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## Appeal Decision

Site visit made on 7 September 2020

**by I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> September 2020**

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**Appeal Ref: APP/P0240/W/20/3254115**

**73 Leighton Road, Toddington LU5 6AL**

- 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 RBC Developments Limited against the decision of Central Bedfordshire Council.
  - The application Ref CB/19/04305/FULL, dated 8 January 2020, was refused by notice dated 1 May 2020.
  - The development proposed is the demolition of the existing dwelling and the erection of four detached dwellings with revised vehicular access and parking scheme following planning permission CB/19/00643/FULL.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and the erection of four detached dwellings with revised vehicular access and parking scheme at 73 Leighton Road, Toddington LU5 6AL in accordance with the terms of the application, Ref CB/19/04305/FULL, dated 8 January 2020, subject to the conditions in the schedule at the end of this decision.

### Procedural matter

2. The description of the development that appears on the decision notice and on the appeal form deletes reference to planning permission CB/19/00643/FULL. I am content that this amended description adequately describes the proposal and I shall use it in the determination of this appeal.

### Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. Leighton Road is a suburban residential road which away from the centre of the settlement is characterised by detached houses of varied design. The appeal site lies towards the southern end of a section of dwellings that have long rear gardens on the southern side of Leighton Road. However, with the exception of 73 Leighton Road, the depth and openness of these gardens does not form part of the streetscene because houses typically occupy the vast majority of the width of their plots or have outbuildings that obscure views to the rear. For that reason, whilst the existing house at No 73 is spaciouly set in an attractive

manner within its plot, it is an outlier in an otherwise far more densely developed road.

5. The proposed development consists of two closely spaced detached houses at the front of the plot and two detached bungalows towards the back of the rear garden. The two houses at the front of the site reflect those that formed part of the planning application that was allowed on appeal last year. As in that application, the Council does not object to these two buildings, and given that in scale and form they would be sufficiently in keeping with housing along the road to complement the streetscene, whilst also adding visual interest, I agree that they would be acceptable in design terms.
6. The appeal decision issued last year established that a detached bungalow with a dual pitched roof within the rear garden can complement the density and design of development in the vicinity and would not adversely affect the character and appearance of the area. In the appeal before me two detached bungalows are proposed.
7. Unlike in the extant permission, the proposed bungalows would occupy the majority of the width of the plot. However, they would be set slightly further back in the site, comfortably over 50 metres from the pavement on Leighton Road, and their flat roofs would noticeably reduce their individual scale. As a result, in combination with the downward slope of the site to the rear, in the brief glimpsed public views along the access drive the bungalows would not be prominent or appear out of keeping with the linear development that fronts the road and dominates. Moreover, in terms of density and the pattern of development, they would be in keeping with the smaller residential plots to the rear of the site along Orchard Close and nearby to the south along Meadow Road.
8. In views from within the site, there would be sufficient space between the bungalows and site boundaries for these dwellings not to appear cramped. In conjunction with the land around the access drive, parking and turning areas there would also be adequate space for soft landscaping that would help the scheme integrate with the suburban character of the area.
9. Therefore, whilst the proposal would intensify development that can take place on the site by dividing it into four plots rather than three, and change its appearance, in the context of the area it would not cause harm. The Central Bedfordshire Design Guide seeks design that is of high quality and locally distinctive and the National Design Guide requires that the context of a site is taken into account and that patterns of development are coherent. Having regard to the site and the layout of the surrounding area, I am satisfied that the appeal scheme complies with this guidance.
10. The southernmost of the two bungalows proposed would encroach upon the trees along the side boundary with No 75. The view of the Council is that the trees have no wider landscape importance and I agree with that assessment. With the scope that exists for planting as part of the scheme, which is a matter that could be secured by condition, the landscape character of this suburban area would therefore not be adversely affected.
11. For the reasons given above, I therefore conclude that although the proposed scheme, with two flat roofed bungalows to the rear, would intensify development on the site it would not result in a density, massing or change to

the landscape that would be harmful to the character and appearance of the area. The proposal would therefore comply with policies BE8 and H2 of the South Bedfordshire Local Plan Review and policy HQ1 of the Emerging Central Bedfordshire Local Plan, as well as the Design Guides referred to above. These policies require that efficient use is made of a site in terms of density and layout and that the character and appearance of a locality is protected through high quality design that respects local design features. It would also comply with Chapter 12 of the National Planning Policy Framework which seeks well-designed places.

