



Appeal Decision

Site Visit made on 2 August 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2021

Appeal Ref: APP/P0240/W/21/3274098

Land next to No 78 Woodside Road, Woodside LU1 4DQ

- 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 Glen Eden Plant Sales Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/00721/FULL, dated 24 February 2020, was refused by notice dated 16 December 2020.
 - The development proposed is a new 3 Bed Dwelling with associated parking and amenities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been brought to my attention that the Central Bedfordshire Local Plan 2015-2035 (the Local Plan) was adopted by the Council on 22 July 2021 such that its policies now attract full weight in decision making. Further, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties to this appeal have had opportunities to comment upon any relevance of these occurrences to the outcome of this appeal.
3. The Council has suggested that an existing parking area that is located to the side of No 80 Woodside Road (No 80) is not correctly illustrated upon the submitted plan¹ and in fact projects further back from Woodside Road than is depicted. My own assessments on the ground seemingly corroborated this assertion. Nevertheless, it is my responsibility to determine the appeal based on the plan that is before me (even should a part of the aforementioned parking area be contained within the scheme's red line). As I am dismissing the appeal, I am content that no party with a potential interest is prejudiced by me taking this approach.

Main Issues

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

¹ LB-0201 Rev C

- The effect upon the character and appearance of the area;
- The effect upon the living conditions of neighbouring occupiers at No 80, having particular regard to privacy, light and outlook;
- The effect upon highway safety; and
- If the proposal would be inappropriate development, whether or not the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

5. The Framework specifies that the construction of new buildings in the Green Belt shall be regarded as inappropriate development unless one of several stated exceptions apply. One such exception is limited infilling in villages. As set out in the supporting text to Policy SP4 of the Local Plan, infill development can generally be defined as small-scale development in a small gap in an otherwise built-up frontage, utilising a plot in a manner which should continue to complement the surrounding pattern and grain of development.
6. In this instance a single two-storey dwelling would occupy a small gap in a built-up frontage. This gap is currently comprised of an expanse of hardstanding. The single dwelling, whilst sizeable, would represent small-scale development for the purposes of assessment against the Local Plan's infill development definition. However, the scheme also entails the utilisation of a parcel of rural/agricultural land located to the rear of the current area of hardstanding. Indeed, the scale and placement of the proposed dwelling, as well as the need to incorporate on-site parking, effectively dictates that this rear portion of site provides private amenity space.
7. The intended rear garden would extend noticeably beyond the neighbouring rear boundary line of No 80. I accept that the residential plot containing No 1 Whyley Cottage (No 1) steps back further to the rear in comparative terms. However, relative to the site, this plot is located to the opposite side of a footpath and, for the most part, elements of planting. I find that the delineation of No 80's rear boundary is of greater relevance as it immediately adjoins the site.
8. Therefore, although Woodside constitutes a village location, the scheme (when considered as a whole) does not represent limited infilling in a village. This is essentially due to a not insignificant portion of the site being comprised of a parcel of open agricultural land. Indeed, inconsistent with the Local Plan's definition of infill development, the proposal would utilise the plot in a manner that would fail to suitably respect the surrounding pattern of development.
9. It has been brought to my attention by the Council that, since the refusal of the planning application that is now the subject of this appeal, unauthorised excavation works have taken place within the rear portion of the site. The evidence before me indicates that these works have encompassed the removal of raised soil and vegetation. Nevertheless, the resultant cleared area does not have an established residential use and my findings upon this main issue of the appeal are not significantly impacted.

10. Various local planning decisions have been brought to my attention, including a November 2019 appeal decision² at the same site. However, that scheme, for a detached double garage, did not involve development to rear of the current on-site expanse of hardstanding. It is thus a decision of limited relevance. Other decisions³ on sites close by have also been referenced. In each case planning permission for a form of infill development was issued. However, it has not been clearly demonstrated that any one of these other schemes involved proposals at odds with the surrounding pattern of development. In any event, each scheme must be considered upon its own individual merits and on the basis of the specific site circumstances to hand.
11. For the above reasons, the proposal would be inappropriate development in the Green Belt and conflicts with Policy SP4 of the Local Plan and the Framework in so far as these policies affirm that inappropriate development is, by definition, harmful to the Green Belt.

Openness of the Green Belt

12. The dwelling would be setback only a short distance from Woodside Road and would be experienced alongside neighbouring residential built form. Whilst Green Belt openness has a spatial element as well as a visual element, the proposed dwelling would infill a gap in a built-up frontage and, in this context, would not have a harmful influence upon the Green Belt's openness.
13. Nevertheless, as discussed above, the scheme involves the utilisation of open agricultural land to provide a not insignificantly sized residential garden space to the rear. The excavation works already undertaken indicate that it is likely that the rear garden space would be set, at least in part, at a lower ground level relative to surrounding agricultural lands. Even so, the domestication of this space and the introduction of features visible from the footpath, such as perimeter boundary treatment and/or residential paraphernalia, would lead to a loss of Green Belt openness (albeit to a limited extent).
14. For the above reasons, the proposal would cause some limited harm to the openness of the Green Belt. The scheme conflicts with Policy SP4 of the Local Plan and the Framework in so far as these policies set out that the essential characteristics of Green Belts are their openness and their permanence.

Character and appearance

15. There are a variety of different housing types in place immediately local to the site. These can be observed to be positioned upon a range of different building lines and contrasting plot sizes. A mixed residential character and appearance is thus in place. Even so, the composition of the site's wider surroundings is often inherently rural. Indeed, the rural/agricultural lands situated to the rear of the site, although observed to be often overgrown, are read and experienced as a component of the open countryside.
16. The new dwelling would respect the scale and design of No 80 and the intended plot to dwelling ratio is acceptable. The dwelling would be constructed adjacent to the footpath, which is a route that forms part of a designated Heritage Greenway. Towards the site's frontage the footpath runs alongside areas of hardstanding and in the context of adjoining residential developments.

² APP/P0240/W/19/3226635

³ CB/19/0410/FULL; CB/20/03894/FULL; CB/19/00760/FULL; CB/18/00741/FULL

Thus, the potential enjoyment of the footpath would not be compromised by the immediate presence of the proposed building.

17. However, the proposed private garden space would utilise agricultural land in a location where the adjacent footpath begins to evolve into a well-vegetated rural corridor and where surrounding undeveloped land is prevalent. Particularly when recognising the alignment of No 80's rear boundary, the intended rear garden (however fenced and however ultimately comprised in terms of its levels) would have a domesticating/urbanising influence and appear as an encroachment into the open countryside where experienceable from the footpath. I have noted reference to other footpaths within the surrounding area, but it has not been clearly demonstrated that comparable site/scheme circumstances prevail.
18. For the above reasons, the proposal, when considered as a whole, would cause a moderate degree of harm to the character and appearance of the area. The scheme conflicts with Policy HQ1 of the Local Plan and Policy Case8 of the Neighbourhood Plan for Caddington and Slip End (2018) in so far as these policies set out that development proposals will be permitted where they take account of opportunities to enhance or reinforce the local distinctiveness of the area and provide positive benefits to the Heritage Greenway.

Living conditions

19. The proposal involves development of bulk and height in proximity to the grounds of No 80. This neighbouring property is served by a patio to the rear (the patio), which is set at a sunken level when compared to adjoining areas of private garden. The patio is directly addressed by a range of glazed openings that serve No 80 and I observed it to be a well-maintained space. Although No 80 has a garden area of generous size when considered in overall terms, the patio remains likely to provide a valuable and readily useable recreational facility for the occupiers' private enjoyment.
20. When factoring in the intended short setback distance from the shared boundary and the approximate southern orientation of development relative to the grounds of No 80, the proposal would lead to overshadowing and overbearing effects being experienced by adjoining occupiers. Indeed, the scheme would have an enclosing influence that would materially impinge upon the level and quality of outlook available from the patio. Natural light would also be blocked from reaching parts of the patio during certain daytime hours.
21. In terms of privacy considerations, a north-east facing bedroom window opening (the window) is proposed at first floor. Whilst direct overlooking of the patio would be avoided, the window would face above a single-storey part of No 80 that sits immediately adjacent to the patio. When noting its intended height and large size, the window would offer realistic opportunities for future occupiers to look down on to parts of the patio from close distance. This would be an unacceptable relationship and lead to some loss of privacy for No 80's occupiers. Whilst it has been suggested that a planning condition could potentially be imposed to deal with neighbouring amenity/privacy issues, it is unclear how such an approach could be implemented successfully.
22. Notwithstanding the changes in level that can be experienced to the rear and any intention to utilise low-level post and rail fencing to define the site's perimeter, I am unpersuaded that any undue loss of privacy would be

experienced by No 80's occupiers due to the creation of a rear garden space. Indeed, the newly proposed garden would not be sited directly to the rear of No 80 and would be set away from the dwelling and adjacent patio area. It is also the case that final levels details could have been secured via planning condition had the appeal been successful.

23. Nevertheless, for the above reasons, the scheme would cause harm to the living conditions of neighbouring occupiers at No 80 having particular regard to privacy, light and outlook. The proposal conflicts with Policy HQ1 of the Local Plan in so far as this policy sets out that development proposals will be permitted where there is not an unacceptable adverse impact upon nearby permitted uses, including impacts on amenity or privacy.

Highway safety

24. The site presently provides an expansive area of hardstanding that I understand is available to the occupiers of No 78 Woodside Road (No 78) for the purposes of parking. The proposal involves the re-provision of two parking spaces to the front of the site, which would serve the new dwelling. Further, two new tandem parking spaces are depicted upon the submitted plan to the rear of No 78 on land falling under the appellant's control. These were observable upon inspection, albeit without corner radii at their point of entry.
25. A minimum requirement for two residential parking spaces applies to either a two or three-bedroomed property in accordance with the parking standards set out in the Central Bedfordshire Design Guide (September 2014). No 78 was originally a two-bedroom property. Whilst it has been brought to my attention that retrospective permission was subsequently sought/attained for habitable space at loft level, it has not been clearly demonstrated that the property now contains more than three bedrooms. In such circumstances and having witnessed the seemingly modest scale of No 78 when experienced on the ground, I am satisfied that two parking spaces represents a satisfactory level of provision.
26. Whilst the private driveway that would serve No 78 and No 1 is of relatively narrow specification, it is of compact and straight layout and offers good levels of visibility along its full length and at its point of entry to the highway. I experienced traffic movements along Woodside Road to typically be slow-moving and somewhat infrequent. In this context, I am satisfied that the intended shared use of the driveway would be acceptable in highway safety terms. This is subject to the vehicular entry to No 78's private grounds being laid out in full accordance with the submitted plan so as to promote useability.
27. As regards the parking area intended to serve the new dwelling, concerns have been raised that the relevant north-eastern vehicular visibility splay crosses third party land. Thus, it could not be guaranteed that the splay would remain clear of visual obstructions in perpetuity. Nevertheless, the area is already accessible for parking and the likelihood of any significant obstruction to visibility arising in close proximity is limited. This is particularly when noting the presence of a neighbouring area of parking that is also reliant on visibility.
28. For the above reasons, the scheme would not prejudice highway safety. Indeed, the proposal would not realistically be expected to lead to any noticeable increase in on-street parking and satisfactory standards of visibility would be reasonably anticipated to prevail. The proposal accords with Policies

T2 and T3 of the Local Plan in so far as these policies require that proposals for new development must not have a detrimental effect on highway safety and that developers must have regard to the Council's car parking standards.

Whether very special circumstances apply

29. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also indicates that substantial weight should be given to any harm identified to the Green Belt.
30. The proposal would deliver an additional housing unit on a site that is not isolated and that is, in-part, previously developed. Indeed, the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and of making an effective use of land. Nevertheless, particularly given that merely a single additional unit is under consideration upon a site of relatively modest proportions situated towards the edge of a small rural settlement, I attach limited weight to the scheme's benefits in these senses.
31. The scheme would also create jobs during the construction phase and provide support to the local economy and local community facilities, most particularly once occupied. However, these benefits attract limited weight due to the scale of development under consideration.
32. It has been suggested that the introduction of a dwelling would provide increased surveillance of the footpath and of the parking area that is situated adjacent to No 80. However, the site is presently of open composition such that the footpath and parking area are already observable from a variety of locations. Thus, any potential crime prevention/safety benefits brought about by increased surveillance would be minimal.
33. The proposal's benefits, when considered cumulatively, would be relatively modest and would not outweigh the substantial harm identified to the Green Belt (including harm derived from loss of openness), and the additional identified harms to the character and appearance of the area and the living conditions of neighbouring occupiers at No 80, so as to amount to the very special circumstances necessary to justify the proposal. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

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

Andrew Smith

INSPECTOR