



Appeal Decision

Site visit made on 18 October 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/P0240/W/21/3271234

7 Harcourt Close, Linslade, Leighton Buzzard, LU7 2ST.

- 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 K McInerney against the decision of Central Bedfordshire Council.
 - The application Ref. CB/20/02885/FULL, dated 14 August 2020, was refused by notice dated 19 February 2021.
 - The development proposed is the erection of a detached dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area; and
 - The effect on road and highway safety.

Reasons

Policy context

3. The Council advises that the Central Bedfordshire Local Plan was adopted in July 2021 following Examination. This plan replaces the 'old' development plan as mentioned in the first reason for refusal. I have only had regard to the relevant policies in the newly adopted Local Plan.

Background

4. The appeal site forms part of the rear garden of a semi-detached property that fronts Harcourt Close in a mainly residential suburb of Leighton Buzzard. The eastern edge of the site has a narrow frontage to Bossington Lane, (public bridleway No.50) a private road and partly loose surfaced track from which a few properties have rear vehicular access, together with three houses which face the lane at an angle and have access to it. It is proposed to erect a detached dwelling which would have two floors of accommodation, the upper floor of which would be set in the roof slope and lit by dormer windows and rooflights.

Effect on character and appearance

5. The semi-detached properties that front Harcourt Close tend to have long rear gardens that stretch out to the east and south-east. These result in a relatively enclosed residential environment of houses and the hinterland of gardens which have a verdant character because of the presence of mature trees and shrubs. The form of these is distinctly different to the more developed group of properties comprising Kwee-Beck, Tree Tops and Elmside which face the initial part of Bossington Lane together with the rear of the nursing home development which has access from Stoke Road.
6. The Council describes the proposal as 'backland development', but this term usually applies to a development with no other access other than through a parent site itself, whereas this proposal has a very limited frontage to Bossington Lane. Nevertheless, having regard to the extent that the new property proposed would extend across the width of the garden, and the limited extent of the plot, a new dwelling here would appear as an 'after thought', and be out of place with the openness of adjacent residential gardens which it would visually dominate. Moreover, although the dwelling is shown to be only 5.35m in height, its visual impact would be accentuated by the angled position and footprint sited almost at right angles to the existing property of Kwee-Beck.
7. Despite the design of the dwelling not being inappropriate for this area of mixed architectural styles, I agree with the Council that the presence of the proposed dwelling would not fit in with the established 'grain' of the area but would be an incongruous feature which would harm the character of the area. This impact would not be mitigated by the proposal to retain and supplement some of the existing vegetation.
8. Overall I find that the proposal would not result in high quality development in that the siting of the dwelling would not reinforce or enhance the local distinctiveness of the area but would harm the surroundings of this site contrary to the provisions of Local Plan Policy HQ1.

Effect on highway safety and lane users

9. Bossington Lane is a narrow private track road which is also a public bridleway and joins the highway (Faulkners Road) which the highway authority indicates is some 100m to the south. At the time of my site visit the bridleway was well used by walkers. The proposal is to form a narrow access to the appeal site and create two car parking spaces in a tandem layout in front of the dwelling.
10. The highway authority does not contest this access and parking solution but considers that light goods vehicles serving the proposed dwelling, such as delivery vehicles, would not be able to turn about and so would have to reverse some 100m along the bridleway and also reverse onto the highway. The appellant advises that no other property along the lane has room for a light goods vehicle to turn within a site but refers to the space in front of the adjoining houses which is said to be used as an informal turning space for vans and cars.
11. At the site visit I noted the access arrangements proposed for the site and the existing access drives for Kwee-Beck and Treetop/Elmside. There were also wheely bins out on the verge suggesting that the refuse vehicle picks up from

the lane. The two adjoining properties have frontage walls and gate piers (but no gates) set back from the surfaced part of the lane and tarmac driveways and it would be possible to turn a light van in this space. However, in both cases the limit of the tarmac driveway appears to have been defined by a line of setts/bricks in the ground and the ownership of these access drives alongside the lane it is not clear to me. They are outside the red line and not within the control of the appellant. There is considerable doubt over whether this informal turning use, as suggested by the appellant, can take place in perpetuity. Moreover, if the owners of the property placed restrictions on turning movements on private land this would be likely to result in vans and light goods vehicles having to reverse along the bridleway and onto the highway.

12. On the evidence before me I conclude that it has not been demonstrated that the new dwelling proposed off the bridleway can be properly serviced without resulting in movements which would be at odds with the safe use of the bridleway by walkers and riders.

Planning balance

13. On the main issues I have found that the siting of the proposed dwelling would be at odds with the urban grain of present development and the prevalence of the new house would be harmful to the character and appearance of the surrounding area. The proposal would conflict with the relevant policy in the development plan. Further, although the new house would have vehicular access and two off-road parking spaces on site, it has not been demonstrated that it can be served by light goods vehicles in an appropriate manner in the long term which would not involve vehicles having to reverse for some distance on a public bridleway.
14. These factors constitute significant adverse effects but they have to be balanced with the benefits of the development. The proposal would contribute a new house to general housing supply and make more efficient use of land that has already been developed. This is generally supported in paragraph 124 of the National Planning Policy Framework. However, this government policy also indicates that such increase in density should take account of maintaining an area's prevailing character, which I have concluded that the appeal scheme would not do.
15. Overall, I find that the other considerations that arise do not outweigh the conflict with the development plan or the environmental harm that I have found would arise with the proposal. This indicates that the appeal scheme should not be allowed.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR