The Planning Inspectorate

Appeal Decision

Site visit made on 2 October 2018

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2018

Appeal Ref: APP/P0240/W/18/3196341
10 Copper Beech Way, Leighton Buzzard LU7 3BD

- 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 F Marshall against the decision of Central Bedfordshire Council.
- The application Ref CB/17/04327/FULL, dated 7 September 2017, was refused by notice dated 18 December 2017.
- The development proposed is the erection of one detached dwelling with parking and access and erection of detached garage to serve 10 Copper Beech Way.

Decision

1. The appeal is allowed and planning permission is granted for the erection of one detached dwelling with parking and access and erection of detached garage to serve 10 Copper Beech Way at 10 Copper Beech Way, Leighton Buzzard LU7 3BD in accordance with the terms of the application, Ref CB/17/04327/FULL, dated 7 September 2017, subject to the conditions in the attached schedule.

Procedural Matters

2. Since the date of the Council's decision the National Planning Policy Framework (the Framework) has been published (July 2018). Both parties have had the opportunity to comment on the new document. The relevant Green Belt Chapter is number 13 and I have considered the appeal on this basis.

3. The refused application included a reason relating to insufficient information in relation to the impact on a Silver Birch tree within the site. The Council have advised that this tree has been felled and therefore they no longer wish to defend the third reason for refusal relating to the tree.

Main Issues

4. The main issues are:

    - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; and

    - The effect of the development on the character and appearance of the area including the Area of Special Character and the nearby public open space.

Reasons

Inappropriate Development

5. The appeal site current comprises garden land situated to the side of No 10 Copper Beech Way. It is grassed and well landscaped. The site is in an area which is washed over by the South Bedfordshire Green Belt. Paragraphs 145 and 146 of the Framework establish that within Green Belts the construction of new buildings is inappropriate, subject to a number of exceptions. These exceptions include limited infilling in villages (paragraph 145 e). Policy GB1 of the South Bedfordshire Local Plan Review (2004) (Local Plan Review) reflects the general aims of the Framework in terms of protecting the Green Belt by allowing only certain types of development. This links to Policy GB3 which identifies the villages affected by Green Belt, however I find the relevance of Policy GB3 to be somewhat limited as Leighton Buzzard is a town and not a village and is therefore not included in the settlements listed in Policy GB3. Accordingly, I consider the Framework to be the main consideration in terms of inappropriate development.

6. Copper Beech Way forms part of the town of Leighton Buzzard and comprises of more compact residential properties to the north and east with the appeal site forming part of three larger, more spacious properties accessed off a private drive. The appeal site is located between the more compact part of the road and the larger properties.

7. I acknowledge that both the Framework and the development plan policies refer to limited in filling in villages and Leighton Buzzard is a town. Nevertheless I have had regard to the characteristics of the site. The appeal site, whilst attractively landscaped, provides a limited visual benefit from Copper Beech Way itself given its location between existing residences and on a private drive. There is no definition of limited infilling, however, the proposal would introduce one dwelling, between existing properties, and accordingly I find that although not fully policy compliant as a result of the status of Leighton Buzzard, it would comply with the spirit of limited infilling nonetheless.

8. The Council makes reference to Policy H12 of the Local Plan Review, in particular points (ii) onwards. However the Appellant has disputed the relevance of this policy in that it refers to villages. I acknowledge that the spirit of the policy is to ensure that infilling does not harm the character and appearance of the area but, as with Policy GB3, I find that the reference to villages means that Policy H12 is limited in its relevance and accordingly I give it little weight in my consideration of the appeal proposal.

9. Although the proposal would utilise garden land, I have had regard to the local characteristics and conclude that as a result of the positioning of the proposed dwelling and the site's location, the development would comprise limited infilling in this instance. Accordingly, the proposed development meets the requirements of paragraph 145 of the Framework and is therefore not inappropriate. As the proposal is not inappropriate it is not necessary for me to consider the question of very special circumstances in accordance with paragraph 144 of the Framework.

Character and Appearance

10. The proposed development would introduce a detached dwelling into the site, which would sit mainly in line with the adjacent dwelling. The proposal would also involve the demolition of the existing garage and the provision of a new garage for No 10.

11. The proposed dwelling would be set over three storeys and whilst the dwellings in the area are predominantly two storey, the proposal has been designed to work with the changing land levels and would not exceed the height of No 10. The dwellings to the north and east are more uniform in their appearance; however along the private drive the dwellings have a varied design.

12. The appeal site forms a break between the more consolidated development and the larger, more spacious plots. However, Copper Beech Way itself is characterised by residential development and therefore I do not find this break to be essential to the visual character of the street. Whilst it does delineate between the two distinct areas of development, the introduction of a dwelling into the appeal site would not significantly harm the visual character and a small gap would still be retained between the larger properties and the denser part of the road. Although the proposed dwelling would be on more of a constrained plot than the existing dwellings on the private drive, I find that this would be an appropriate form of development which would successfully transition between the smaller properties and the more spacious plots.

13. The appeal site is also located within an Area of Special Character, and adjoins an area referred to as Knolls Wood. Whilst this has the characteristics of a rural area and the appeal site is located some distance from the main town centre, it nevertheless falls within an existing group of housing and would assimilate into the current built form.

14. Adjacent to the site is an area of public open space, which currently has views of the appeal site. Whilst the undeveloped site provides attractive views from this area, there are also existing views of residential dwellings from this area of open space. The introduction of the proposed dwelling into the site would change the view to some degree, however, this would be entirely in keeping with the predominant views of the existing dwellings. I therefore find that there would be no harm to the character and appearance of the open space in visual terms.

15. Concern has been raised over the lack of space for mitigating landscaping as a result of the scale of the dwelling proposed. I recognise that the proposed dwelling would be relatively large, however given its location adjacent to the more consolidated part of Copper Beech Way, I do not find that the development would be visually incongruous as a result of the level of landscaping able to be provided. There would be ample space in the rear garden to provide landscaping to mitigate views from the public open space. I consider that a level of landscaping could be achieved that would satisfactorily integrate the dwelling into the landscape and that this could be reasonably secured by condition.

16. Accordingly, I find that the proposed development would not result in harm to the character and appearance of the area, the Area of Special Character or the nearby public open space. The proposal therefore complies with Policies BE6 and BE8 of the Local Plan Review. These policies seek to ensure that in Areas

of Special Character, planning permission will not be granted for the subdivision of large plots and infilling which would result in loss of gardens or give rise to unacceptable harm to the character of the area and ensure that new development will harmonise with the local surroundings, amongst other things.

Other Matters

17. The Council advise that they have a current 5 year supply of housing land. However, the Appellant has questioned the calculation of this in relation to the unmet need for adjoining authorities. The proposed development would make a very limited contribution to the supply of housing land for the area. However as I have found that the proposed development is acceptable for the above reasons it is not necessary for me to conclude on this matter.

Conditions

18. In addition to the standard time limit condition, I have attached a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. The Council have requested a number of conditions which I have considered against the advice in the planning practice guidance and amended or omitted where necessary.

19. Conditions for the external materials and landscaping of the development are necessary in the interests of the visual character of the area. I have not imposed conditions restricting the permitted development rights as these should only be used in very exceptional circumstances and I have been presented with no reasons that would justify the use of these conditions in this instance.

Conclusion

20. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 16/FM/001; 16.FM.002; 16/FM/003 (elevations); 16/FM/003 (levels); 16/FM/004 and 16/FM/005.

3) No construction of the dwelling hereby approved shall take place until details of all external materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

4) Prior to the first occupation of the development hereby permitted details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority.

   The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.