



Appeal Decision

Site visit made on 16 August 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/P0240/W/17/3175778

1 Leedon Furlong, Leighton Buzzard LU7 3PP

- 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 Kevin Molyneaux against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/05604/FULL, dated 30 November 2016, was refused by notice dated 30 March 2017.
 - The development proposed is described as 'new 1-bed single storey dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area and b) the living conditions of future occupiers with specific regard to the provision of private garden space.

Reasons

Character and Appearance

3. The appeal site comprises a two storey semidetached dwelling in a mix of render and brick with a hipped roof. It has gardens to the front, side and rear and occupies a corner location, at the junction of Leedon Furlong and Capshill Avenue. The dwelling is part of a street scene which is made up of relatively evenly spaced pairs of semidetached two storey dwellings with linear gardens extending to the rear and hipped roofs. Limited exceptions and bungalows to the north side of Capshill Avenue aside; this building type and space relationship defines the character of the area.
4. The proposed development is not an example of poor design. In fact, quite the contrary. It is an innovative and modern approach to a single bedroom dwelling, designed around the available space. This is inherently however also part of the problem. The dwelling would occupy the entirety of the side garden space to the existing dwelling resulting in the plot overall being squeezed widthways, reducing its spaciousness and altering its shape. It would also be sufficiently close to Number 1 Leedon Furlong to give the impression of a terrace of three dwellings in an area where semidetached forms predominate. The garden that would be afforded to the dwelling would be a very small enclosed seating area to its front, significantly smaller than and in a markedly

different shape and configuration to others in the street scene. In addition, the use of a flat roof would be at odds with the prevailing hipped roof scape of the area.

5. Bold and modern design should not be dismissed out of hand. Indeed, it finds support in the Framework¹ and simply something being different does not translate to harm in every case. There are however a combination of factors which I have set out above that lead me to conclude that the design, size and siting of the dwelling is not appropriate for the character or appearance of the area which, a debate on its own aesthetic appeal aside, defines street scenes and contributes towards a specific local identity.
6. The proposed development would therefore be harmful to the character and appearance of the area. Harm which would result in conflict with Policies H2 and BE8 of the Local Plan². These policies, with regard to this main issue and in association with the Framework, seek to ensure that new development is of a high quality and contextually appropriate design and appearance and respects, enhances and reinforces the character and local distinctiveness of the area.

Living Conditions

7. The proposed development would provide some external space for the purposes of the enjoyment of occupiers. This would be in the form of an enclosed seating area at the front, accessible directly from the living area via a set of sliding doors. In their reasons for refusal, the Council state that there would be insufficient space about the building for the enjoyment of occupiers. They then elaborate on their substantive concerns, having regard to the fact that the proposed development would not provide good quality living conditions for residents.
8. Having reviewed the cases of the two main parties, there emerges a clear debate on the amount of private garden space. Having regard to the Council's additional guidance on this matter and the fact that a larger outdoor space would not correlate with the size of the dwelling or the intended occupants, I would be inclined to agree with the appellant on the overall amount of provision.
9. I do however have concerns over its quality. Specifically, that it would be located to the front of the dwelling, directly abutting the pavement. It would also be partially sunken into the ground and surrounded on all of its sides by built development and landscaping. This would garner an enclosed and slightly oppressive experience in use and whilst there may be a sufficient amount of it, I am of the view that its design and location would not, as put by the Council, provide good quality living conditions for residents.
10. For this reason, the proposed development would not comply with saved Policies H2 or BE8 of the Local Plan. These Policies, amongst other things and along with one of the core principles of the Framework, seek to ensure a good standard of amenity for existing and future occupiers of land and buildings.

¹ The National Planning Policy Framework 2012

² South Bedfordshire Local Plan Review 2004

Other Matters

11. The appellant sets out that the Council are unable to demonstrate the supply of housing sites as required by the Framework. Referring to the most recent monitoring report from January 2017. The Council contend this position, stating that a more recent report from April 2017 sets out a deliverable supply of sites in excess of the required five years. Whilst I do not have any corroborative evidence to support either position, the erection of a single dwelling would make a very limited difference to an under supply if indeed there is one. Moreover, given the nature and extent of the harm that would arise out of the proposed development, it would significantly and demonstrably outweigh the limited benefits that it would provide.
12. The appeal site is well located in respect of services on which future residents would rely for day to day living. This would have to be the case however for the principle of the proposed development to be acceptable and as such this matter does not weigh against the harm that it would cause.
13. Planning permission was granted on appeal for the erection of a single storey dwelling at 188 Stanbridge Road, Leighton Buzzard³. The appellant cites this example in support of their case. Whilst this too was an end plot and a single storey dwelling in a street scene of mainly two storey houses, the Inspector had regard to the retention of existing spacious character, landscaping and an extant planning permission for a similar development opposite. Weight appears to have been apportioned to these factors in the decision to allow the appeal. With regard to these matters specifically, the scheme before me is not sufficiently similar to this example to the point that it would persuade me to allow the appeal.
14. An outbuilding may be acceptable under permitted development to the side of the existing dwelling. It may not appear dissimilar to the proposed dwelling. However its function would not be the same, it would be accessed and used as a separate dwelling and as such the two are not sufficiently comparable to justify allowing the appeal. I have determined the appeal before me on its own merits and with specific regard to the fact that it is for a dwelling and not an outbuilding.

Conclusion

15. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR

³ Planning Inspectorate Reference APP/P0240/2189337