
Appeal Decision

Site visit made on 28 September 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2020

Appeal Ref: APP/P0240/W/20/3254887

The Crown, 5 Harlington Road, Sundon, Luton LU3 3PE

- 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 Ibrahim Ali on behalf of I S Investments against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/01469/FULL, dated 23 April 2019, was refused by notice dated 29 April 2020.
 - The development proposed is described as 'change of use from pub to 6 two-bedroom flats'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I shall consider the appeal in broad accordance with the description of development as stated upon the Council's Decision Notice and the appeal form (Conversion and extension of existing pub to create 6no. two-bedroom flats), rather than as stated upon the application form. This is because it correctly identifies that conversion and extension works are intended.
3. However, as set out upon the proposed floor plans, two of the proposed first floor flats would in fact be one-bedroomed (rather than two-bedroomed). I shall consider the appeal on this basis and am content that no party with an interest in this appeal is prejudiced by me doing so. Indeed, it is my responsibility to determine this appeal in accordance with the submitted plans.
4. The Pre-Submission version of the emerging Central Bedfordshire Local Plan 2015-2035 (the CBLP) was submitted to the Secretary of State in April 2018. There is nothing before me to indicate that the CBLP is currently at a stage that should attract anything more than limited weight. I shall consider the appeal on this basis.

Main Issues

5. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;

- The effect upon the character and appearance of the host property and its surrounding area;
- The effect upon the living conditions of future occupiers of the development, having particular regard to internal living arrangements;
- The effect upon highway and pedestrian safety; and
- The effect upon community facilities.

Reasons

Whether inappropriate development

6. The proposal involves conversion and extension works to a vacant public house (the main building) in order to create 6no. flats. The scheme also includes some demolition/removal works, most particularly related to an existing single-storey outbuilding that sits to the rear of the site.
7. Paragraph 146 of the National Planning Policy Framework (February 2019) (the Framework) sets out that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These certain forms of development include the re-use of buildings provided that the buildings are of permanent and substantial construction. In this instance a re-use of the main building on-site is proposed, which I am satisfied is of permanent and substantial construction. In accordance with the requirements of the Framework, I must consider whether the proposed re-use of the public house would preserve the Green Belt's openness. For the avoidance of doubt, the proposed extensions/alterations to the public house are subject to separate assessment (see below).
8. The building's intended use for residential purposes would be supplemented by on-site car parking and refuse storage opportunities. Indeed, domestic paraphernalia would realistically be expected to appear within external areas of the site. However, these external areas and their potential to accommodate vehicles and other items would be relatively limited in extent.
9. I must also factor in how the site could be used if in a public house capacity. Such a use would generate parking requirements of its own and there would be various activities, including deliveries, carried out in association with the requirements of an operating business. Indeed, should an active public house use resume at the site, at least some external storage and/or related paraphernalia would be anticipated to arise within the external areas that surround the main building on-site. Furthermore, the existing single-storey outbuilding now intended to be removed would be anticipated to be retained in conjunction with any continued commercial use of the premises.
10. When compared to how the site could be used if in a public house capacity, the building's re-use would be anticipated to increase, to some degree, the regularity of vehicles being parked and manoeuvred on and off the site. Indeed, it has not been clearly demonstrated otherwise. However, considering all factors as outlined above, I am content that the intended re-use of the building would preserve the Green Belt's openness and would not conflict with the purposes of including land within the Green Belt.

11. Nevertheless, the proposal also stands to be considered against Paragraph 145 of the Framework. This sets out that the construction of new buildings should be regarded as inappropriate development except when, amongst other provisions, extensions or alterations to a building would not result in disproportionate additions over and above the size of the original building.
12. The Central Bedfordshire Design Guide (2014) (the CBDG) stipulates that, for extensions to be considered as proportionate, the original building should not be added to by more than 60%. Whilst this stipulation is set out under a section of the CBDG that specifically relates to householder alterations and extensions, the 60% figure provides a relevant benchmark to guide my considerations in this case. This is particularly so as I have not been made aware of any specific steer given by the development plan as to what would constitute disproportionate additions to a building.
13. Confirmation of the original main building's extent does not appear to have been provided as part of the suite of evidence before me. Nevertheless, having considered the site's planning history as reported in the Council's officer report and carried out my own external inspection, I have taken the main building as it exists on site to be broadly representative of its original size. Whilst footprint, floorspace, volume or external dimension comparisons are not clearly annotated/set out within the suite of plans and supporting documentation that has been submitted, I am sufficiently content from my own deliberations of the evidence that the 60% benchmark would be satisfactorily adhered to. Indeed, the Council itself has indicated that the intended extensions would not exceed 60% of the original building.
14. I have noted concerns expressed with respect to the intended massing and design of the proposed extensions, which shall be relevant factors when I come to consider the proposal's effect upon the character and appearance of the area. However, in accordance with the Framework's Green Belt provisions, I am considering here whether the proposed extensions/alterations would result in disproportionate additions purely in terms of their size. For the above reasons, I am satisfied that they would not.
15. Having considered all related matters, I find that the proposal would not represent inappropriate development in the Green Belt as it accords with relevant exceptions as set out in the Framework. Very special circumstances do not therefore need to be demonstrated in order to justify the proposal. The proposal does not conflict with the Framework in so far as it affirms that inappropriate development is, by definition, harmful to the Green Belt.

Openness

16. As set out above, I have found that the intended re-use of the building would preserve the Green Belt's openness and would not conflict with the purposes of including land within it. Furthermore, I have found that the proposed extensions would not be inappropriate development in the Green Belt in accordance with an exception that does not expressly state a need to assess its effect on openness or whether it would conflict with the purposes of including land within the Green Belt. The proposed extensions should not thus be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it¹.

¹ Court of Appeal judgement *Lee Valley Regional Park Authority v Epping Forest District Council*, 2016 refers¹

17. The proposal would not therefore cause harm to the openness of the Green Belt and would not conflict with the Framework in so far as its policies confirm that the essential characteristics of Green Belts are their openness and their permanence.

Character and appearance

18. The appeal site occupies a corner plot situated alongside the main route through the village. Residential properties typify the site's immediate surroundings and a variety of different property types are in place. Properties are often setback from the highway and sometimes positioned within sizeable plots, such that a mixed and somewhat spacious residential character and appearance can be observed local to the site.
19. The main building, as one of the larger properties in existence, appears as a prominent feature within the Harlington Road streetscene. Nevertheless, its bulk and massing are moderated through regularly stepped building lines and differing connecting roof elements. Furthermore, a varying range of architectural details provide visual interest to the main building's elevations and further assist in breaking up its bulk.
20. The proposed converted and extended building would cover close to the full width of the site at full two-storey height. Indeed, when viewed from Harlington Road (the road), the newly remodelled property would appear excessively bulky and cramped within its plot. Much of the main building's well-proportioned charm and visual interest would be lost as a result of the various extensions and alterations that are proposed in this readily visible corner plot location.
21. As an area of hardstanding for car parking already exists to the front of the site, I do not consider that instances of car parking associated to the proposal could realistically be expected to have a damaging effect in character and appearance terms. Indeed, the only newly proposed parking area would be of limited size and relatively discreetly sited to the rear of the site. Nevertheless, for the above reasons, the proposal would cause harm to the character and appearance of the host property and its surrounding area.
22. For the avoidance of doubt, whilst I have found that, in a Green Belt context, disproportionate additions (purely in size terms) would not result, this finding did not include considerations related to the visual impact of the proposal and thus its effect upon the character and appearance of the appeal property and its surroundings. The proposal conflicts with saved Policy BE8 of the South Bedfordshire Local Plan Review (January 2004) (the SBLPR) and with the CBDG in so far as this policy and guidance require proposals for development to ensure that the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings.

Living conditions

23. In order to promote the protection of the amenity and well-being of future occupiers of residential developments, the CBDG sets out suggested minimum standards for new housing. Amongst other provisions, the CBDG suggests that two-bedroom properties should offer a total gross internal floor area of 61 sq m when providing three bed spaces, and 70 sq m when providing four bed

- spaces. Furthermore, the CBDG suggests that individual bedrooms containing two bed spaces should provide a minimum of 12 sq m of floorspace.
24. In this instance, 4no. 2-bedroom units each providing approximately 50 sq m of gross internal floorspace are proposed. When compared to the recommended standards referenced above, significant shortfalls would occur. This is particularly so in units where a total of four bed spaces are intended, as illustrated upon the submitted floor plans. It is also the case that several bedroom areas shown upon the submitted plans to contain double beds would fall below the relevant 12 sq m standard that applies.
25. Thus, due to the cramped internal conditions that would prevail, most particularly inside each of the intended two-bedroom units, the proposal would cause harm to the living conditions of future occupiers of the development, having particular regard to internal living arrangements. The proposal conflicts with saved Policy BE8 of the SBLPR and with the CBDG in so far as this policy and guidance require that development has no unacceptable adverse effect upon general or residential amenity.

Highway and pedestrian safety

26. The appeal site is currently laid out such that a narrow area of hardstanding is positioned to its frontage. This area sits immediately alongside the road and would have provided parking for past active uses of the appeal property and, under this proposal, is intended to continue to offer parking. I observed the road to accommodate relatively regular traffic movements, which is consistent with it being the main vehicular route through the village. It is also proposed that a separate parking area be created to the rear of the site, which would be accessed off Common Lane (the Lane). The intended removal of the existing single-storey outbuilding would allow for this to occur. The Lane provides no through route for vehicular traffic and would realistically be anticipated to accommodate limited traffic, which is consistent with my own observations.
27. The CBDG lays out that new developments will be expected to comply with the Council's minimum parking standards. Although specified visitor parking does not appear to make up part of the proposals, a pair of on-site spaces is intended to serve each of the proposed flats in accordance with minimum CBDG expectations for two bedroom flats and the suggested level of provision for one bedroom flats. When also noting the availability of at least some on-street parking opportunities close to the site, I am content that a satisfactory number of on-site parking spaces are planned.
28. However, I must also consider the detailed specification of the intended parking spaces and the suitability of the intended on-site layout. With respect to the newly envisaged parking area to the rear of the site, a cramped arrangement is illustrated that would not promote its safe and practical use. Indeed, parking at a right angle relative to the Lane is proposed and no separation between the individual spaces (or between the spaces and the edge of the site/parking area) is intended. The difficulties that would likely be faced by drivers when manoeuvring in and out of these spaces would be further exacerbated by the narrow width of each proposed parking space, which would fall slightly below a 2.5m standard that is set out in the CBDG. Notwithstanding the Lane's quiet nature, such arrangements would promote conflict occurring between different highway users to the detriment of their safety. I also note that pedestrian visibility splays adjacent to the highway have not been clearly demonstrated.

29. The appellant has referred to an existing dropped kerb that is already in place where the appeal site meets the Lane and to several other existing vehicular accesses already being in place off the Lane. Nevertheless, none of these arrangements are directly comparable to the shared parking area for multiple vehicles from different households that is proposed here.
30. In terms of the parking area to the front of the site, vehicles would be parked at right angles to the road without a clearly defined separating footway or verge being in existence. The spaces would again be of narrow specification and tightly spaced. Given the space constraints of this area to the front of the site, manoeuvres directly from (or to) the carriageway would be necessitated. This arrangement, alongside various other elements of the scheme, has drawn objections from the Council's Highways Officer. This is a matter of importance as the Highway Authority is responsible for the safety of road users on the local highway network.
31. I accept that an area of hardstanding is already in place and available for use to the site's frontage. Nevertheless, notwithstanding past active commercial uses of the appeal property and the intention to add further parking to the site's rear, it is likely that the introduction of 6no. flats within a newly extended built form would, at least to some degree, intensify the number of vehicle movements that would occur to and from this front area of hardstanding (when compared to an active public house use at this site). Indeed, it has not been clearly demonstrated otherwise. This realistically anticipated intensification would raise the likelihood of conflicts occurring between different highway users and lead to highway and pedestrian safety being compromised.
32. For the above reasons the proposal would prejudice highway and pedestrian safety and thus cause harm. Whilst the scheme's impact upon the road network would not be severe, the proposal conflicts with the Framework in so far as it sets out that development should be prevented on highway grounds if there would be an unacceptable impact on highway safety. The proposal also conflicts with the guidance contained within the Highway Construction Standards & Specifications Guidance (July 2019) in so far as it guides that developers are required to demonstrate that there is adequate provision of space within the site for parking, manoeuvring, loading and unloading to fulfil the operational requirements of the proposed development.

Community facilities

33. Paragraph 83 of the Framework sets out, amongst other provisions, that planning decisions should enable the retention and development of accessible local services and community facilities, which include public houses.
34. It would appear that the appeal property has not traded as a public house for a considerable period of time. Indeed, it is my understanding that it has in recent times traded intermittently as a restaurant. I have noted reference to difficulties that have been experienced in the past in establishing a successful commercial operation within a rural settlement of limited size and have no clear reason to doubt that this could be the case. Importantly, there is a nearby public house in active operation. Furthermore, a significant level of objections from local residents have not been generated on grounds related to the loss of a public house use at the site. Thus, notwithstanding that detailed marketing evidence has not been supplied, I am content that the loss of this vacant community facility should not be resisted in this case.

35. For the above reasons, the proposal would have an acceptable effect upon community facilities so as not to cause harm. The proposal thus satisfactorily accords with the requirements of the Framework in this context.

Other Matters

36. It has been suggested that the proposal would lead to the removal of a non-conforming use within an area predominated by residential uses. However, it would not be unusual or unexpected for a public house to exist centrally within a community and thus in proximity to residential properties. Furthermore, a public house use would be subject to separate licensing restrictions.
37. I have noted objections/concerns raised by interested parties with respect to matters including the effect upon neighbouring living conditions and the construction phase of development. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Planning Balance

38. In terms of the scheme's benefits, six additional residential units would be created, and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making effective use of land. However, six additional units of housing would not make a clear or noticeable difference to the District-wide housing supply situation and is thus a benefit that attracts moderate weight. The scheme would also create jobs during the construction phase and would provide support to the local economy once occupied. However, these benefits attract limited weight due to the relatively small scale of development under consideration.
39. It has been suggested that the appeal property is at risk of deterioration due to the extent of its continued vacancy. However, upon inspection I observed the main building to exhibit limited outward signs of deterioration or disrepair. Furthermore, if this were to become an issue in the future, there are processes that could be followed to require the landowner to take relevant actions. I thus afford limited weight to any benefit of the scheme in this context.
40. The scheme's benefits, when considered cumulatively, would be modest and would not outweigh the significant harms and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

41. Whilst I have found that the proposal would not be inappropriate development within the Green Belt and no harm would be caused by the proposal to Green Belt openness or via the loss of a community facility, I have identified that significant harms would be caused as a result of the proposal's effects upon the character and appearance of the host property and its surrounding area, upon the living conditions of future residential occupiers and upon highway and pedestrian safety. These harms are the overriding considerations in this case.
42. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR