



Appeal Decision

Site visit made on 2 February 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2022

Appeal Ref: APP/P0240/W/21/3280185

112 Vandyke Road, Leighton Buzzard LU7 3HA

- 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 Costantina Trebisacce against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/00696/FULL, dated 2 February 2021, was refused by notice dated 23 April 2021.
 - The development proposed is demolition of existing garage and erection of detached dwelling in rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In July 2021 the Central Bedfordshire Local Plan (the 'Local Plan') was adopted. Policies H2 and BE8 of the South Bedfordshire Local Plan Review, referred to in the decision notice, are now superseded by policies HQ1, SP7, T2 and T3 of the Local Plan. Copies of these policies have been provided to the appellant.
3. The appeal was originally made in the name of Mr & Mrs Trebisacce. However, during the course of the appeal Mr Trebisacce passed away. The appeal therefore proceeds under Mrs Trebisacce's name.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and the effect on highway safety.

Reasons

Character and appearance

5. The appeal site accommodates a detached two-storey dwelling with a sizeable rear garden and modest front garden. It is sited in a row of, mainly, two-storey detached dwellings of comparable scale and form and with similarly sized front and rear gardens. This consistency is a positive characteristic of the immediate vicinity. None of these other properties have separate dwellings in their rear gardens. The removal of the garage to the side of the existing dwelling, which appears to be reasonable condition, would mean a clear view of the bungalow would be possible from Vandyke Road. The development would therefore be visually incongruous.

6. It is noted that there are two large bungalows, nos. 102a and 102b, set behind the properties on Vandyke Road. Indeed, no. 102b is set behind a row of three small two-storey terraced properties which themselves are behind no. 102d. The bungalows and the terraced houses are visible from within the rear garden of the appeal site. The relationship of houses being set behind others, such as that proposed, is therefore not unprecedented in the wider area.
7. However, there are distinct differences between the proposal and these other examples. Nos. 102a and 102b appear to be positioned completely behind, rather than within, the former rear gardens of the properties on Vandyke Road. The fact that the Council have advised that that site was a former builders yard and offices, supports my view. Indeed, due to their distance behind Vandyke Road they appear from the appeal site to be more aligned with the bungalows in Miles Avenue. The three terraced properties are closer to Vandyke Road, but they are seen in the context of the frontage building at no. 102d, which is distinctly different in its design and position to the other detached houses in the road, and the short terrace of properties starting at no. 100, which are perpendicular to the road. This varied setting is starkly different to the consistent form and grain of housing surrounding the appeal site.
8. There is a large outbuilding at the rear of the neighbouring garden at no. 114 and there are also a number of outbuildings at the rear of 8 Miles Avenue which stretch along the common boundary with the appeal site. The proposed bungalow would not be dissimilar in scale to those, particularly that at no. 114. Nonetheless, the provision of a separate dwelling, an access driveway and turning area means the development would have a different character to these outbuildings.
9. I have been referred to some other examples of development elsewhere in Leighton Buzzard at Clipstone Crescent and Lywood Road. However these are some way from the site and so have a different context, notwithstanding the fact that they do not comprise backland development of a similar nature to the proposal.
10. In summary, the proposal would contrast with the character and appearance of the area. It would therefore conflict with Local Plan policy HQ1 which requires development to reinforce the character and distinctiveness of the surrounding area. Policy SP7 of the Local Plan relates to the principle of windfall development and I find nothing in that policy with which the proposal would conflict.

Highway safety

11. The proposal would re-use the existing point of access. Though this would not be wide enough for two cars to pass, the only instances when this would occur would be when cars are going to and from the site simultaneously. This would be very rare. Even if it did occur, it is reasonable to assume the drivers would see each other, due to the very open frontage, and simply wait for the exiting car to emerge onto the road before the entering car advanced, as could readily happen at present at the site. This would not compromise highway safety.
12. There is a wall, about 1m in height, across the front of the site and a fence of similar height on the boundary with no. 114. There is no form of enclosure across the front of no. 114 and, as the whole of that front garden is used for parking, it is unlikely any structure or planting to obstruct visibility would be

introduced. As such any pedestrian on the pavement would have clear sight of any cars emerging from the site entrance and vice versa. In addition, the pavement in front of the site is wide and with a grass verge occupying that part closest to the site boundary, pedestrians would be most likely to be closer to the main carriageway than the proposed access, and hence less likely to be obscured by the boundary treatment. As such, pedestrian safety would be maintained by the development.

13. The existing dwelling would be provided with two parking spaces to its front. There is sufficient room here for two cars to park and there is no reason to consider that either of these spaces would not be readily accessible from Vandyke Road, particularly when the access driveway could be used to provide room for reversing manoeuvres. Also, it is likely the residents of the bungalow would be able to arrange their cars such that they would have enough room to turn within the site to avoid reversing down the access and onto Vandyke Road.
14. Overall, the development would not be likely to have an adverse effect on highway safety. It would therefore accord with policies T2 and T3 of the Local Plan and the Central Bedfordshire Design Guide (2014), which combine to ensure development provides safe access, appropriate parking and does not have a detrimental effect on highway safety.

Other Matters

15. The appellant's desire to downsize to a smaller property is noted. However, because planning is concerned with land use in the public interest, as set out in the national Planning Practice Guidance, I can give this personal circumstance little weight in the planning balance.

Conclusion

16. Although the development would not be detrimental to highway safety, it would cause unacceptable harm to the character and appearance of the area. It therefore would conflict with the development plan as a whole and there are no other considerations, which would support a decision otherwise than in accordance with the development plan. Therefore, for the reasons given above, the appeal is dismissed.

Andrew Owen

INSPECTOR