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# 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: Thursday, 10 September 2020**

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**Appeal Ref: APP/P0240/W/20/3252827**

**1 Woodford Road, Dunstable LU5 4JS**

- 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 Mrs Carol Mcdonagh against the decision of Central Bedfordshire Council.
  - The application Ref: CB/19/02779/FULL, dated 23 August 2019, was refused by notice dated 21 November 2019.
  - The development proposed is the erection of a detached two-bedroom dwelling on land adjacent to 1 Woodford Road, Dunstable LU5 4JS following withdrawal of Planning Application Ref: CB/19/01308/FULL.
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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
  - The effect of the development upon the living conditions of the occupiers of 3 Woodford Road, with particular reference to outlook.

## Reasons

### *Character and appearance*

4. The appeal site consists of a semi-detached dwelling. Most of the nearby dwellings are constructed in a similar form and design. These are generally arranged in a linear form and are set back from the highway by a consistent amount, in line with changes in the orientation of the surrounding road network. Where dwellings deviate from this characteristic, they are generally set back from the highway by a greater amount.
5. The appeal proposal would be divergent from the prevailing character as it would be a detached dwelling and would be significantly closer to the highway

than many of the neighbouring dwellings. Whilst the building line varies in Woodford Road, this is generally due to the changes in the curvature of the road, which means that houses are generally sited a consistent distance away from the road.

6. Although the existing dwelling does not follow this characteristic, it is set back from the road by a greater amount, which prevents this arrangement from having an adverse effect on the character and appearance of the surrounding area. As the proposed dwelling would be of a different form and would be closer to the highway, it would therefore represent an incongruous form of development.
7. This is of concern owing to the general level of prominence of the development in the surrounding area. This is because the development occupies a notable position adjacent to the junction between Woodford Road and Brandreth Avenue. The proposed development would also be visible from the nearby junction of Woodford Road and Luton Road. In result, the development would be a prominent addition to the surrounding area, which would exacerbate its inappropriate form.
8. My attention has been drawn to developments in Katherine Drive. I do not have the full information regarding their planning circumstances, which lessens the weight that I can attribute to them. However, I note that these are located at the junction between Katherine Drive and Woodford Road. At this point there is a greater variety of dwelling types. Therefore, the developments in this location do not have the same effect on the character and appearance of the surrounding area as the scheme before me would have.
9. I acknowledge that the appellant has revised the design of the proposed dwelling following discussions with the occupiers of a neighbouring dwelling. Whilst this is a matter of note, it does not outweigh the harm as previously identified.
10. 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 fail to comply with Policy BE8 of the South Bedfordshire Local Plan Review (2004) (the Local Plan). This policy, amongst other matters, seeks to ensure that new developments take full account of the need for, or opportunities to enhance or reinforce the character and local distinctiveness of the area.

#### *Living conditions*

11. The proposed development would be orientated at an angle when viewed alongside the neighbouring dwelling at 3 Woodford Road. The neighbouring dwelling is a semi-detached house, with a rear garden and is in the process of being extended.
12. By reason of the layout of the neighbouring property at No. 3, views of the proposed dwelling from the rear garden would generally be made at an oblique angle. In consequence, the proposed dwelling would not be significantly viewable from the rear garden of the adjoining property. This arrangement would therefore ensure that the proposal would not have an adverse effect on the outlook of the rear garden or have a significant enclosing effect.

13. The existing side elevation of No. 3 features a single window. As this would be the elevation that would be closest to the siting of the proposed dwelling, the overall effect on this elevation would be relatively small. Whilst the neighbouring dwelling is in the process of being extended, the relative positions of the proposed dwelling and the neighbouring dwelling are such that the development would not be overbearing or significantly enclosing.
14. I acknowledge that the extension being constructed at No. 3 features two small windows on the side elevation. By reason of this arrangement, the proposed dwelling would not adversely affect the levels of outlook that are to be experienced by occupiers of the adjoining property.
15. Although the proposed dwelling would project beyond the front elevation of the neighbouring property at No. 3, the relative positions of the proposed and existing dwelling are such that the proposal would not have a substantial enclosing, or overbearing effect on the front elevation windows of the neighbouring house. Furthermore, the area to the front of No. 3 features a car parking area. Given this function, in addition, to the layout and location of the proposed development, the appeal scheme would not result in a substantial adverse effect on the outlook of this area.
16. I therefore conclude that the proposed development would not have a significant adverse effect upon the occupiers of the neighbouring property. The development, in this regard, would conform with Policy BE8 of the Local Plan. This policy, amongst other matters, seeks to ensure that the new developments have no unacceptable adverse effects upon living conditions.

### **Other Matter**

17. The local Town Council did not raise objections to the proposed development. Whilst this is a matter of note, it is one of all the matters that must be considered. It therefore does not outweigh my findings in respect of the first Main Issue.

### **Planning balance and conclusion**

18. Whilst I have found that the proposed development would not have a significant adverse effect upon the occupiers of the neighbouring property, this is outweighed by the significant adverse effect that the development would have upon the character and appearance of the surrounding area. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR