
Appeal Decision

Site visit made on 23 July 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/P0240/W/19/3228994

73 Leighton Road, Toddington LU5 6AL

- 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 RBC Developments Ltd against the decision of Central Bedfordshire Council.
 - The application Ref: CB/19/00643/FULL, dated 27 February 2019, was refused by notice dated 23 April 2019.
 - The development proposed is the demolition of existing dwelling and erection of three detached dwellings with revised vehicular access and parking scheme following planning permission CB/18/02099/FULL.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing dwelling and erection of three detached dwellings with revised vehicular access and parking scheme following planning permission CB/18/02099/FULL at 73 Leighton Road, Toddington LU5 6AL, in accordance with the terms of the application, CB/19/00643/FULL, dated 27 February 2019, subject to the attached schedule of conditions.

Procedural Matter

2. I am aware of correspondence that queries the precise position of the site's boundaries. I have also received information from the appellant in rebuttal of this point. As it would appear that all parties are aware of the appeal, and have had an opportunity to comment, I am satisfied that no prejudice has been shown. Furthermore, it is incumbent upon me to assess the merits of the scheme before me in land use planning terms. I have therefore proceeded on this basis.

Main Issues

3. The Council's reason for refusal does not concern the two dwellings proposed to be sited at the front of the site. Based on the evidence before me, I have no reason to disagree with these conclusions. Accordingly, the main issues are:
 - the effect of the proposed bungalow to be sited at the rear of the site upon the character and appearance of the surrounding area; and
 - the effect of the proposed bungalow to be sited at the rear of the site upon the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

4. The appeal site is located close to the centre of Toddington. There is significant variation in respect of the type of dwellings in Leighton Road, which include terraces, semi-detached and detached houses, and bungalows. These are generally arranged in a linear pattern, with relatively small gaps in between. This pattern is reflected in Orchard Close (to the rear of the appeal site). In addition, a significant number of properties include rear outbuildings.
5. Owing to the variety of houses within the vicinity, the proposed creation of two houses at the front of the site, and a single bungalow to the rear would not result in a density unrepresentative of the site's vicinity. The development site is close to the centre of Toddington, which contains some services and public transport routes.
6. Whilst I recognise that existing dwellings are arranged in a linear pattern, there are several outbuildings, some of which are substantially proportioned, in the immediate surroundings. Consequently, whilst not dwellings, buildings within back gardens are reasonably commonplace.
7. The proposed bungalow would be visible from Leighton Road, but such views would be reasonably fleeting and would only be of small sections of the building. This is due to the screening effect arising from the proposed houses and existing dwellings. In addition, the design of the proposed bungalow would not be out of keeping with the prevailing character.
8. The current character of the area can be defined by the presence of occasional views of buildings within rear gardens. Given that views of the bungalow would be partial and relatively infrequent, it follows that the proposed building would not have a significantly intrusive effect on the character and appearance of the area.
9. Whilst the proposed dwellings would have smaller gardens than some other properties in the vicinity, this would not be readily apparent from the wider area owing to the previously described screening effect. My attention has not been drawn to any perceived planning policy breach regarding garden sizes.
10. Due to the variety of dwelling designs within the surrounding area, there is also a significant variation in terms of driveway sizes, driveway positions, and materials. As a result, the creation of the driveway to serve one of the proposed houses and the bungalow, which would have a relatively narrow width and general domestic appearance, would not appear unduly incongruous. The proposed bungalow would be offset from the end of this driveway, therefore, the main view from Leighton Road would be of a garden. This would be appropriate owing to the suburban context of the development.
11. I have had regard to the Central Bedfordshire Design Guide (2014) (the Design Guide). This document seeks to ensure developments are of a high quality design and are locally distinctive. Given the prevailing character of the area, the prominence of gardens and the relatively small scale driveway, the development is in conformity with these objectives.
12. In conclusion, the proposed bungalow would not have an adverse impact upon the character and appearance of the surrounding area. The development tin

this regard, accords with the requirements of Policies BE8 and H2 of the of the South Bedfordshire Local Plan Review (2004) (the Local Plan) and the Design Guide, which amongst other matters seek to ensure that new developments respect the character of the surrounding area, harmonise with their surroundings, and make efficient uses of sites

Living conditions

13. The existing property features a comparatively large rear garden, which is reflected in some other properties in Leighton Road. The garden slopes downwards to the rear boundary. The dwellings in Orchard Close, to the rear, also have reasonably sized gardens, albeit smaller than the appeal site. The existing boundaries of the garden are marked by a combination of significantly sized fences, planting and trees.
14. Owing to the relatively large size of the plot, the proposed dwelling would be located some distance away from the rear elevations of the existing buildings in both Leighton Road and Orchard Close. In the main, any views of the proposed bungalow would be made at an oblique angle, thereby reducing its prominence.
15. In addition, the proposed bungalow would have a comparatively limited height given that it is of a single storey. This means that the building would only be partially visible from neighbouring properties given the presence of boundary treatments. Consequently, the building would not be unduly prominent when viewed from adjoining dwellings and their gardens.
16. Whilst I acknowledge that some removal of landscaping may need to be undertaken, I note that the scheme includes adequately sized gardens for each of the proposed dwellings. In addition, a condition could be imposed to ensure the provision and retention of suitable boundary treatments. This would provide screening and further mitigate the impacts of the development.
17. As a result, I conclude that the proposed bungalow would not have an overbearing effect on neighbouring properties or lead to a demonstrable loss of outlook. Accordingly, the proposed development would not have a significant adverse effect on the living conditions of neighbouring properties. The development therefore accords with the requirements of Policies BE8 and H2 of the Local Plan and the Design Guide which seek to ensure that new developments provide good living conditions for residents.

Other Matters

18. The development would increase activity in the rear garden arising from the operation of the driveway. However, owing to the scale of the bungalow, such intensification is unlikely to be significant and would not result in excessive noise and disturbance. In addition, the site's boundary treatment would obscure light spillage from car headlights.
19. Whilst the driveway would not be gated, provided that suitable boundary treatments are put in place prior to the first occupation of the development, and are retained, I do not believe that the development would impact upon the security of neighbouring properties.
20. Owing to the scale of the development, and the relatively small number of likely vehicle movements, the proposal would not result in a severe impact

upon the surrounding highway system, and I have not been presented with any evidence that would lead me to take a contrary view.

21. I have had regard to the presence of trees within the vicinity but owing to the separation distances between these and the proposed dwellings, I do not believe that the development would have any significant long term health impacts on them. Owing to the current garden layout, and the position of current areas of planting, I do not believe that the development would result in a significant loss of habitats for wildlife.
22. As the site would still retain notably sized areas of undeveloped garden land, I am of the view that the increase in built form would not result in significant increased drainage run off to neighbouring properties.
23. Whilst I am aware of previous permissions for an outbuilding on this site, I have assessed the proposed development on its own merits and, for the reasons set out previously, found it acceptable. I am also aware that the current scheme is of a smaller scale than previous proposals involving backland dwellings on this site.
24. References have also been made to other developments elsewhere in Toddington. I am unaware of the planning circumstances to these but note that generally the sites appear to have different characters to the appeal site. I have therefore been unable to give them significant weight in my considerations.
25. I acknowledge concerns that this development may set a precedent for similar schemes on neighbouring sites. Whilst it would be incumbent upon the Council to assess any future proposal on its own merits, there is some variation within the vicinity in terms of the length and width of plots. In consequence, there are likely to be differences as to whether other plots could accommodate additional development and, if so, the precise amount and type.
26. I am aware of a draft Neighbourhood Plan (NP). From the evidence before me, the NP seems to be at an early stage of its preparation, and there are no draft policies before me. It is also unclear as to whether there are any unresolved objections at this stage. Accordingly, the NP carries a limited amount of weight in my assessment.

Conditions

27. In addition to the standard implementation condition, a condition in respect of the approved plans is necessary in the interests of precision. As the development should harmonise with its surroundings, a condition requiring the materials to be agreed is necessary and reasonable, although I do not believe that this needs to be a pre-commencement condition. Accordingly, I have amended the wording suggested by the Council.
28. Owing to the positioning of the proposed dwellings in respect of one another and the existing properties, conditions requiring the provision of obscure glazing and restricting Permitted Development rights are necessary to maintain the living conditions of adjoining properties. For similar reasons, a condition in respect of boundary treatments is necessary and reasonable. A condition requiring the provision of refuse storage will also assist in maintaining existing living conditions.

29. The Council has suggested several conditions regarding the provision and specification of the driveway, turning area and parking areas. Having given third parties the opportunity to comment on these conditions, I am of the view they are necessary to mitigate any impact on the highway system and would not impact upon the living conditions of neighbouring residents. However, I am unconvinced that such details need to be agreed prior to the commencement of development as they are intended to ensure that the development operates in a safe manner. I have consequently amended these conditions.

Conclusion

30. For the foregoing reasons, I conclude that the appeal should be allowed.

Benjamin Clarke

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: 02-02-001; 02-02-100 A; 02-03-100; 02-03-101; 02-03-104; 02-03-105; 02-05-100; 02-05-105; 02-05-106; 02-05-107; 02-05-108; 02-05-109; 02-05-110.
- 3) Prior to the commencement of any above ground works, full details of the junctions of the proposed vehicular accesses with the highway shall be submitted to, and approved in writing by, the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details
- 4) Before the new or modified access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner previously submitted to and agreed in writing by the Local Planning Authority.
- 5) Prior to the commencement of any above ground works, full details of the driveway, including arrangements for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway and the proposed surface treatments of the driveway, for a minimum distance of 5m into the site (measured from the highway boundary) shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.
- 6) Prior to the commencement of any above ground works, full details of a turning area for light goods service vehicles serving plot 3 (as shown on drawing 02-02-100 A) shall be submitted to and approved in writing by the Local Planning Authority. The approved turning area shall be constructed before the dwelling is first occupied and retained thereafter.

- 7) Notwithstanding the details submitted, the shared vehicle access shall have a minimum width of 4.1m, in addition to a 0.3m margin either side of the access for lateral clearance.
- 8) Before the development is first occupied or brought into use, the parking scheme shown on plan no 02-02-100 A shall be fully implemented, and thereafter retained for this purpose.
- 9) The first floor windows in the side elevations of Plots 1 and 2 (as shown on drawing 02-02-100 A) of the development hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the windows which can be opened are more than 1.7m above the floor of the rooms in which the windows is installed. prior to the first occupation of Plots 1 and 2 and retained thereafter.
- 10) Prior to any above ground building works taking place, full details of the materials to be used on the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.
- 11) Prior to any above ground building works taking place, full details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details, be fully implemented prior to the first occupation of the dwellings hereby permitted and shall be retained thereafter.
- 12) Details of a refuse collection point located outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to the first occupation of any dwelling and shall be retained thereafter.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no alterations or extensions shall be undertaken in the roofs of the dwellings hereby approved.