
Appeal Decision

Site visit made on 25 February 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2020

Appeal Ref: APP/K0235/D/19/3243007

Hope Cottage, 38 High Street, Roxton MK44 3EB

- 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 Simon Camilleri against the decision of Bedford Borough Council.
 - The application Ref 19/00829/FUL, dated 17 December 2018, was refused by notice dated 30 September 2019.
 - The development proposed is the construction of a wall of circa 15m in length and 1.5m in height, together with opening up a new vehicular access directly onto the High Street from Hope Cottage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of this appeal, the Bedford Borough Local Plan (January 2020) (the Local Plan) has been adopted by the Council and can now be afforded full weight in decision making. Both main parties to this appeal have had the opportunity to make comments upon the implications of this and I shall consider the appeal accordingly.

Main Issues

3. The main issues are:
 - Whether or not the proposal would preserve or enhance the character or appearance of the Roxton Conservation Area (the Conservation Area);
 - The effect upon the setting of Hope Cottage, a Grade II listed building; and
 - The effect upon highway and pedestrian safety.

Reasons

Conservation Area

4. The significance of the Conservation Area as a designated heritage asset is drawn, in part, from its various historic buildings and from its plentiful array of soft landscaping that offers a typically green and leafy character and appearance. Indeed, these features are of relevance to the historic evolution of the village. This significance continues to be identifiable despite various modern developments that have taken place within the Conservation Area.

5. There are a range of different boundary treatments in place to plot frontages across the Conservation Area, which include various forms of hedging, fencing and walling. Indeed, there are already multiple brick boundary walls in place and positioned to the back of the highway at various points along High Street. In some cases, these are lengthy in extent and sizeable in height. This is perhaps most pertinent a short distance to the north serving No 22 High Street (No 22).
6. Whilst the proposed wall and new access gates (which would be set a short distance back beyond the alignment of the proposed wall) would provide a hard edge to the site, it is important to note that they would be of fairly modest scale and height. Indeed, the proposed development would not appear as an unduly prominent or strident element within the Conservation Area. Furthermore, although an existing hedge would need to be removed, it is anticipated that existing planted features on-site would continue to be observable (at least in-part) from High Street.
7. I acknowledge that, in the particular part of the Conservation Area where the site is located, hedged frontages are prevalent. Nevertheless, other treatments are apparent in the site's vicinity and it is my duty to assess the proposal's effect upon the character or appearance of the Conservation Area when considered as a whole. I am satisfied that the proposal would not cause harm to the significance of the Conservation Area.
8. For the above reasons, the proposal would preserve the character and appearance of the Conservation Area in accordance with Policies 29 and 41S of the Local Plan in so far as these policies require that new development should protect and, where appropriate, enhance heritage assets and their settings (the Conservation Area in this case) and successfully integrate with the historic environment and character.

Setting of Hope Cottage

9. Hope Cottage is a timber-framed thatched cottage that is Grade II listed. Its special interest and significance as a designated heritage asset is drawn, in-part, from its traditional vernacular form, detailing and materials. Indeed, the appeal property is one of several thatched properties in Roxton (that includes property situated adjacent to the site), and its heritage significance is further defined by its relevance to the historic evolution and rural history of the village.
10. The existing hedge that is in place provides a soft and verdant edge to the front of the appeal site. Indeed, consistent with the Conservation Officer's views, the current appearance of the site's frontage is well suited to the traditional and rural character of Hope Cottage. It is an important element of the site's setting that is further contributed to by adjacent hedged frontages on the western side of High Street. Whilst I am not unduly concerned about the intended breaks in enclosure that would be necessitated by the provision of new vehicular and pedestrian access points, the proposed brick-constructed boundary would, in comparison to existing arrangements, provide a hard frontage to the site that would not be inherently rural in its appearance.
11. I understand that the existing frontage hedge is not protected, in the sense it could be removed without consent. However, presently this would appear unlikely to occur given that planning permission would be required for the erection of any gate, fence, wall or other means of enclosure at this listed

property. In any case, an open frontage would not provide a hard edge to the site. The appellant has referenced the absence of any Article 4 direction made with respect to Hope Cottage or to the village/Conservation Area as a whole. This is of limited relevance to my considerations here given the restrictions that apply at the appeal property in any event.

12. I acknowledge that the newly proposed wall and access gates have been designed to mirror the wall and gates that serve No 22 in terms of both their design and materials. Indeed, an aspect of visual symmetry would result from viewing these existing and proposed treatments together with the thatched cottages that are situated in between. However, my considerations here are specifically focussed upon the heritage significance of Hope Cottage. The existing walling, which I do not dispute forms a part of Hope Cottage's setting, does not adjoin Hope Cottage and instead bounds the spacious grounds of a property that is of distinctly different design and makeup. Thus, the influence offered by No 22's boundary wall, whilst relevant to my considerations here, is not of primary importance.
13. The newly proposed walling and access gates, as discussed above, would be set at a fairly modest height such that views into the appeal site from High Street would be hindered only to a limited extent. Indeed, passers-by would continue to be able to appreciate Hope Cottage's architectural and historic interest. However, this interest would not be fully preserved by virtue of the intended hard edge to the site that would be created in conflict with the inherent rural qualities of the asset.
14. Photographic evidence of a taller hedge that was formerly in place to the front of the site has been provided. In comparison to existing arrangements, that hedge obscured publicly accessible views of the asset. However, as demonstrated by the current on-site situation, the hedge was not a permanent feature. In any event, it evidently provided a soft and sympathetic edge to the site, alongside which substantial parts of Hope Cottage, including its thatched roof, would have remained widely visible.
15. The appellant, in the interests of softening the visual appearance of the proposed walling, has suggested that a planning condition could be imposed to secure planting to its outer edge. However, the submitted plans indicate that much of the intended wall would be positioned flush to the appeal site's boundary. A position that has been motivated, at least in-part, by the proximity of an existing south-facing window. Thus, adequate space for the provision of new planting to the front edge of the site is not available. Whilst the planting of a creeper vine has been specifically suggested, this would still, I understand, require soiled ground within which to take root. In any event, even if a creeper vine could establish itself at the very edge of the site, it has not been clearly demonstrated that this could be relied upon to provide a robust long-term softening edge to the site.
16. For the above reasons, the proposal would lead to less than substantial harm being caused to the significance of Hope Cottage through development within its setting. As set out in the National Planning Policy Framework (February 2019) (the Framework) and Policy 41S of the Local Plan, any less than substantial harm should be weighed against the public benefits of the proposal. A balanced judgement is required when weighing the merits of a scheme, having regard to the extent of loss of significance caused.

17. The appellant asserts that the proposal would lead to significant highway safety improvements. The existing access arrangements require users of the appeal property's driveway to either enter or exit in reverse gear via a highway access point that offers limited visibility, particularly in a northward direction. Whilst, in comparison, the newly proposed access point would offer some minor improvements in visibility and usability terms, users would still be required to reverse either in to or out of the driveway from or on to the highway. It is also relevant to note that the existing access point on to High Street, which is shared with another property, would remain such that an additional point of potential conflict between different highway users would be created. In this context, any public benefit of the proposal in highway safety terms would be very limited.
18. As indicated in the Framework, when considering the impact of a proposal upon the significance of designated heritage assets, great weight should be given to the asset's conservation. Whilst a relatively minor level of less than substantial harm would be caused by the proposal, its contribution to improving highway safety would be very limited and would not outweigh the identified loss of significance that would be caused to Hope Cottage.
19. For the reasons set out above, the proposal would, through causing harm to the significance of Hope Cottage, be in conflict with Policies 29 and 41S of the Local Plan in so far as these policies require new development to protect and, where appropriate, enhance heritage assets and their settings and successfully integrate with the historic environment and character.

Highway Safety

20. I have found above that any potential benefit of the scheme in highway safety terms would be very limited. Nevertheless, it remains for me to consider whether the proposed vehicular access arrangements would in themselves cause harm by prejudicing highway and/or pedestrian safety.
21. During inspection I observed a very limited number of vehicle movements along High Street, and the cars I did witness were travelling at a slow speed. This would not be unexpected given the site's proximity to a junction where crossroads are in place. A footway runs adjacent to the site's frontage, along which I also observed very limited pedestrian movements. Whilst my single visit to the site cannot be relied upon to offer an entirely accurate account of the day-to-day traffic situation along High Street, having considered all the evidence before me, I am satisfied that it is a lightly trafficked route. It is also relevant to note that High Street, in the vicinity of the site, is of straight alignment such that visibility over long distances is possible along it.
22. The Highway Authority has raised an objection on the basis that the intended vehicular and pedestrian visibility splays would not meet their usual required standards, which they consider would lead to danger and inconvenience for users of the proposed access and for highway users in general. This is a matter of importance as the Highway Authority are responsible for the safety of road users on the local highway network. Nevertheless, it is also relevant to note that the existing access, which is shared with a neighbouring property, is substandard and provides limited visibility at its connection to High Street.
23. When calculating vehicular visibility, as illustrated in the submitted Transportation Advisory Note (April 2019), the appellant has used a 2m

distance measured back from the carriageway as opposed to a 2.4m distance as recommended by the Highway Authority. Having inspected the site and considered the specific circumstances to hand (including the realistic speed of traffic, the alignment of the road and the existing access arrangements), I am satisfied that the appellant's approach in this regard would not prejudice highway safety.

24. In terms of the intended pedestrian visibility splays, it is evident that these would be limited in extent adjacent to where the footway runs along the site's frontage. However, I see some merit in the argument that, in the absence of wide visibility splays, drivers would be encouraged to emerge more cautiously. Also, whilst the footpath widens to the southern side of the existing access point so as to assist in promoting a degree of pedestrian visibility to the south, the existing access is currently served by no splay at all to the north due to the presence of a boundary fence. Thus, even though an additional vehicular access point would be created, I am satisfied that, when factoring in present site circumstances, the proposal would have an acceptable effect upon pedestrian safety.
25. For the above reasons, the proposal would not have a negative effect upon either highway or pedestrian safety and would thus not cause harm in these contexts. The proposal accords with Policy 31 of the Local Plan in so far as it requires that proposals should not have any significant adverse impact on access to the public highway and should give particular attention to safety.

Other Matters

26. I acknowledge that the proposed wall would provide security and privacy improvements for the appeal property's occupiers. However, it has not been clearly demonstrated that an alternative solution does not exist that would deliver the same (or similar) improvements without causing unacceptable harm to the heritage significance of Hope Cottage.

Conclusion

27. Whilst I have found that the proposal would preserve the character and appearance of the Conservation Area and would not prejudice highway or pedestrian safety, it would lead to less than substantial harm being caused to the significance of a designated heritage asset that would not be outweighed by public benefits. That harm is the overriding consideration. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.
28. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR