



Appeal Decision

Site visit made on 9 June 2021

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/P0240/W/20/3259194

44 Osborn Road, Barton-Le-Clay, Bedford, MK45 4PA

- 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 Mrs J. Anderson against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/01532/FULL dated 11 May 2020, was refused by notice dated 29 June 2020.
 - The development proposed is described on the application form as "Demolition of existing garage and side extension to form access and erection of a detached dwelling to the rear of the existing".
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Decision

1. The appeal is dismissed.

Procedural matters

2. Although the 2004 Local Plan¹ is referred to in the first reason for refusal, the Council has confirmed that a new Local Plan² (the 'Local Plan') was adopted post-decision and that the 2004 Local Plan policies referred to are no longer relevant to the scheme before me. My determination of this appeal is therefore against the policies of the Local Plan and in particular, those referred to in the Council's appeal letter dated 26 July 2021.
3. Since the appeal was submitted, a revised version of the Framework³ has been published. Both main parties have been given the opportunity to comment on this and where applicable, I have taken their responses into account.

Main issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - highway and pedestrian safety, with specific regard to the proposed access road.

¹ South Bedfordshire Local Plan Review, Adopted January 2004.

² Central Bedfordshire Local Plan 2015-2035, adopted 22 July 2021.

³ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, July 2021.

Reasons

Appeal site context

5. The appeal site contains a 2-storey semi-detached dwellinghouse with a driveway to its side leading to a single attached garage and playroom extension. It is positioned on the outside of a sharp turn in the road and as a consequence, the plot tapers out towards the rear resulting in a spacious back garden of an irregular shape.
6. The area has a suburban character with semi-detached 2-storey houses with single garages/drives to their side, fronting onto a grass-verged highway.

Character and appearance

7. The development would intrude into the undeveloped stretch of garden land and appear out of character with the prevailing low-density settlement pattern and suburban character of the surrounding area, which is characterised by dwellings fronting onto the public highway with long rear gardens.
8. I recognise that the proposed dwelling would not be easily seen from Osborn Road, but the access road would be, and in my view this would have a harmful impact on the streetscene, which is not characterised by shared-surface private access roads punctuating the established built frontage.
9. In support of the appeal, my attention has been drawn by the appellant to other developments within the Central Bedfordshire Area. However, the site at Hexton Road has a significantly different contextual character with a varied building line and irregular built form layout. Furthermore, the 2 sites referred to in Flitwick have a different planning policy background, planning history, visual context, historical use and character and are not comparable to the scheme before me. I have as a consequence considered the scheme on its own merits.
10. The appellant states that the dwelling would make an efficient use of land and not result in the loss of a use for which there is a recognised need, but this does not remove the need for the development to be of a high quality design or justify the harm identified.
11. In view of the above, I conclude that the development would be harmful to the settlement pattern and spacious suburban character of the area. The proposal would therefore conflict with Policy HQ1 of the Local Plan which seeks, amongst other things, to ensure that proposals reinforce local distinctiveness and reflect the character of the surrounding area.
12. I also find that the scheme conflicts with Paragraphs 126, 130 and 134 of the Framework which collectively seek, amongst other things; (a) places of a high quality design; (b) development that is sympathetic to local character; (c) the maintenance of a strong sense of place; and (d) to ensure that planning permission is refused for development that is not well-designed.

Highway and pedestrian safety

13. Local highway guidance⁴ requires a shared vehicle access for 2-5 dwellings to be no less than 4.8 metres wide and the local highway authority states that

⁴ Highway Construction Standards & Specifications Guidance, Issue 5, July 2019, Central Bedfordshire Council.

this is achieved on the scheme aside from the pinch point with the front corner of the existing dwelling, and subject to the relocation of the front car-parking space to the rear of the property. There is therefore some conflict between the proposal and this guidance.

14. However, it is important to recognise that guidance should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary. It is for the decision taker to weigh any conflict between relevant guidance in the light of material considerations, including local circumstances. In this instance, given:- (a) the small number of dwellings and resultant vehicular movements; (b) the majority of the private access road benefits from a 4.8 metre width; (c) there would be good visibility in both directions for oncoming cars; (d) the pinch point would act as a form of traffic calming to slow traffic down to the benefit of pedestrians and cyclists; and (e) it would be possible to impose a condition to reconfigure the parking layout and still achieve a sufficient number of spaces with adequate visibility splays, I am satisfied that the access would prove safe in this instance.
15. In view of the above, I conclude that the development would accord with Policies HQ1 and T2 of the Local Plan which collectively seek, amongst other things, to ensure that development provides a safe access route for all road users.
16. I also find that it accords with Paragraphs 110, 111 and 112 of the Framework which collectively seek, amongst other things; (a) safe and suitable access for all road users; (b) the creation of safe places; (c) ensuring that access routes give priority to cycle and pedestrian movements and address the needs of people with disabilities and reduced mobility; and (d) the prevention of development where there would be an unacceptable impact on highway safety.

Planning balance

17. I recognise that the scheme would result in benefits from;- (a) the provision of a dwelling towards the local housing stock; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in Barton-Le-Clay and the wider surrounding area; and (c) local employment during construction. However, given that only one dwelling is proposed, I consider these benefits to be of limited value and that the adverse impacts of the scheme would outweigh these, when assessed against the policies in the development plan and Framework when taken as a whole.

Conclusion

18. Although I have concluded that there is no harm in respect of the main issue relating to highway and pedestrian safety, I am nonetheless satisfied that the harm identified in respect of the main issue relating to character and appearance is sufficient to still justify dismissal of the appeal.
19. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR