermore, any refinement of the proposed window design or repositioning of them, or conditions requiring such amendments, would fundamentally alter the proposal, and I must deal with the application as submitted. Whilst I have been made aware that the appellant owns and manages No 16, planning permission runs with the land rather than with the applicant or appellant.
15. I therefore find that the proposed development would have an unacceptably harmful effect on the living conditions of the occupants of 16 Myrtle Road and its future residents arising from the lack of private outdoor amenity space. It would also result in an unacceptable loss of privacy for future users. Conflict would thereby arise with Local Plan Policies 2S, 30 and 32. Amongst other things, these require developments to be designed to promote active living for all age groups and to give particular attention to factors which might give rise to disturbance to neighbours and the surrounding community, including from overlooking. In similar respects, conflict would arise with advice contained within the SPG Design codes N1, N3 and N5.

Other Matters

16. The appellant's frustrations in respect of pre-application submissions and meetings are noted; however, these have not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me

Planning Balance

17. The Council accepts that it is unable to demonstrate a 5 year deliverable supply of housing land. Its 3.46 year supply represents a considerable shortfall. The relevant policies of the development plan are therefore deemed to be out of date and, in light of Paragraph 11 d) ii of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. I have found that the proposed development would be harmful to the character and appearance of the area and the living conditions of future occupiers and the existing residents of No 16. These harms would be wide ranging, long lasting and contrary to the aims the Framework. With these factors in mind, I ascribe them substantial weight.
19. Paragraph 73 of the Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. It has also been put forward that the proposed development would diversify the housing stock and be an efficient use of underutilised land. I note its location relative to public transport and access to local facilities and services. In addition, the proposal would generate some economic activity during the construction of the housing and would provide homes to occupiers who would spend and contribute to the local economy. Other supporting factors put to me include the provision of an energy efficient home, utilising modern materials, including insulation and thermal energy efficiency measures. Nonetheless, given that the proposal is for one dwelling, any benefits in these respects, including to housing land supply and any other economic, social and environmental objectives would be somewhat limited.
20. Accordingly, and bringing matters together, the adverse impacts of granting planning permission would, in this particular case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

21. For the reasons given above, the proposed development conflicts with the development plan and that conflict is not outweighed by other material considerations. Therefore, the appeal is dismissed.

Mark Caine

INSPECTOR