



Appeal Decision

Site visit made on 7 January 2026

by **F. Bradley BRP (NZ) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th February 2026

Appeal Ref: APP/P0240/W/25/3374967

Land at Church Path (rear of No 8 London Road), Sandy, Bedfordshire SG19 1EX

- 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 AR Bruce Ltd against the decision of the Central Bedfordshire Council.
 - The application ref is CB/25/01441/FULL.
 - The development proposed is described as the erection of a two-bedroom bungalow and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice indicated in the second reason for refusal that insufficient information was available at the time of the decision to inform an assessment of the potential noise impacts on the living conditions of future occupiers of the proposed development. The appellant submitted a Residential Noise Assessment with the appeal. The noise assessment concludes that, subject to mitigation, there would be no harm to the future occupants of the dwelling resulting from noise. A revised plan (JLG999/02 Revision B), which includes the glazing and ventilation specification required as mitigation, was also submitted with the appeal. This new evidence would not result in a substantial change to the proposal. Interested parties have had the opportunity to comment and no comments have been received. The Council has confirmed that the submitted noise assessment is sufficient to demonstrate the proposal is now acceptable from a noise perspective and this matter is no longer in dispute. As such, I do not consider this to be a main issue in the determination of the appeal.
3. A further revised plan (JLG999/00 Revision A) annotated to include the size of the external garden areas was also submitted with the appeal. The amended plan provides new evidence but would not alter the proposals. Interested parties have had the opportunity to comment on the revised plan and no comments have been received. Therefore, I have considered the appeal based on the amended plan.

Main Issues

4. The main issues are the effect of the development on the:
 - character and appearance of the site and surrounding area;
 - living conditions of future occupiers particularly regarding private amenity space, privacy and outlook; and

- living conditions of the existing occupiers of 1 and 3 Church Path particularly regarding outlook and privacy.

Reasons

Character and appearance

5. The site is situated to the rear of 8 London Road. It is roughly L-shaped and would be accessed from Church Path. The immediate locality is residential in character and comprises a mix of dwelling styles, ages and sizes.
6. The proposed dwelling would be positioned in close proximity to the neighbouring properties at 1 and 3 Church Path. Its front elevation, which includes windows serving a bedroom and the living area, would mainly face the adjacent shared car parking area serving those dwellings, with part of the elevation also directly facing the two-storey side elevation of No 1. This arrangement would result in an awkwardly close relationship giving rise to a form of development that would appear cramped and contrived within the site.
7. A knee rail and hedge are proposed along part of the boundary adjacent to the parking area for Nos 1 and 3. By reason of its limited length and the separation distance from the parking area, the soft landscaping would be minimal and would not sufficiently soften or mitigate the harm resulting from the proximity to parking area.
8. To the rear of the site, the proposed dwelling would sit in close proximity to the shared boundary with properties on McMurdo Court which would further contribute to its cramped appearance.
9. There is disagreement between the parties regarding the size of the proposed rear amenity space. The Central Bedfordshire Design Guide Supplementary Planning Document (SPD) advises a minimum garden depth of 10m. Although the appellant's plan has been annotated to show the rear garden as being approximately 50sqm in area it does not include dimensions. The Council's evidence includes annotated dimensions that indicate the depth of the rear garden would be approximately 7.14m. This corresponds with the scale bar provided on the plan therefore I am satisfied this dimension is reasonably accurate. While the depth of the garden alone would not be determinative, when taken together the proposed dwelling's cramped siting and constrained plot, the shortfall in garden depth reinforces the overall conclusion that the development would appear unduly cramped within the site.
10. The appellant advises that the dwelling would be constructed using sympathetic external materials, chosen for their colour and texture to reflect the varied designs, ages and finishes of surrounding properties. While such an approach would assist in securing a satisfactory external appearance of the proposed dwelling, it would not overcome or mitigate the overly cramped appearance.
11. For the reasons given, the proposed development would harm the character and appearance of the site and surrounding area. It would therefore conflict with Policy HQ1 of the Central Bedfordshire Local Plan (CBLP) insofar as it seeks to ensure that development proposals relate well to the existing local surroundings and reinforce local distinctiveness and to ensure an effective use of land whilst

reflecting the existing character of the area and making provision for appropriate landscaping and boundary treatments.

12. The proposal would also conflict with paragraph 135(d) of the National Planning Policy Framework (the Framework), which seeks to maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Living conditions of future occupiers

13. The rear elevation of the proposed dwelling and proposed amenity space would be sited adjacent to the rear boundaries of the two storey terraced properties on McMurdo Court. There would be no direct overlooking or loss of privacy to the dwelling itself due to a lack of windows on the rear elevation. However, the proposed amenity space would be directly overlooked from the first-floor rear windows of the neighbouring properties on McMurdo Court. Given the relatively short depth of the neighbouring gardens, the windows would afford clear and direct views into the proposed garden area, resulting in an unacceptable lack of privacy for future occupiers.
14. The SPD advises that two bedroom dwellings should be provided with a minimum private garden area of 50sqm. The appellant has annotated the submitted plan to indicate an area of 50sqm, however the Council's annotated dimensions suggest that the actual area would fall slightly below the size recommended in the SPD at just under 49sqm. Even if the additional contiguous garden areas identified by the appellant were to be included, their limited size, narrowness, and position mean they would not offer functional or private amenity space. Notwithstanding this, the under provision in amenity space would be minimal.
15. Proposed bedroom 2, together with two of the windows serving the proposed kitchen and lounge, would face directly onto the neighbouring car parking area. As a consequence, the principal outlook from these windows would be towards parked vehicles, which would represent a poor-quality outlook for future occupiers. While a hedge is proposed along part of the shared boundary, this would offer only limited mitigation given its restricted extent and its close proximity to the parking spaces.
16. A further lounge room window on the front elevation would look directly towards the two-storey side elevation of No. 1 Church Path at very close range. This would provide a poor-quality outlook from this window. However, this impact is mitigated to an extent by the adjacent glazed doors which open onto the rear garden.
17. Taken together, the window arrangements would afford a poor and constrained outlook from all habitable-room windows on the principal elevation, resulting in substandard living conditions for future occupiers.
18. To conclude, the proposal would result in harm to the living conditions of future occupiers particularly regarding private amenity space, privacy and outlook. The development would conflict with Policy HQ1 of the CBLP of which, amongst other things, seeks to ensure that the living conditions of the occupiers of properties are protected.
19. The proposal would also conflict with paragraph 135(f) of the Framework insofar as it relates to developments providing a high standard of amenity for future users.

Living conditions of existing occupiers

20. The appeal proposal would be sited in very close proximity to 1 and 3 Church Path. These dwellings have windows to their front elevations which overlook the shared parking area. The windows serving the proposed living area and a bedroom would also face the shared parking area used by Nos 1 and 3. Future occupiers and visitors to the proposed dwelling would access the front door via a pathway immediately adjacent to the parking spaces. However, the parking area is visible from the public realm and is therefore visible to passers-by. In that context, any overlooking arising from the proposed dwelling would not materially diminish the privacy or living conditions of existing residents.
21. The windows serving the proposed living area would be positioned at such an oblique angle to the ground-floor front window of No 1 that only limited, incidental views into that neighbouring room would be obtainable. Moreover, as the affected window forms part of the principal elevation, where a lower expectation of privacy is ordinarily anticipated, any resulting overlooking would not give rise to unacceptable harm to the living conditions of the occupiers of No 1.
22. To conclude, the proposal would not harm the living conditions of the existing occupiers of Nos 1 and 3 Church Path particularly regarding outlook and privacy. The development would therefore accord with Policy HQ1 of the CBLP which, amongst other things, seeks to ensure that the living conditions of the occupiers of properties are protected.
23. It would not conflict with paragraph 135(f) of the Framework insofar as it relates to developments providing a high standard of amenity for existing users.

Other Matters

24. The proposal would result in benefits, including economic benefits through the construction process and social benefits in the provision of an additional dwelling.
25. Issues raised regarding the Council's handling of the application are not a matter for the appeal process.

Conclusion and Planning Balance

26. As set out above, the proposal would have an adverse effect on the character and appearance of the site and surrounding area and result in unacceptable living conditions of future occupiers particularly regarding private amenity space, privacy and outlook. Elements of the scheme which accord with the development plan policies, including meeting internal space standards and car parking provision, are neutral in the planning balance.
27. Whilst I find that there would be no harm to existing occupiers, overall, the proposal would conflict with the development plan when read as a whole.
28. The Council has confirmed that it can only demonstrate 4.85 years of housing land supply. Accordingly, paragraph 11(d)(ii) of the Framework is engaged. It sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the key policies identified at its footnote 9.

29. The proposal would result in economic and social benefits as set out above, make an efficient use of land by providing a new dwelling within a defined settlement envelope, and would contribute towards addressing the shortfall in the Council's housing supply. However, as the development is for one residential unit, these benefits only weigh moderately in favour of the development.
30. Conversely, I have found that the proposal conflicts with paragraph 135 of the Framework which is referenced specifically in its footnote 9. In that context, and for the reasons given earlier, I find that the harm to the character and appearance of the site and the surrounding area and the unacceptable living conditions for future occupiers, attracts significant weight. The adverse impacts of the scheme thus significantly and demonstrably outweigh the benefits, and the Framework does not indicate in favour of the development.
31. Accordingly, the appeal is dismissed.

F. Bradley

INSPECTOR