
Appeal Decision

Site visit made on 18 August 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 04 September 2020

Appeal Ref: APP/P0240/D/20/3251256

87 The Mall, Dunstable LU5 4HH

- 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 Sharma (Oakstar Group) against the decision of Central Bedfordshire Council.
 - The application Ref: CB/19/02189/FULL, dated 2 July 2019, was refused by notice dated 14 January 2020.
 - The development proposed is a new single storey building to provide 1 no. one bedroom flat following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. References have been made to the emerging Central Bedfordshire Local Plan. However, the amount of weight that I can attribute to these policies is lessened as the findings of the examination in public are awaited.

Main Issues

3. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - whether suitable living conditions would be provided for the future occupiers of the development; and
 - the effect of the development upon highway safety.

Reasons

Character and appearance

4. The appeal site contains a dwelling attached to the house at 86 The Mall. On the other side of the property is a garage and grassed area. The nearby dwellings are a combination of houses and flats. Surrounding these dwellings are various areas of grass, which do not feature any form of boundary treatments. This gives the area a more open character.
5. The proposed dwelling would replace the existing garage and protrude onto the grassed area. This would result in an erosion of the open character that is a feature of the vicinity arising from the increase in built form. The proposed

- development contains a single-storey dwelling. This conflicts with the proposed development given that the prevailing character within the surrounding area is for larger dwellings.
6. In addition, dwellings within the surrounding area are generally constructed to regular proportions. The proposed development would conflict with this character given that the proximity of the proposed dwelling to the pavement, which results in an angled side elevation. This results in a contrived form of development. The proximity of the dwelling to the pavement would also erode the character of openness within the vicinity owing to the increase in built form, irrespective of the proposed dwelling being sited in line with the existing house.
 7. These factors are of concern given the prominence of the site close to a spur in The Mall. This means that the strident and incongruous form of development would be readily apparent within the vicinity, thereby exacerbating the effect upon the character of the surrounding area.
 8. I note that there is some debate regarding the use of the land on which the proposed development is to be sited. However, the grassed area is in a prominent part of the locality and, irrespective of its use and intensity, it does contribute to the general character of the surrounding area and this would be lost should the proposed development proceed. Furthermore, the proposed dwelling would result in a notable increase in the level of built form within the vicinity. Accordingly, the precise use of the grassed area has not been determinative in my considerations.
 9. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would not conform with the Policies BE8 and H2 of the South Bedfordshire Local Plan Review (2004) (the Local Plan) and the Central Bedfordshire Design Guide (2014) (the Design Guide). These, amongst other matters, seek to ensure that new developments should compliment and harmonise with local surroundings; and maintain or enhance the character of the surrounding area.

Living conditions

10. The proposed dwelling would contain a single bedroom. Access to the dwelling would be via a door on the front elevation. Adjacent to the front elevation would be a parking area. A grassed area would be located to the side of the dwelling.
11. Whilst the dwelling is unlikely to accommodate a large household, some outdoor space is a necessity in order to allow residents to undertake activities, such as outdoors recreation. In addition, the space to the side of the dwelling is relatively small, which lessens the range of activities that might be undertaken within this area.
12. Owing to the layout of the proposed development, the space to the side of the dwelling could only be accessed via the adjacent pavement. Such an arrangement would represent a contrived layout that would not be conducive to securing satisfactory living conditions. Furthermore, the submitted evidence does not indicate that this space would feature any form of boundary treatment. In consequence, residents utilising this space would not experience

privacy owing to its proximity to the road and pavement. This would further diminish the effectiveness of the space as a venue for recreation.

13. In addition, the proposed dwelling would be small with combined kitchen, dining and living facilities, in addition to a bedroom and bathroom. Such a layout would not be conducive to all occupiers of the development experiencing suitable levels of privacy. In addition, there is insufficient room for the storage of everyday household objects. As there is a likelihood that the dwelling would be occupied by more than a single person and, in result, the shortage of space within the dwelling would become apparent. I am not aware of any mechanism by which the occupation of the development could be restricted to a single person.
14. I therefore conclude that the proposed development would not provide suitable living conditions for the future occupiers of the development. The development, in this regard, would not conform with Policy BE8 of the Local Plan and the Design Guide. These, amongst other matters seek to ensure that new developments have no adverse effect upon general living conditions, and privacy.

Highway safety

15. The appeal site currently contains a garage, which serves the existing house. This would be demolished in order to create enough room for the proposed dwelling. The Mall is reached via Kingsway. Both streets feature parking restrictions.
16. By reason of the removal of the garage, the existing dwelling would not feature any off-street car parking, which means that any vehicles associated with the existing house would be displaced onto the surrounding street. Whilst I note that the existing garage may not be used regularly, it has some value as a place where a smaller car might be parked. Furthermore, a driveway that leads to the garage is currently available for parking, which would be lost should the proposed development proceed.
17. Given the relative lack of on-site car parking spaces, some cars would be displaced onto the surrounding road network. This poses a particular concern as the vicinity features a number of parking restrictions and vehicle accesses. In result, there does not appear to be an abundance of on-street car parking within the vicinity of the site.
18. In consequence, the increased demand for car parking is likely to encourage unsafe car parking practices and parking on pavements. In reaching this view, I have had regard to the requirements of the National Planning Policy Framework (the Framework), which states that development should not pose an unacceptable impact on highway safety.
19. References have been made to a parking survey carried out by the appellant, however, this survey was undertaken during periods when the previously mentioned parking restrictions are not in force in The Mall. As such, the availability of spaces is likely to be lower when the parking restrictions are in force. Whilst some of the surrounding streets have a greater level of available spaces, these are further away from the appeal site. Therefore, some residents may prefer the greater convenience of parking closer to their home, which would encourage unsafe parking practices.

20. On my site visit, I noted several instances of vehicles being parked on pavements, which reduced the room for pedestrians to move. Whilst I appreciate that my site visit was a single point in time, should this occur on a regular basis, my concerns would be increased.
21. Whilst I appreciate that owing to the nature of the surrounding location some residents of the development might elect to undertake journeys on foot, or by bicycle, this only represents an alternative in the case of shorter journeys. A car might be reasonably required to undertake longer trips and as such, their presence at the site cannot be discounted.
22. I acknowledge that the site is close to some services and public transport links, which may be of some use to the future occupiers of the development. However, their presence is unlikely to serve as an adequate replacement for all potential trips. In result, the likelihood of residents of the existing and proposed dwellings having access to private cars cannot be discounted.
23. My attention has been drawn to two previous appeals in London. I do not have the full information regarding the planning circumstances of these, which lessens the weight that I can attribute to them. Nonetheless, the appeals pertain to developments in a different settlement and, in consequence, the nature of the sites and surrounding area are likely to be different. Accordingly, I do not believe that these appeal decisions require me to disregard my previous concerns.
24. I therefore conclude that the proposed development would have an adverse effect upon highway safety. The development, in this regard, would fail to comply with the requirements of Policy BE8 of the Local Plan; the Design Guide; and the Framework. These, amongst other matters, seek to ensure that new developments have a layout and design that provide full access, and that parking should be incorporated with the overall built form as far as possible; and that highway safety is not adversely affected.

Conclusion

25. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR