

Appeal Decision

Site visit made on 13 December 2016

by S R G Baird BA(Hons) MRTPI

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

Decision date: 6th January 2017

Appeal Ref: APP/P0240/W/16/3158330

25 Westoning Road, Harlington, Dunstable, Bedfordshire LU5 6PB

- 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 Status Homes Limited against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/00856/FULL, dated 26 February 2016, was refused by notice dated 16 August 2016.
 - The development proposed is the erection of 3 dwellings following the demolition of an existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. Development Plan¹ Policy CS1 lists Harlington as a large village and the appeal site is located within the settlement envelope. Policy DM4 indicates that within large villages small-scale housing schemes will be permitted. Accordingly, in this case the principle of development is not at issue. In light of this, the main issues are: (a) the effect on the character and appearance of the area, and (b) the implications for neighbours' living conditions with particular reference to loss of outlook and privacy.

Reasons

Character and Appearance

3. Policies CS14 and DM3 seek high quality development and the efficient use of land. Policy CS14 indicates that development should respect local context, the varied local character and the local distinctiveness of Mid Bedfordshire places. The supporting text to Policy CS14 highlights that raising the design quality of developments is essential to the future quality of life for residents and highlights that it is particularly important that local character is reinforced by locally distinctive new development. Policy DM3 indicates that all new development should be appropriate in scale and design to their setting, contribute positively to creating a sense of place and respect local distinctiveness through design and the use of materials. These objectives are consistent with Section 7 of the Framework.²
4. Whilst the demolition and replacement of the existing bungalow with a dormer bungalow and the provision of the access onto Westoning Road would result in

¹ Core Strategy & Development Management Policies – November 2009.

² National Planning Policy Framework.

no material change to the character and appearance of this part of the street, I am concerned about the layout and impact of the 2 new houses to the rear. In this location, the principle of tandem or backland development is not in itself unacceptable. Supplementary guidance³ provides guidance on such types of development and reiterates the objectives of both local and national policy. Supplementary guidance indicates that redevelopment should not take place at the expense or loss of the positive aspects of the character of the area as a whole; any development should enhance the existing positive character.

5. Here the character of the area is mixed. The mature ribbon development along the western side of Westoning Road reflects its location between the highway and the railway with rear gardens of varying depth. This gives the immediate area an open and spacious character. To the south there is more recent residential development, which although on generally smaller plots maintains, through their layout and disposition, the open and spacious character of this part of the settlement. The appeal site is one of the properties where the rear garden is deep. I accept that the type and design of the proposed new dwellings would be appropriate in terms of their scale and design and consistent with the style and design of dwellings to the south. However, I consider the layout and disposition on the plot, given its relative narrowness, results in unacceptable harm.
6. To service these houses, the proposed access road would, for much of its length, run directly adjacent to the dense mature southern boundary hedge. This in turn dictates the disposition of No. 25a and the associated garage block for Nos. 25 and 25a. This dwelling and the garages, with an overall width of some 22.5m, would be positioned close to and run parallel to the common boundary with No. 27. Similarly, No. 25b would be positioned close to the common boundary with Nos. 6 and 7 Wentworth Close to the south. These factors suggest to me a scheme that is shoe-horned into the site. As a result, I consider the development would appear cramped and would unacceptably affect the spacious character of the area. Notwithstanding my conclusion regarding the effect of the replacement dwelling (No. 25), I conclude that, overall, the proposed development would have an unacceptable effect on the character and appearance of the area contrary to the objectives of Policies CS14 and DM3.

Living Conditions

7. Policy DM3 requires new development to respect the amenity of surrounding properties. No. 25, a bungalow, would be demolished and replaced by a chalet bungalow with a smaller footprint which, unlike the existing building, would be set away from the common boundary with No. 27. Although positioned slightly forward of the existing building line, the replacement building would not appear dominant or overbearing in relation to No. 27. No. 27 has a dormer window in the roof plane and the proposed replacement dwelling would have 2, small dormer windows in the rear roof plane. Whilst there would be some mutual overlooking it would no be more than is expected in a built-up area. In terms of their orientation, separation and disposition of habitable room windows, the proposed 2 dwellings to the rear of

³ Central Bedfordshire Design Guide March 2014

the plot would not unacceptably overlook houses in Manor Close and Wentworth Close or the rear garden of No. 27.

8. Consistent with the objective of Policy DM3, supplementary design guidance seeks to avoid new development dominating adjacent buildings. Whilst the guidance provides indicative garden sizes, thus providing rear to rear separation distances, it does not appear to provide guidance on separation between rear and side elevations. Here, the gap between the side elevation of the proposed dwelling (No. 25b) and the rear elevations of Nos. 6 and 7 Wentworth Close would be 16m and 15m respectively. Whilst No. 25b would be positioned close to the common boundary with Nos. 6 and 7, the degree of separation proposed would not result in a scheme that would appear dominant or overbearing when viewed from the existing dwellings. On this issue, I conclude that the proposed development would not have an unacceptable impact on the living conditions of nearby residents.

Other Considerations and Planning Balance

9. The local planning authority acknowledges⁴ that there is not a 5-year supply of housing land. Framework 49 indicates that relevant policies for the supply of housing should not be considered up-to-date. Framework paragraph 14 confirms that, where the relevant development plan policies are not up-to-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole or specific policies in the Framework indicate development should be restricted. In this case there are no specific policies within the Framework that indicate that this development should be restricted.
10. Given the nature of Policies DM3 and CS14 in that they relate to the quality of a development rather than its location they are not, in my view, policies for the supply of housing and as such can be considered up-to-date and consistent with the objectives of the Framework. I note that in the 2 appeal decisions⁵ referred to, both of which related to development outside the settlement envelope, Policy DM4 was considered to be a policy for the supply housing and, given the absence of a 5-year supply of housing land, was therefore out-of-date and attracted reduced weight. That is a reasonable conclusion consistent with Framework policy. However, in this case it strikes me, as perverse to attach reduced weight to a development plan policy that, as in this case, provides in principle support for the type of development being applied for. That said there is an acknowledged need to provide additional housing albeit the shortfall in supply is limited i.e. some 211 dwellings. Whilst the scheme's contribution to addressing the shortfall would be limited, it is a matter to which I attach some weight.
11. Notwithstanding my conclusions on the absence of harm to neighbours' living conditions, I consider, given the objectives of the development plan and the Framework regarding the promotion of high quality development, that on balance and recognising the limited contribution to housing land supply, that the adverse impact on the character and appearance of the area would significantly and demonstrably outweigh the benefit of providing 2 additional dwellings.

⁴ 1 October 2016.

⁵ APP/P0240/W/15/3003634 & APP/P0240/W/16/3154220

Conclusion

12. For the reasons given above and having taken all other matters raised into consideration, I conclude that this appeal should be dismissed.

George Baird

Inspector

