
Appeal Decision

Site visit made on 20 September 2016

by K H Child BSc (Hons) MA MRTPI

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

Decision date: 22 September 2016

Appeal Ref: APP/P0240/W/16/3150909

30 and 32 Markyate Road, Slip End, Luton, Beds LU1 4BX

- 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 Burgundy Developments Ltd. against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/01286/FULL, dated 20 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is two new detached houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is a discrepancy between the appellant and applicant names, as recorded on the appeal form and application form. However, the same company name appears on both, and I have therefore referred to this in the banner heading above.
 3. The appellant submitted an additional plan (BURG/21601/COMPARE) with the appeal, which shows elevations of the appeal scheme alongside elevations relating to a previous planning application on the site. As this plan was not available to third party representors at the time of the recent application, I have assessed the proposal on the basis of the location/layout plan and elevation plan (BURG/21604/SITENEW1B and BD/21602/PRIN2) considered by the Council in the determination of the application.
 4. A Neighbourhood Plan is currently being prepared for Caddington and Slip End. The document is at a relatively advanced stage of preparation, with consultation on a draft document having recently taken place. However, the emerging Plan does not include a policy on infill development, and does not appear to represent a significant departure from the approach to design in saved policies in the adopted South Bedfordshire Local Plan Review (2004). Accordingly the draft Neighbourhood Plan has not had a significant bearing on my decision.
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Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the area.
- The effect of the proposal on the living conditions of occupiers of Numbers 28 and 34 Markyate Road, in terms of outlook.

Reasons

6. The appeal site is located in the village of Slip End, and comprises two adjacent residential properties. The properties are both semi-detached, and adjoin Numbers 28 and 34 Markyate Road rather than forming the same pair. The surrounding area is mainly residential, with predominantly semi-detached and detached properties fronting the busy through route of Markyate Road.
7. The proposed scheme would involve the subdivision of the rear gardens of both properties, and the construction of two detached houses on new plots. Access would be provided via a new shared driveway between the current dwellings, leading from Markyate Road.

Character and appearance

8. Markyate Road is mainly characterised by frontage dwellings with sizable rear gardens. However, there are several estate roads in the vicinity, including Claydown Way to the rear of the appeal site. Furthermore, there is some variety in the urban grain and size of gardens in the locality, for example with Numbers 36 to 50 Markyate Road being set back from the main road, and infill development at Number 1A Claydown Way.
9. Nevertheless, the two proposed dwellings would be substantial in size and height, with accommodation across two floors and the main ridgeline being about 7 metres high. The dwellings would take up much of the width of the two plots, and would extend over 9 metres along the length of the boundaries with Nos 28 and 34 Markyate Road. The dwellings would be highly visible and prominent features, as seen from the rear gardens and windows of nearby residential dwellings on Markyate Road and Claydown Way. The properties would also be seen between houses from a number of points on Markyate Road and Claydown Way.
10. I note that the proposed scheme would provide reasonable sized rear gardens and suitable space for parking and turning, and that the eaves height on the outer flank of each dwelling would be markedly lower than the main ridgeline. The design of the dwellings and proposed materials would also not be discordant with others in the local area. However, overall, seen together, I consider that the proposed dwellings would, by virtue of their height, size, bulk and position, appear overly dominant and incongruous in this sensitive open backland setting. As such I consider they would detract from the character and appearance of the area. There may be some opportunity for landscaping within the site, but given the bulk and height of the proposed buildings I consider this would be insufficient to mitigate the harm identified.
11. Accordingly, the scheme would be contrary to Saved Policies BE8 and H2 of the South Bedfordshire Local Plan Review (2004) insofar as they seek to secure development which does not detract from the character and appearance of its

surroundings. It would also be contrary to guidance in the Central Bedfordshire Design Guide (2014) relating to high quality development, and relevant provisions of the National Planning Policy Framework (the Framework) relating to design.

12. The main parties have drawn my attention to a number of recent planning applications for backland development in Caddington, including one case where an appeal was allowed. However, evidence provided by the Council indicates that the appeal scheme concerned bungalows, and in this regard was materially different from the proposal before me. In any event, each case needs to be assessed on its merits, and it is on this basis that I have determined this appeal.

Living conditions – Nos 28 and 34

13. The side elevations of the proposed dwellings would be located close to the common boundaries with Nos 28 and 34 Markyate Road. The height, bulk and proximity of the proposed dwellings mean they would appear as a dominant and overbearing feature when viewed above the fencing from the rear gardens of these properties. As such I consider that the proposed scheme would detract from the open outlook and enjoyment of the rear gardens of Nos 28 and 34, to the detriment of occupiers. Accordingly, the proposed scheme would be contrary to Saved Policies BE8 and H2 of the South Bedfordshire Local Plan Review (2004) insofar as they seek to secure development which does not detract from residential amenity. It would also be contrary to guidance in the Central Bedfordshire Design Guide (2014) relating to high quality development, and relevant provisions of the Framework relating to design. I note that the occupiers of Nos 28 and 34 have indicated support for the scheme, but this does not alter my findings regarding material harm, as set out above.

Other Matters

14. I have taken into account concerns raised by local residents, including highway safety and access, parking, and the impact of the proposed scheme on the living conditions of occupiers of properties on Claydown Way in terms of privacy, outlook, sunlight and daylight. However, they have not led me to any different overall conclusion regarding the proposed scheme.
15. I note that the Slip End Parish Plan indicates that infill schemes up to three dwellings may be supported, and that the appellant has sought to reduce the size of the dwellings and modify the scheme, following the refusal of a previous application on the site. Nevertheless, each scheme needs to be considered on its own merits, and in this case I have found that the proposed scheme would cause material harm, as set out above.
16. Slip End offers a range of services, facilities and transport links, and the proposed scheme would make more efficient use of land and provide additional housing in the local area. Nevertheless, having regard to the modest scale of the scheme I consider that any such benefits would not outweigh the harm identified above. As such the proposed scheme would not represent a sustainable form of development, as defined in the Framework.
17. The appellant has stated that favourable pre-application advice was received on a proposal for development on the appeal site. However, in the case of this

appeal decision I have based my assessment on the planning merits of the proposal.

Conclusion

18. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KH Child

INSPECTOR