
Appeal Decision

Site visit made on 3 July 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 14th July 2017

Appeal Ref: APP/P0240/W/17/3167202

Land to the rear of 30 & 32 Markyate Road, Slip End, Luton, Bedfordshire 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 Limited against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/05123/FULL, dated 28 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is the erection of two new semi-detached bungalows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - the effect of the proposed development on the character and appearance of the area; and,
 - the effect of the proposal on the living conditions of the occupiers of 28 and 34 Markyate Road in relation to outlook.

Reasons

3. The proposed semi-detached pair of bungalows would be located in the back gardens of 30 and 32 Markyate Road. As garden land in a built up area the appeal site is excluded from the definition of previously developed land which the National Planning Policy Framework ('the Framework') encourages the effective re-use of. At paragraph 53 the Framework advises that local planning authorities should consider setting out policies to resist inappropriate development of garden land. Policy H2 of the South Bedfordshire Local Plan Review ('Local Plan') deals with small sites within built up areas and requires that such development respects and enhances the character of the surrounding area. Policy BE8 of the Local Plan is consistent with policy H2 and requires the protection of the character and appearance of a locality through high quality design that respects local design features.
4. Markyate Road in the vicinity of the appeal site to the edge of Slip End to the south west is characterised by two storey houses on long narrow plots set back from the road behind modest front gardens. As a result, the area is characterised by the regular rhythm of fine grained development. The infill house that has been built at 1A Claydown Way is in keeping with the shallower plots present along this residential side road. Between 28 and 58 Markyate

Road the consistent design of the houses in terms of scale, form and appearance, together with a small crescent and green, means that these properties form a distinctive and attractive element of the street scene. The open undeveloped nature of the rear gardens to these properties also forms part of the attractive character of the area appreciated in private views from surrounding dwellings.

5. The proposed development has been designed in response to a previous scheme dismissed on appeal for two detached houses on the appeal site¹. The bungalows in the scheme before me would occupy the vast majority of the width of the rear gardens to Nos 30 and 32. With a combined width of 14.9m and length of 13.7m they would have a far larger footprint than surrounding dwellings. I recognise that the proposed dwellings would be approximately 2.2m shorter in height than the houses in the previous scheme dismissed on appeal and that the dwellings would also be set in slightly further from the sides of the appeal site. However, the bungalows would be significantly longer than the houses previously proposed and they would not be separated from each other by a gap. As a result, the scale of the proposed dwellings and their massing effect would result in a far coarser grain of development than is characteristic of the area. Consequently, in views from Markyate Road along the proposed access, and in views on the appeal site and from surrounding houses, the proposed development would appear incongruous and out of keeping with the pattern of development that characterises the area.
6. Under permitted development rights, within the rear gardens of Nos 30 and 32, outbuildings with dual pitched roofs 0.8m shorter in height than the proposed bungalows which are set in at least 2m from the side boundaries of each property could be built. In terms of footprint these buildings could occupy a far greater proportion of the available space than the proposed bungalows. However, I have no substantive evidence to indicate that there is a significant probability that such development would be constructed should this appeal be dismissed. As a result, I attach little weight to this as a fallback position in favour of the scheme.
7. Taking all these matters into account, I therefore conclude that the proposed development would cause significant harm to the character and appearance of the area, contrary to policies H2 and BE8 of the Local Plan. It would also be contrary to the Central Bedfordshire Design Guide ('Design Guide') and the National Planning Policy Framework ('the Framework') which seeks high quality design that successfully integrates new development into the built environment.

Living conditions

8. The rear gardens to the houses along Markyate Road form the only private outdoor amenity space to these dwellings. As a result, they are of high amenity value. The proposed bungalows would enclose a significant proportion of the length of the rear garden and would be located as close as 1.2m and 1.7m to the side boundaries of Nos 28 and 34 respectively. Although the hipped roof of the bungalows would help reduce the scale of the buildings, this would be insufficient to prevent the overall height and proximity of the proposed development having an overbearing impact on the outlook enjoyed within a significant part of these rear gardens.

¹ Appeal ref APP/P0240/W/16/3150909

9. The occupiers of Nos 28 and 34 have written in support of the proposed development and have not expressed concerns regarding the effect of the scheme on the outlook from within their back gardens. However, it is the function of the planning system to secure good living conditions for existing and future occupants of buildings and in this regard the proposal falls short of this goal.
10. For these reasons, I therefore conclude that the proposed development would harm the living conditions of the occupiers of 28 and 34 Markyate Road in relation to outlook. This would be contrary to policies BE8 and H2 of the Local Plan and the Design Guide, which among other matters, seek to prevent such harm. It would also be contrary to a core planning principle of the Framework which seeks to secure a good standard of residential amenity for existing occupants of land.

Planning balance and overall conclusion

11. The Framework sets out a presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, social and economic.
12. Environmentally, whilst the houses would be energy efficient the harm that would be caused to the character and appearance of the area would conflict with the environmental dimension to sustainable development.
13. The Council states it has a housing land supply of slightly less than five years. Consequently, an undersupply of housing exists in the local authority area. Socially, the development would make a small contribution towards addressing this shortfall. However, the poor quality living conditions that would be provided for immediate neighbours, in terms of outlook, would conflict with the social dimension to sustainable development.
14. Economically, the scheme would generate some construction employment, although by its nature this benefit would be short lived. Future occupants of the proposed dwelling would also help boost the spending power of the local economy slightly.
15. The appeal site is well located in terms of accessibility to services, facilities and bus stops. Located within Slip End housing on the site is in principle is supported by the Local Plan. The proposed development would also result in some social, economic and environmental benefits which I have described above. However, the shortcomings in terms of its adverse effects on the character and appearance of the area and of living conditions of neighbours are significant concerns. The adverse impacts in this regard would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

16. For these reasons that I have given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector