



Appeal Decision

Site visit made on 12 January 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2021

Appeal Ref: APP/P0240/W/20/3257376

33 Winfield Street, Dunstable LU6 1LS

- 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 Jonathan Rix against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/00824/FULL, dated 5 March 2020, was refused by notice dated 27 May 2020.
 - The development proposed is demolish the existing commercial property and construct a detached dwelling containing two, two-bedroom apartments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have been referred to policies within the emerging Central Bedfordshire Local Plan 2015-2035. The emerging plan was submitted to the Secretary of State in 2018, but is yet to be adopted and so is subject to change. In addition, I have not been provided with details of unresolved objections to the plan, and therefore the weight that it carries in my decision is limited.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions of the occupiers of 31 and 35A Winfield Close with particular regard to light, privacy and whether or not it would be overbearing; and
 - iii) whether or not the proposed parking, refuse and cycle storage arrangements would be acceptable including with regard to the safety and convenience of users of the adjacent highway network.

Reasons

Character and Appearance

4. Winfield Street includes a mix of mostly terraced and semi-detached two-storey dwellings together with a few commercial buildings. For the most part, buildings line the street edge, and in combination with the terraces and typically modest separation between other buildings, this results in a tight urban grain and gives the street an enclosed character. However, the appeal site offers somewhat of a contrast, including a single-storey building which is set back from the neighbouring dwellings.

5. The proposed development would cover the full width of the appeal site, but I do not consider that this would be out of keeping or uncharacteristically cramped given the close relationship of other buildings nearby. The footprint of the building would leave a fairly small garden to the rear. However, this would not be readily apparent from the street scene where the set-back of the building would provide for spacing to the front of the development, and the rear building line to this side of Winfield Street is irregular. For these reasons, I am satisfied that the scale of the building and relationship with its boundaries would not be discordant or unduly conspicuous. The pitched roof design of the building would also be sympathetic to the form of surrounding properties, and its simple appearance would in my view sit comfortably within the street.
6. I therefore conclude on this main issue that the development would assimilate effectively with its surroundings and would not harm the character or appearance of the area. Accordingly, I find no conflict with Policy BE8 of the South Bedfordshire Local Plan 2004 (SBLP) which requires, amongst other things, that development complements and harmonises with the local surroundings. For similar reasons, I find no conflict with requirements within the National Planning Policy Framework (the Framework), and guidance within the Central Bedfordshire Design Guide 2014 (CBDG) and National Design Guide 2019 which seek similar outcomes.

Living Conditions

7. Adjacent to the appeal site, the neighbouring dwelling at 31 Winfield Street includes windows to the side as well as a first-floor rear window between the appeal site and a projecting outrigger. To the other side, the neighbouring building contains flats, with a large number of the windows serving the flat at 35A Winfield Street located to the side of the building facing the site.
8. Both neighbouring buildings are set close to their boundaries with the appeal site. The development would extend up to these boundaries, and would project significantly beyond their rear elevations at two-storey scale. Although the existing building is also set on the boundaries, it is a single storey structure. The proposal would result in a substantial increase in the overall bulk and mass of the development on the site, particularly at the upper level, and I find that the effect of this additional built form in such close proximity to neighbouring windows would be highly dominant and overbearing. It would effectively block outlook which is currently available from the side windows to No 35A above or forward of the existing building. Given the depth beyond the rear of No 31, it would also result in a significant degree of enclosure to the closest rear window and a loss of outlook for occupiers of this dwelling.
9. The scale of the building and relationship with neighbouring windows would similarly be likely to considerably reduce light to these rooms. In my view, the impact on outlook and light to the windows of both No 31 and No 35A which serve habitable rooms would be significant, and would be seriously detrimental to the quality of life of the occupiers. In addition, the proposed rear external access stairs would provide elevated views from the site towards the neighbouring gardens at close range, diminishing privacy for occupiers and the use and enjoyment of these spaces.
10. Consequently, I conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of the occupiers of 31 and 35A Winfield Street. It would therefore be contrary to Policy BE8 of the SBLP

which includes a requirement that development has no unacceptable adverse effect on residential amenity and privacy, and to related guidance within the CBDG. There would also be conflict with the Framework which requires a high standard of amenity for all users.

Parking, Refuse and Cycle Storage

11. The 2 parking spaces proposed to the front of the site would not meet the Council's suggested parking standards. I saw at my visit that opportunities for on-street parking in the area around the site are relatively limited, and interested parties have commented on existing parking pressure in this area.
12. I accept that the site is close to the town centre, with access to a range of services as well as to bus routes offering connections to Luton Railway Station. As a result, there would be opportunities for occupiers to travel by walking and public transport to access services. However, the Council's evidence highlights that there is only indicated storage for one cycle to the rear of the site which would be inadequate to serve occupiers of both proposed flats. Moreover, the siting of storage within the rear amenity space would require cycles to be taken through the flats and would be particularly inconvenient for occupiers of the first-floor flat who would be required to carry cycles up and down flights of stairs. I find that these factors would discourage cycling by occupiers.
13. I am satisfied that there would be scope to secure adequate refuse storage alongside 2 parking spaces and pedestrian access to the building to the front of the site through an appropriately worded planning condition. However, this space is fairly constrained and the evidence before me does not demonstrate that it would also be possible to accommodate additional cycle storage so as to support cycling as an alternative mode of travel to the private vehicle.
14. Taken together, I am not persuaded that the proposed cycle and vehicle parking would be adequate to meet the travel needs of future occupiers. Notwithstanding the location of the site close to the town centre, I therefore consider that some unmet demand for vehicle parking would be likely, albeit that this would be limited. This would add to existing parking pressure in the area to the detriment of the safety and convenience of users of the adjacent highway network. The appellant highlights that a number of existing properties do not benefit from off-street parking, but this is likely to be a contributing factor to the existing parking pressure nearby, and does not justify development that would further exacerbate demand for spaces.
15. Accordingly, I conclude on this main issue that it has not been demonstrated that there would be satisfactory parking and cycle storage to serve the development in conflict with the CBDG.

Other Matters

16. There is no substantive evidence before me demonstrating that vehicle movements would be reduced from the existing use, or detailing a history of conflict between the site and surrounding residential occupiers. I do not therefore find that replacement of the commercial site with dwellings would offer a significant benefit. From the very limited details before me, it is also not clear what form any potential alternative use of the site may take. Moreover, even if there were more than a theoretical possibility of such a use taking

place, I have no firm details to demonstrate that it would result in greater harm than the appeal scheme.

17. The proposal would make effective use of the site to provide 2 dwellings towards the supply of housing. However, the Council advises that it is able to demonstrate a five-year supply of housing, and in view of the modest contribution that the development would make, I do not find that this benefit would outweigh the harm that I have identified.

Conclusion

18. Although I have found that the proposal would not harm the character or appearance of the area, there would be significant harm to the living conditions of neighbouring occupiers, and provision for parking and cycle storage would be unsatisfactory. The proposal would conflict with the development plan when it is read as a whole and there are no material considerations which indicate that a decision contrary to the development plan should be reached.
19. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer
INSPECTOR