



Appeal Decision

Site visit made on 28 February 2011

by **Martin Whitehead LLB BSc(Hons) CEng MICE**

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

Decision date: 7 March 2011

Appeal Ref: APP/P0240/A/10/2142428

2 High Street, Stotfold, Hertfordshire SG5 4LL

- 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 David McNeill against the decision of Central Bedfordshire Council.
 - The application Ref CB/10/03477/FULL, dated 20 September 2010, was refused by notice dated 10 November 2010.
 - The development proposed is detached dwelling to the rear garden of existing house.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the surrounding area; and its effect on the living conditions of the occupiers of adjacent dwellings, with particular regard to matters of sunlight, daylight, outlook, privacy, noise and disturbance.

Reasons

Character and Appearance

3. The appeal site consists of a traditional detached house that is sited on a relatively deep plot. There is a driveway at the side of the house with some outbuildings behind. The site fronts High Street, and the house is set well back from the road at the end of a staggered line of buildings which, apart from the large Liberal Club building, are mainly in residential use. These buildings sit on plots of diminishing depth and the houses that front the Mixies cul-de-sac to the rear are visible through the gaps between them.
4. The surrounding area includes two distinctly different patterns of development, which are separated by the public footpath that is adjacent to the west boundary of the appeal site. The development to the west, which is mainly accessed from Hitchen Road, is mixed with a varied pattern. It includes a large public building, called the Simpson Centre, which is sited behind other buildings, and a church that is sited on the corner of the junction of Hitchen Road with High Street. The development to the east, which includes the appeal site, has a more linear pattern with buildings fronting the adjacent roads.
5. The proposed detached dwelling would have a contemporary design which would result in a lower ridge height to the sloping roof than would be the case with a traditional 2 storey house. Whilst its design would be acceptable within

the context of the varied designs of the surrounding buildings, including the Simpson Centre, its siting behind the existing building on the site would be out of keeping with the generally linear pattern of development along that part of High Street. Although it would be on lower ground than High Street, it would be large enough to be visible through the gaps between buildings, and it would replace a green planted area in these views. As such, it would appear as an intrusive structure that would harm the street scene.

6. Taking the above into account, I find that the proposal would have an adverse effect on the character and appearance of the surrounding area. Also, it would fail to accord with the Central Bedfordshire Core Strategy and Development Management (CBCSDM) Policy DM3, as it would not contribute positively to creating a sense of place.

Living Conditions

7. I am satisfied that the proposed house would be low enough and far enough away from the rear patio area and windows of the adjacent house at 4 High Street to ensure that there would be no unacceptable loss of sunlight, daylight or outlook to the occupants of that property. However, as the house and patio at No 4 are on higher ground than the appeal site, I am concerned that the boundary fence would be insufficient to prevent overlooking of the more private areas at the rear from the first floor bedroom window on the north elevation of the proposed house. Given that the distance between this window and the rear facing window of the single storey extension of No 4 would be about 13m, the proposal would result in an unacceptable loss of privacy.
8. With regard to noise and disturbance, the driveway and vehicle turning area would be close to the boundary with No 4. The proposal would result in vehicles manoeuvring adjacent to the raised patio area, which would cause a significant increase in noise and disturbance in what would be expected to be a quieter part of the property. Therefore, due to the unacceptable loss of privacy and increase in noise and disturbance at 4 High Street, I find that the proposal would have a significant harmful effect on the living conditions of the occupiers of an adjacent dwelling. As such, it would fail to accord with the CBCSDM Policy DM3 in this respect.

Other Matters

9. The appellant has provided a signed and dated S106 unilateral undertaking, but I am not satisfied that it has been entered into by all the parties with an interest in the property, as it has not been signed by the mortgagee. I have therefore given it little weight. The Council has indicated that it requires contributions to be made to local infrastructure, but has not provided any details.
10. The CBCSDM Policy CS2 expects contributions from new development which would necessitate additional or improved infrastructure or exacerbate an existing deficiency. The appellant has not disputed that infrastructure contributions should be made and I accept that the occupants of the proposed dwelling would generate significant additional use of local infrastructure and facilities. Therefore, in the absence of any acceptable mechanism to mitigate the impact of the development, the proposal would have an unacceptable effect on local infrastructure.

Overall Conclusions

11. For the reasons given above, I have found that the proposal would have a harmful effect on the character and appearance of the surrounding area and on the living conditions of the occupiers of an adjacent dwelling. Therefore, having regard to all matters raised including the Council Officer's recommended approval, I conclude that the appeal should fail.

M J Whitehead

INSPECTOR

PHYSICS DEPARTMENT

In the preceding section, I have shown that the primary mechanism for the production of the...
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