### **Other matters**

12. There is concern that if the appeal is allowed a precedent will be set that would make it difficult for the Council to resist similar development. However, given that the appeal site is by some margin the widest plot within the row of dwellings with long gardens of which it forms a part there are few plots that have similar development potential.
13. The highway authority has no objection to the proposal subject to the lengthening of the visitor parking space, which is a matter that can be secured by condition. Given the adequate turning space that would be provided on site for each dwelling, that the number of vehicle movements generated by four dwellings would be low, and the good visibility that is achievable at the proposed accesses, I have no reason to disagree with those conclusions.
14. Whilst the proposal would intensify the use of the site, it is a residential area and I do not find that occupancy of the proposed small bungalows to the rear and associated vehicle movements would intensify activity to the extent that noise, disturbance and vehicle headlights would materially harm the living conditions of neighbours. Given the low height of the two proposed bungalows they would not be overbearing or result in a loss of privacy for neighbours. The potential for overlooking from windows in the flank elevations of the two houses at the front of the house exist but this could be overcome by requiring the use of obscure glazing. The gardens to the proposed dwellings would be smaller than those in the extant scheme but would all comfortably exceed the standards contained in the Council's Design Guide.
15. Reference has been made to a scheme for a new house in a garden that was dismissed on appeal due to noise and disturbance associated with the use of the proposed access<sup>1</sup>. However, it is an established planning principle that each case is assessed on its merits. The Inspector in that appeal exercised her judgement on the basis of the site specific circumstances and evidence before her, as I have in this case. The fact that the appeal for that scheme was dismissed is therefore not a consideration of material weight against the proposal.
16. Although the gardens to the front and rear are overgrown it is clear that they have mainly been laid to lawn with isolated plant beds. Given this conventional suburban garden layout there is no good reason to believe that the proposed scheme would result in the loss of valuable wildlife habitat and harm protected species.

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<sup>1</sup> Appeal Ref: APP/T2215/W/18/3209694

17. In terms of community safety, the front doors to the bungalows would be largely hidden from public view from the road. However, there would be passive surveillance from the front of each bungalow of the other and from the rear first floor windows of the houses on plots 1 and 2. As a result, community safety would not be materially adversely affected by the proposed layout.
18. Given the control the Building Regulations exerts over matters such as surface water and foul water drainage, and the control the sewerage undertaker has in allowing connections to its systems, I am not persuaded that the development would result in drainage problems.
19. Concerns have been expressed regarding the exact position of the appeal site boundaries. However, as land ownership is a matter of civil law, and a planning application is determined on its planning merits, this is a consideration that has not altered my assessment of the appeal.

## **Conclusion**

20. There is no doubt that there is strong local feeling about this proposal, as reflected by the volume of objections received at every stage. I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan and relevant guidance. However, for the reasons set out above, these considerations are insufficient to outweigh the absence of demonstrable harm and compliance of the scheme with the development plan. I therefore conclude that the appeal should be allowed.
21. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. To protect highway safety, further details of the junction of the access with the highway, details of the widened visitor parking space and the refuse collection point are required. For the same reason, the access needs to be suitably constructed, adequately drained and parking and turning provided.
22. In the interests of ensuring that the development complements its surroundings, further information is necessary in relation to the external materials that are to be used in the construction of the buildings, boundary treatments and landscaping. To protect the living conditions of neighbours obscure glazing is necessary in the side elevations of the two houses at the front of the site and permitted development rights allowing alterations or extensions to the roof of the dwellings need to be removed.
23. I have required all these matters by condition, revising the suggested conditions where necessary to reflect the advice contained within Planning Practice Guidance. Several conditions suggested by the Council require details to be agreed prior to the commencement of development. However, I am not persuaded that this is necessary and have amended these conditions accordingly.

*Ian Radcliffe*

Inspector

## **Schedule**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 02-02-001 (location plan); 02-02-101E (block plan); Plots 1 and 2: 02-02-101; 02-03-104; 02-03-105; 02-05-106; 02-05-107; 02-05-108; 02-05-109; 02-05-110; Plots 3 and 4 (floorplans): 01-03-003; Plots 3 and 4 (elevations): 02-05-003; Plots 3 and 4 (street elevations): 02-05-004
- 3) Prior to the commencement of any above ground works, details of the materials to be used for the external walls and roofs of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) Prior to the commencement of any above ground works, details of soft landscape works shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include:
  - i) a statement setting out the design objectives and how these will be delivered;
  - ii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme.
- 5) Prior to the commencement of any above ground works, details of the junctions of the proposed vehicular accesses with the highway shall be submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the junctions have been constructed in accordance with the approved details.
- 6) Prior to the commencement of any above ground works, details of the widened visitor parking space, shall be submitted to and approved in writing by the Local Planning Authority. The dimensions shall comply with the standards of the Local Planning Authority and shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- 7) The proposed driveways shall be constructed and surfaced in a stable and durable material in accordance with details to be approved in writing by the Local Planning Authority for a minimum distance of 5m into the site, measured from the highway boundary, before the premises are first occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- 8) The turning space for a light goods service vehicle illustrated on the approved plan 02-02-101E shall be constructed before the development is first brought into use.
- 9) Before the development is first occupied or brought into use, the approved parking scheme shall be completed and thereafter retained for this purpose.
- 10) Details of a refuse collection point located outside of the public highway shall be submitted to and approved by the Local Planning Authority prior

to first occupation of any dwelling. The scheme shall be fully implemented prior to first occupation of any dwelling and shall be retained thereafter.

- 11) A scheme indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted for approval in writing by the Local Planning Authority prior to first occupation of any dwelling. The boundary treatment shall be completed in accordance with the approved scheme before first occupation of any dwelling and shall thereafter be retained.
- 12) The first floor windows in the side elevations of plots 1 & 2 of the development hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the windows which can be opened are more than 1.7m above the floor of the rooms in which the windows are installed.
- 13) Notwithstanding the provisions of Part 1, Class B or C of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the roof of the dwellings hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

-----End of Conditions Schedule-----