

Appeal Decision

Site Visit made on 15 December 2020

by R Sabu BA(Hons), BArch, MA, PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 13th January 2021

Appeal Ref: APP/P0240/W/20/3258051

1 Leedon Furlong, Leighton Buzzard, LU7 3PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Molyneaux against Central Bedfordshire Council.
 - The application Ref CB/20/01869/FULL, is dated 6 June 2020.
 - The development proposed is erection of 1 dwelling and with new vehicular access for existing dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Molyneaux against Central Bedfordshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I note the Central Bedfordshire Pre-submission Local Plan 2015-2035 January 2018. However, since there is no certainty that it will be adopted in its current form, I attribute the policies within limited weight.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the street scene and surrounding area;
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard for privacy and outlook; and
 - whether the proposed development would provide a suitable living environment for future occupiers with particular regard for internal space and external private amenity space.

Reasons

Character and appearance

5. The area surrounding the site is primarily characterised by single and two storey semi-detached dwellings with moderate spacing and front gardens such that the area has a pleasant spacious feel.
6. The proposal consists of a single storey dwelling set close to the back of the pavement with a private amenity space that would be significantly smaller than many others in the area. I note that the dwelling would be sited to the rear of the site and corner plots in the area may be larger than others along the street. However, given its size and siting, the proposed dwelling would appear overly large for the size of the plot, harmfully departing from the prevailing spacious pattern of development in the area.
7. In addition, the elevation of the proposal facing the highway would be set forward of the prevailing building line along that road, resulting in a building that would appear dominant on the street scene. While the dwelling may have been relocated and reduced in size from a previous proposal, for the foregoing reasons, the proposal would diminish the spacious character and appearance of the area.
8. I acknowledge the other developments noted by the appellant such as at Lywood Road, however these appear to be some distance from the appeal site and limited further details are before me such that I am unable to make a direct comparison with the appeal site. In any event, each case must be determined on its individual merits.
9. Consequently, the proposed development would harm the character and appearance of the street scene and surrounding area. Therefore, it would conflict with Policies BE8 & H2 of the South Bedfordshire Local Plan Review Adopted January 2004 (LPR) which together seek, among other things, developments that respect and enhance the character and local distinctiveness of the area.

Living conditions

10. The subdivision of the site would result in the host property having a smaller private amenity space with an irregular shape. However, while not spacious, given the rectangular shape of the area to the side of the host building, it would meet the needs of the occupiers of the host dwelling.
11. The proposal would result in a boundary fence within close proximity of the rear wall of the host property. However, since the space within the rear part of the ground floor of the host building is dual aspect, with full height patio doors on the adjacent wall, there would not be any undue harm in terms of outlook for the occupiers of this existing building.
12. The proposal would project over the shared fence with No 3 Leedon Furlong (No 3) which has a seating area at the rear of the garden. However, the existing garage at the rear of the site also projects over the fence. The proposal would be likely to be somewhat wider than the existing garage and may be slightly taller. However, the proposal would be sited further to the rear of the site than the existing building and given the likely modest difference in the size of the proposal

compared with the existing garage, the neighbouring occupiers would be unlikely to experience adverse effects in terms of outlook.

13. Since the proposed window on the south facing elevation would be at high level, overlooking to No 3 would be unlikely to occur. In addition, since the kitchen and living space is proposed to be dual aspect, a suitably worded condition could be attached to require the window to have obscured glazing.
14. Consequently, the proposed development would not harm the living conditions of the neighbouring occupiers with particular regard for privacy and outlook. Therefore, it would not conflict with LPR Policies BE8 and H2 which seek, among other things, development that would result in no unacceptable adverse effect upon general or residential amenity and privacy and would provide good quality living conditions for residents.

Living environment

15. The main parties are in dispute over whether the gross internal floor area would meet the requirement set out in the Nationally Described Space Standard. In any event, given the limited number of future occupiers and the dimensions of the individual spaces, the dwelling while not spacious would meet the requirements of future occupiers.
16. While the proposed private amenity space would be a limited size, given the limited number of future occupiers and that the proposal would include a regular shaped space, it would meet the needs of future occupiers in this respect.
17. Consequently, the proposed development would provide a suitable living environment for future occupiers with particular regard for internal space and external private amenity space. Therefore, it would not conflict with LPR Policies B8 and H2 which seek among other things, development that has no unacceptable adverse effect upon general or residential amenity and would provide good quality living conditions for residents.

Other Matters

18. I acknowledge the benefits of the scheme noted by the appellant, including the provision of a dwelling to the local housing supply, temporary economic benefits during the construction process and the contribution of future occupiers to the local community and services as well as the effects of the current Covid-19 pandemic.
19. However, the Council are able to demonstrate a five-year housing land supply, to which the scheme would provide a limited contribution. Therefore, given the harm to the character and appearance of the area identified above, these matters have not altered my overall decision.

Conclusion

20. For the reasons given above, the appeal is dismissed.

R Sabu INSPECTOR