



Appeal Decision

Site Visit made on 20 December 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/K0235/W/21/3279138

Land Rear Of 54 Bedford Road, Great Barford, Bedford MK44 3JF

- 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 Damson Lane Motor Company against the decision of Bedford Borough Council.
 - The application Ref 19/02832/FUL, dated 24 December 2019, was refused by notice dated 28 April 2021.
 - The development proposed is for the erection of 2 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Great Barford Neighbourhood Plan (NP) was subject to referendum recently where residents voted in favour of making it. In accordance with paragraph 48 of the National Planning Policy Framework (The Framework) I am able to give weight to emerging policies dependant on their progress toward adoption. As the NP is relatively advanced, I have afforded its policies moderate weight in my decision.
3. Amended Plans were submitted to the Council during its consideration of the proposal. This included a revised layout plan ref: J54/51C which replaced plan ref: J54/51B and also revised house types. Although the Council's Decision Notice refers to both layout plans, I am satisfied that the later plan was the version refused. The amended plans are not materially different. I am therefore satisfied that no party would be prejudiced by my consideration of the most recent submission.
4. Outline Planning permission was granted¹ for one dwelling on the appeal site 13 December 2021 with all matters reserved. It is therefore recognised that the site has been found suitable, in principle, for residential development.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area,
 - The effect of the proposal on highway safety, with particular respect to the access and on-site turning arrangements, and

¹ Planning Application Reference: 21/01816/OUT

- The effect of the proposed dwellings on the living conditions of future occupiers with respect to noise.

Reasons

Character and appearance

6. Bedford Road is a main route through Great Barford. Local residential development is a variety of styles and scales. The appeal site consists of a long rear garden, part of a group of plots that are deeper than neighbouring development. This group of larger plots, act as a transition point from the close-knit development to the northeast and the open countryside to the southwest. The site contributes to the spacious setting of this group. Consequently, the site makes a positive contribution to the open character and appearance of the area.
7. The proposed dwellings would be close together and be close to the access driveway. As such, the dwellings would dominate adjacent buildings, especially 1 Coopers Close. These would enclose the private drive with a limited set back due to their shallow frontages. Moreover, the scheme would appear as a connected mass of built form that would not reflect the more dispersed nature of adjacent infill development. Although being of a comparable density to local housing, the proposal would present its main mass close to the edge of the plot and the driveway. The proposal would therefore consist of a form of development where the buildings and hardstanding would be predominant and overt characteristics.
8. Furthermore, the proposed dwellings would intrude into the currently open nature of the plot. This would be at odds with its current sense of spaciousness both of the plot and within neighbouring gardens. The adjacent examples of infill development include buildings with more open frontages. These include double garages and greater areas of landscaping to allow these to successfully integrate with surrounding green space. In contrast, the proposal would have an absence of space for landscaping and would therefore be a more urban form of development. Accordingly, although of comparable density, the dominance and layout of the proposal would not be in keeping with the character of the local pattern of development.
9. For the above reasons, the proposed dwellings would fail to complement the character and appearance of the area. Consequently, the proposal would conflict with policies 28S, 29 and 30 of the Bedford Local Plan 2030 (2020)(LP) and the Council's Design Guide (2000). These policies seek, among other matters, for development to promote local distinctiveness and contribute positively to the character of an area.

Highway safety

10. The Council's Highway Development Control Design Guide (1995) identifies that no more than five dwellings should be served by a private drive. This informs that an access serving more than five dwellings, that does not meet adoptable standards, could not be safely accessed. Although not in itself determinative, this document and the comments of the Highway Authority, are important material considerations. The access track currently serves three dwellings in Coopers Close, dwellings within Home Farm, Home Farm itself and an associated farm shop. Consequently, the private drive provides access for a

range of properties that relate to both agricultural, commercial and residential activity. Accordingly, the relatively narrow drive carries various types of traffic that would be likely to result in occasional congestion and some hazard, especially when the farm and its shop are busy.

11. The proposal would provide each dwelling with driveway space and a space for visitors. The Appellant's evidence illustrates that traffic associated with the proposal would be relatively small. However, such traffic would require most manoeuvring, on or off driveways, to take place within the private access drive. This would be likely to cause inconvenience to other motorists and pedestrians. Moreover, the access drive would be unable to provide a passing place for vehicles or a safe refuge for pedestrians. Taking the variety of local uses that currently access the driveway, manoeuvring within it would be likely to cause inconvenience and safety risks for existing and proposed users of the driveway. Accordingly, the proposed development, in combination with existing activity, would put further pressure on the use of the access drive and the access.
12. Furthermore, there is limited space within the service road, alongside Bedford Road, for vehicles to wait if the access drive is in use by another vehicle. Accordingly, vehicles would be unable to wait within the service road without affecting the free flow of traffic using it. As a result, the intensification of the private drive would result in an adverse impact on the highway.
13. Also, there would be insufficient space within the application site for a fire tender to turn. Although such a requirement would be rare, it would not be appropriate to rely on turning facilities within the farm or Coopers Close, being beyond the Appellant's control. Furthermore, future occupiers would need to pull their refuse bins to the service road on collection days. Although this would be similar to occupiers of Coopers Close, the bins would be within the visibility splay of motorists exiting the access drive. As a result, these would contribute to the clutter around the access causing further, albeit limited, detriment to motorist's visibility upon leaving the drive.
14. Taking the above points together, the increased use of the access would result in highway safety concerns, resulting in obstructions taking place within both the drive and the adjacent service road.
15. Consequently, the proposed development would cause a range of highway effects that would, in combination, prevent the development from functioning well and result in significant adverse highway safety impacts. Accordingly, the proposed development would conflict with policies 29 and 31 of the LP. These seek, among other matters, for development to not have a significant impact on an access to the highway and provide for the functional needs of the scheme.

Living conditions

16. Paragraph 174 of the Framework explains that planning decisions should prevent existing development from being adversely affected by unacceptable levels of noise pollution. This is reinforced by paragraph 187 under the agent of change principle. This requires the applicant of new development to provide suitable mitigation where the operation of an existing business could have a significant adverse effect on the proposal.

17. During my visit I observed and heard activity on the farm. The Council has not indicated that the farm was inactive. Accordingly, whilst noise and activity levels could be lower at the moment due to the current pandemic. This has not substantially affected the collected noise data, that I find sets a reasonable baseline. The appellant's noise assessment² identifies that the noise levels generated by the farm would be acceptable subject to the provision of mitigation in the form of glazing attenuation. The Assessment indicates that windows would need to be closed to prevent significant noise being received by future occupiers of the dwellings, especially within plot two.
18. As a working farm, noise levels would fluctuate. As such, it would be unlikely for windows to need to be closed for prolonged periods. Furthermore, passive ventilation would provide a suitable alternative to this if desired by future occupiers. As such, the noise levels from the adjacent farm would not result in a significant adverse noise effect. Consequently, the noise impact identified by the Assessment could be adequately addressed by a planning condition to secure suitable attenuation had I been minded to allow the appeal.
19. Furthermore, plot two is a similar distance from the farm as several other neighbouring dwellings. As a result, the effect of the scheme on the farm would be unlikely to have a greater impact on the business than that caused by the proximity of existing neighbouring development. Furthermore, the outline approval illustrates that the site is suitable for residential development, despite its proximity to the farm.
20. Consequently, the proposal would not harm the living conditions of future occupiers, with respect to noise. Therefore, the proposal would comply with policy 32 of the LP. This includes the requirement for development to take into account and minimise the effects of noise pollution.

Other Matters

21. The outline approval illustrates that the site is suitable for one dwelling. A final layout plan for this approval is therefore not before me. However, it is nevertheless clear that such a proposition would be substantially different to the proposal the subject of this appeal, with differing merits.
22. Interested parties have identified that the NP has allocated a large area of land, including Home Farm, for 500 homes. This allocation also proposes to use the private drive to provide pedestrian and cycle access to the village. Should this development come forward in future years the proposed development would not be an obstacle to the delivery of this improved route. Equally, I can also only afford limited weight to any benefits this would deliver in support of the proposal.

Overall Conclusion

23. The Framework seeks to boost the supply of housing. The proposed development would make efficient use of previously developed land. It would also be within the settlement boundary of Great Barford which is defined as a Key Service Centre. In such locations infill development is acceptable in principle. These merits weigh in favour of the scheme.

² Environmental Noise Assessment: by RandTech dated 17/5/20

24. However, the proposed development would fail to complement the character and appearance of the area and would result in adverse highway safety impacts. Therefore, whilst finding no harm to future living conditions, the harm identified outweighs the limited merits of the scheme. The proposal would not accord with the development plan, when taken as a whole. As such, the appeal is dismissed.

B Plenty

INSPECTOR