
Appeal Decision

Site visit made on 11 August 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/J0405/W/20/3248840

Ryders By, Leighton Road, Northall, Dunstable LU6 2EZ

- 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 J Stewart of Nicholas Arthur Developments Ltd against the decision of Aylesbury Vale District Council.
 - The application Ref 19/02555/APP, dated 11 July 2019, was refused by notice dated 18 February 2020.
 - The development proposed is 3 new dwellings with new access road.
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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 grounds of a large detached property known as Ryders By. The site is a relatively large plot which currently has an open and spacious appearance. The development would result in a pair of semi-detached units sitting in the gap between Ryders By and the neighbouring dwelling. These would be set back from the existing tall hedgerow which fronts the road. Their rear gardens would be adjacent to the road and the principal elevation would face a central courtyard-cum-vehicular turning area. A large detached unit would be set deeper into the plot. The dwelling's front elevation would face those of the semi-detached units across the central space.
4. The units would be accessed by a new shared driveway, which would pass close by the side of Ryders By and the semi-detached dwellings. This would lead to the courtyard, before continuing on the opposite side of the detached unit, along the common boundary with the neighbouring dwelling. The track would then continue to provide access to part of the existing garden which is beyond the 'redline' boundary of the application.
5. There is significant variety in house types and sizes in the village. Nevertheless, there remains a strong linear feel to the layout with principal elevations generally facing the street. The proposal would disrupt the prevailing pattern of development. The semi-detached units would fill a gap and be in-line with houses on either side. However, they would be orientated differently to the majority of dwellings, with their rear gardens being closest to the road and

- the front elevation facing inward to the courtyard. Although largely screened by the hedgerow, this would nevertheless be an overt departure from the predominant layout in this part of the village.
6. Much of the space around and between the dwellings would be given over to vehicular access, turning and parking. The amenity space for the detached unit in particular would amount to relatively narrow strips around the dwelling. As a result, it would appear to have been squeezed into the remaining available space, once all the necessary infrastructure for vehicles had been put in place. In my view, this would not constitute a good standard of design or layout.
 7. Although the semi-detached units would have some defined amenity space to the rear, they would also be hemmed in by the common boundary and landscaping to one side and the access drive on the other. This would exacerbate the somewhat cramped overall appearance of the development. The resulting plot ratios for both types of dwelling would also not reflect those in the immediate area, where dwellings appear to have long open gardens.
 8. I acknowledge that there are a number of examples where a single point of access serves multiple dwellings. In these cases, the houses are often set well back from the main road, behind the access roads and/or gardens and some form of boundary treatment. Nevertheless, a strong linear layout with principal elevations fronting the road is still maintained in the majority of cases.
 9. There are also examples where development is set back from the road or orientated around a courtyard. These mostly appear quite different to the proposal. In particular, the layout of The Peppiatts is clearly reminiscent of a farmstead, with buildings arrayed around the central courtyard. This differs significantly to the 'tandem' type development proposed here. The Council has also confirmed that The Peppiatts is the result of agricultural conversion and development to the rear of the Old Bakery is due to the replacement of a barn. As such, these also reflect part of the village's historic layout. The context for these developments is therefore somewhat different to that before me. There is nothing to suggest the layout or nature of housing proposed here is attempting to replicate an agricultural context or historic character.
 10. The examples on South End Lane are obviously different in scale and layout to the proposal. These are akin to more traditional culs-de-sac and, even with development set back from the street, do not provide a similar design context to the proposal. The evidence also suggests that the plot ratios and relationship between buildings would differ to that of other 'tandem' type development in the village. In this case, the detached house would appear much closer to the dwellings at the front of the site. Therefore, while recognising the layout of the village is not universally 'linear', the development would still not fully complement the limited examples that do exist.
 11. In any event, reference to other examples does not address or mitigate the particular concerns with the layout referred to above. Accommodating three dwellings of this size and nature into the plot has clearly resulted in a need to adopt a particular configuration and layout. The preponderance of space given over to access, parking and turning would result in a somewhat cramped overall appearance. This would neither complement the prevailing layout or grain of the village as a whole, or properly reflect the sporadic pockets of variety that exist. Taken as a whole, the development would therefore appear as a contrived and incongruous addition to the village.

12. In coming to this conclusion, I have had regard to the retention of the hedgerow which fronts the road and other existing or proposed landscaping. While this would mitigate the harm to an extent, the cramped and unsympathetic nature of the development would still be apparent from the private views of neighbours and in glimpsed views through the access. Similarly, there is nothing in either local or national policy that allows for poorly conceived development purely because it is not prominent.
13. I therefore conclude that the development would result in unacceptable harm to the character and appearance of the area. Accordingly, there would be conflict with Saved Policy GP35 of the Aylesbury Vale Local Plan (AVLP)(2004) and Policy EP12 of the Edlesborough Parish Neighbourhood Plan which seek, amongst other things, to ensure the development, respects and complements the physical characteristics of the site and its surroundings.
14. The Council's reason for refusal refers to the emerging Vale of Aylesbury Local Plan (VALP). This is not yet part of the development plan but has been subject to Main Modifications consultation. It is therefore at a late stage in the preparation process and thus can be given substantial weight. The development would conflict with Policy BE2, which also seeks to ensure development respects and complements the physical characteristics of the site and its surroundings.

Other Matters

15. Paragraph 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. I have found conflict with the plan in relation to the impact on local character. The National Planning Policy Framework (the Framework) also gives great importance to the quality of the built environment.
16. The principle of residential development in this location is not in question. The development would also provide three additional dwellings to the housing land supply. This would be consistent with the Government's objective of boosting significantly the supply of housing. The site is in a sustainable location and the proposal would make more efficient use of the land. Moreover, the dwellings would provide social and economic benefits associated with construction in the short term and through additional support to local services and facilities in the longer term.
17. However, the evidence suggests that the Council has a five year supply of deliverable housing land and there is nothing to suggest a particular local need. In this context, three additional dwellings carry only moderate weight. Similarly, even accounting for the potential impacts of the Covid-19 pandemic, the social and economic benefits of the development would be limited in scale. Furthermore, while making the most efficient use of land is a laudable aim, there is nothing to suggest that this should be achieved at the expense of the quality of the built environment.
18. The Council raised no concerns over the individual designs of the dwellings or the effect on any other planning matter not referred to above. These factors are identified as benefits by the appellant. However, a lack of harm in these respects is neutral and weighs neither for nor against the development.

19. There were also no objections from any other interested party. While the Parish Council did not formally object to the development, they did raise concerns over the cramped nature of the detached unit. The lack of objection does not however alter my conclusion.
20. Notwithstanding the stated five year housing supply position, the Council's officer report refers to Paragraph 11d of the Framework. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.
21. Even if I were to conclude the requirements of paragraph 11d were engaged in this case, I am satisfied that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of three additional dwellings. Having regard to the foregoing, there are therefore no material considerations that would lead me to a decision other than in accordance with the development plan.

Conclusion

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

S J Lee

INSPECTOR