



Appeal Decision

Site visit made on 5 November 2007

by **Julia Gregory** BSc (Hons) BTP MRTPI
MCMI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
27 November 2007

Appeal Ref: APP/J0215/A/07/2049976
65 Shefford Road, Clifton, Bedfordshire SG17 5RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs R Burton against the decision of Mid-Bedfordshire District Council.
- The application Ref 06/01486/FULL, dated 1 September 2006, was refused by notice dated 25 January 2007.
- The development proposed is the erection of seven dwellings with associated garages and parking and formation of a vehicular access.

Decision

1. I dismiss the appeal.

Reasons

2. I have considered all the issues raised in representations but the main issues are the effect of the proposal on the character and appearance of the area, and the effect of the proposal on the living conditions of the occupiers of nearby dwellings in respect of privacy and overbearing appearance, and noise and disturbance. I shall focus my attention on the main issues.

Character and Appearance

3. The dwellings would be located within the settlement envelope of Clifton where new residential development would in principle be acceptable under the provisions of policy HO6 of the Mid Bedfordshire Local Plan: First Review Adopted December 2005 (LP). This is subject to tandem development not having an adverse effect on the amenity of adjoining dwellings and the character of the area, and having a satisfactory access.
 4. LP policy DPS5 requires development to relate sensitively to the character and appearance of the area, for the amenity of local residents to be protected, and for appropriate and safe provision to be made for access. Care should be taken to retain attractive features and/or views in and out of the site.
 5. Residential development at depth has occurred elsewhere not far from the site and so this would not in principle be harmful to the character of the settlement. There is also variation in the design of dwellings locally and I consider that the style of the dwellings would not be objectionable. The height of the dwellings has been addressed by the use of rooms in the roof in most of the dwellings. I saw that there are other narrow backland schemes locally which have
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similarities with the layout of the appeal scheme. I do not know the planning history of these schemes to be able to reach conclusions on what led to them being built. I have to consider the layout and design of this scheme in relation to the site and its surroundings and in accordance with the provisions of the development plan unless material considerations indicate otherwise.

6. I acknowledge that the position of the boundary between No 65 and No 61 is in dispute and that no details of levels have been provided. Nothing that I have to say alters any private land ownership rights. Nevertheless, an access to a standard acceptable to the highway authority could be created, and this is shown on the submitted plans. Part of No 65 would be demolished and the access drive would be constructed close to No 65. A new 1.8m high panelled fence would be erected along the back edge of the service zone. This and the side elevation of the proposed extended dwelling and pool enclosure would create an austere appearance to the entrance to the estate on one side, softened only by trees and bushes on the opposite side much of which is not within the development site.
7. No report has been submitted to address the effects of creating the access drive close to trees, some of which are covered by Tree Preservation Orders. This adds to my concern about the effect of the access and fencing on the character and appearance of the area. Although the land lies within the settlement envelope, the length and comparatively narrow width of the site results in a development which is dominated by the access road and car parking with limited areas for front gardens on plots C, D, E, F and G. This would make the appearance of the plots dissimilar to those elsewhere in the immediate vicinity.
8. Access to plots A and B would be through a narrow 2.75m wide access between the two storey dwellings on plots C and D whose side elevations would be close to the drive dominating the street scene which would create a harsh built environment. The dwellings on plots C and D would back onto the front of plots A and B. This front to back relationship, whilst providing separation distances of some 20m to secure reasonable privacy, would not be an attractive feature of the layout with boundary fences and the side and rear elevations of the dwellings on plots C and D being prominent.
9. The layout would not in my view be sympathetic to the character and appearance of the area which is on the edge of the settlement where long rear gardens with landscaped boundaries dominate. The trees and shrubs on the boundaries have not been subject to a sufficiently detailed survey to identify which are within the application site and how they would be affected. I am not satisfied that there is space for planting and a fence to be erected on the boundary with No 61. The provision of a fence to form the boundary at the back of the service strip would add to the austere appearance of this small estate. I am also concerned about the potential effect on the oak tree on plot G which is an attractive feature of the site, since it would be close to the dwelling fairly central to the back garden and dominating this area. Even if protected during construction, its position could lead to requests to lop top or fell.
10. The layout plan shows how land at the rear of No 61 could be developed. This is not part of the application site and there has been no planning application to

develop the land. Nevertheless, the land also lies within the settlement limits and the plan shows one way that the site might be developed for housing. Using a separate access, dividing and developing the whole of the area that could be available for housing into two long narrow sites, both with elements of tandem development and in a layout that would be dominated by hard surfacing does not I consider relate sensitively to the character and appearance of the area. The development here would restrict the width of the site remaining and would thereby fail to take the opportunity to make efficient use of land, or make this a good place to live. PPS1: *Delivering Sustainable Development* specifies that design which is inappropriate in its context, or which fails to take opportunities for improving the character and quality of the area and the way it functions should not be accepted.

11. I acknowledge the protracted discussions that the appellant has had with Council officers and the measure of support that has been given, but the Council was entitled to reach a conclusion contrary to the advice of their officers so long as they have provided reasons for so doing. I conclude that the development would harm the character and appearance of the area contrary to LP policies HO6 and DPS5.

Living Conditions

12. The site would adjoin the gardens of properties in Shefford Road, in Bunyan Close and in Alexander Close. The access would run between No 65 and No 61 Shefford Road. There would be some side separation between the access road and No 61. Most of No 65 would be away from the access. Having looked at the noise information submitted, I am satisfied that the vehicular and pedestrian traffic from seven dwellings would not cause significantly harmful noise and disturbance. Whilst the general residential activity on the site would increase, I am satisfied that the relationship of gardens and dwellings to those existing would not be so close that noise and disturbance would be unacceptable.
13. The side elevations of the dwellings on plots A and D, although close to the boundary with No 61 Shefford Road, would not cause overlooking or be overbearing. The relationship of the front elevations to the end of the rear garden would not be unreasonable. Whilst the dwellings on plots E, F and G would be sited close to and facing the boundary with No 61, there are existing trees and bushes on and close to the common boundary. Nevertheless, I am concerned that within the application site itself there is little space available for planting to augment what already exists and the erection of a fence could result in some loss. I consider that the amenity of the occupiers of No 61 has not been protected and therefore that the proposal does not comply with LP policies HO6 and DPS5.
14. No 67 has a long rear garden and a common boundary would adjoin plots E, F and G. Whilst outlook would change somewhat from the house, this would not be direct. I acknowledge that the dwellings would have relatively short back gardens, slightly less than suggested by Council guidance, but the dwellings would not be so close as to unacceptably harm privacy.
15. Undoubtedly the outlook would change from those properties facing the site in Bunyan Close and Alexander Close, but these dwellings have relatively long

rear gardens. The dwellings at plot B and C would have their side elevations close to the site boundary but this would not be unreasonably overbearing or harm privacy from any dwelling. A garage block would be close to the rear of No 18 Alexander Close in close proximity to a summer house, but this relationship would not be overbearing or cause disturbance or loss of privacy.

Julia Gregory

INSPECTOR