
Appeal Decision

Site visit made on 23 September 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/P0240/W/19/3233154

Land rear of 32 and 34 Lyall Close, Flitwick MK45 1JD

- 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 & Mrs K S Churchman and Mr & Mrs K B Taylor against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/00158/FULL, dated 11 January 2019, was refused by notice dated 18 March 2019.
 - The development proposed is the erection of a detached 2 bed bungalow.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the site description as set out in the appeal form as this is more accurate than that set out on the application form and the Council's decision notice.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. Lyall Close is predominantly residential and comprises semi-detached, two-storey dwellings that are laid out in a linear pattern on either side of the road. Although there are slight differences in the design of the dwellings and the colour of facing brick, there is a consistent architectural theme throughout the road. The set back position of the dwellings, the generous spacing between them and the generally open frontages makes a positive contribution to the open, suburban character of the area. This openness is further enhanced by the long gardens to the rear of the dwellings on the eastern side of the road, which are largely free from built form, with the exception of garden sheds and garages.
5. The appeal site comprises part of the rear gardens of 32 and 34 Lyall Close. The access to the proposed dwelling would be in between these two properties.
6. The siting of the dwelling behind the existing properties would be in marked contrast to other properties on the road which all have a clear frontage that embraces the street. Therefore, the dwelling's lack of frontage with the road would appear incongruous and fail to engage with the streetscene.

7. In addition, the proposal would introduce a dwelling within the backland area, which, with the exception of small, ancillary domestic buildings, is currently free from built form. This would be in marked contrast with the existing pattern of development.
8. I have had regard to the site at 39A Dunstable Road referred to me by the appellant. Whilst the approved scheme is to the rear of existing dwellings, there is already an existing dwelling there served by an existing road. Therefore, as there are no existing dwellings to the rear of properties on the eastern side of Lyall Close, I do not consider that there are any direct comparisons that weigh in favour of the proposal. In any event, the site at 39A Dunstable Road is not reflective of the general character and appearance of the area, which, based on the evidence before me, is otherwise devoid of backland development.
9. Moreover, the proposed development would occupy a large portion of both of the existing dwellings' rear gardens, significantly shortening their depth. Whilst I accept that the remaining private amenity space for each of the dwellings would meet the Central Bedfordshire Design Guide of 50sqm, this guide is to ensure that there is adequate space for the occupants of the dwellings, rather than the effect it has on the character and appearance of the area. The significantly reduced rear gardens of Nos 32 and 34 would be in marked contrast with the much longer rear gardens of the other neighbouring properties on the road and therefore would diminish the openness of this rear garden area whilst highlighting the incongruity and cramped appearance of the proposed development. Whilst the dwelling would not be readily visible from public views, it would be from the rear of neighbouring properties and their gardens.
10. I have also had regard to the appellant's contention that the development plan does not prohibit backland development, with which the Council does not dispute. However, Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (CS) 2009 states that new development should be appropriate in scale and design to their setting; and, contribute positively to creating a sense of place and respect local distinctiveness through design, which is further supported by the guidance set out in the Central Bedfordshire Design Guide (DG) 2014.
11. I find therefore that the proposal represents an unacceptable form of backland development that fails to respect the existing pattern and grain of development. As such, it would significantly harm the character and appearance of the area, contrary to Policy DM3 of the CS and the DG. Furthermore, it would fail to accord with the design objectives of the National Planning Policy Framework.

Other Matters

12. The Council raise no objection to the effect of the development on the living conditions of future or neighbouring occupants, nor on highway safety and I find no reason to conclude otherwise. However, these are neutral matters and therefore do not weigh in favour of, or indeed against, the proposal.

Conclusion

13. For the reasons given above the appeal is dismissed.

Alexander Walker INSPECTOR