
Appeal Decision

Site visit made on 28 July 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06/08/2020

Appeal Ref: APP/P0240/W/20/3248360

6 Hazelwood Lane, Ampthill, Bedford MK45 2HA

- 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 Tebbutt against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/03218/FULL, dated 20 August 2018, was refused by notice dated 12 December 2019.
 - The development proposed is a new build three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal relates to the rear garden of a semi-detached dwelling. The site forms part of a row of relatively loose-knit dwellings along Hazelwood Lane. There are a variety of building styles, but they all generally share a front building line which is set back from the road behind front gardens and drives. This creates an obvious linear pattern of development, which is shared by the two dwellings currently under construction adjacent to the site. The housing on Hazelwood Lane sits apart from any defined settlement and, were it not for the large Lockheed Martin site to the rear, it would represent a sporadic pocket of housing in the open countryside.
4. The rear garden is a relatively large and open space that is mainly laid out to lawn. The boundary treatments are mainly tall timber fences, but there is a large bank of trees beyond the end of the garden providing a visual screen to the industrial site beyond. The length and overall size of the garden appears to reflect that of other dwellings in the row.
5. The development would introduce a bungalow to the rear. There is no evidence to suggest backland development of this nature is characteristic of the housing on Hazelwood Lane. The bungalow would therefore have the effect of disrupting the established layout and grain of the street. It would also significantly reduce the existing spacious and open character of the site. The resulting plot ratios of both No 6 and the proposed dwelling would be wholly uncharacteristic of the area, where dwellings sit in deep and generous plots,

with large gardens to the front and rear. The resulting layout would be harmful to the prevailing character of the street.

6. The appellant has suggested that the industrial complex to the rear demonstrates that the pattern of development is not linear. However, there is a very clear and obvious distinction between the character and pattern of residential development on Hazelwood Lane and the industrial development to its rear. Although accesses to the industrial site penetrate the frontage, the industrial uses and buildings themselves are set much further back from the road and are not part of the street scene. Even with the development taking place at No 8, the industrial site is clearly a separate entity that has little bearing on whether a backland dwelling would be acceptable.
7. From the public realm, the bungalow would mainly be visible in glimpsed views through the access. The development would however be clearly visible from the private views from neighbouring dwellings. The incongruous nature of the bungalow in relation to the prevailing pattern of development would still be readily apparent. In this regard, the appellant's suggestion of a condition controlling materials would not mitigate the impact of the development.
8. I therefore conclude that the development would appear as a discordant and unsympathetic feature that would do significant material harm to the character and appearance of the area. Accordingly, there would be conflict with policies DM3 and CS14 of the Central Bedfordshire Core Strategy and Development Management Policies document (CSDM)(2009). Amongst other things, these policies seek to ensure development respects local context and distinctiveness. It would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which includes requirements for development to function well, add to the overall quality of an area and be sympathetic to local character.
9. The Council has not identified which part of the Central Bedfordshire Design Guide (2017) the development would conflict with. As such, I find no specific conflict with this document. Nevertheless, this does not alter my overall conclusion about the harm caused.

Other Matters

10. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The development would conflict with the CSDM as a whole in terms of its impact on local character and appearance.
11. The development would add an additional dwelling to the housing supply. There would also be associated social and economic benefits, both in terms of short term construction, but also longer term support for local services and facilities. The development would also make more efficient use of the land. However, even having regard to the possible economic impacts of the COVID-19 pandemic, the overall benefits of a single dwelling would not be significant.
12. The appellant has drawn my attention to the officer report for the neighbouring scheme at No 8, specifically the point regarding the site being 'contained on all sides'. The lack of a specific reference to a 'linear' form of development has also been highlighted. Neither of these points are persuasive in justifying the

- proposal. It is quite possible for a site to be contained on all sides, while still reflecting a linear pattern of development. The Lockheed Martin site backs onto the housing on Hazelwood Lane, but there is a clear distinction between the industrial character of that site and that of the dwellings fronting the street.
13. Furthermore, it is clear that the pattern of residential development on Hazelwood Lane is linear, with a similar grain and building line along its length. That the officer report relating to No 8 does not specifically state this does not alter this fact. Furthermore, the proposal at No 8 clearly complements the prevailing pattern of development in the area and is thus different to the proposal before me. These points therefore add no weight in favour of the proposal.
 14. The site is outside the 'Settlement Envelope' of Ampthill. The Council's officer report concludes that this would be in conflict with CSDM Policies CS1 and DM4, which set out the settlement strategy. While stating that this should 'weigh against' the development, the Council did not seek to refuse the proposal on these grounds. In light of my conclusions on character and appearance, this is not a factor I need to consider in any further detail.
 15. The Council identified no harm in relation to impacts on living conditions, highways or other planning factors not addressed above. However, a lack of harm is neutral and weighs neither for nor against the development. I have noted the support from Ampthill Town Council, but this does not alter my view that the development would be out of character with the area.
 16. There is some dispute between the parties as to whether the Council can demonstrate a five year housing land supply as required by paragraph 67 of the Framework. In response to the appellant's assertions, the Council has provided a substantial amount of evidence, including recent appeal decisions, which support their view that a five year supply exists. The appellant has not disputed this evidence, nor provided any of their own to demonstrate any shortfall. In lieu of any clear evidence to the contrary, I am satisfied that a five year supply can be demonstrated. The 'tilted balance' set out in paragraph 11(d) of the Framework is not triggered on this basis.
 17. In conclusion, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR