



Appeal Decision

Hearing held on 1 March 2022

Site visit made on 1 March 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2022

Appeal Ref: APP/P0240/W/21/3269398

27 Duck End Lane, Maulden MK42 9XP

- 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 Miss Danielle Smith against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/04011/FULL, dated 4 November 2020, was refused by notice dated 22 December 2020.
 - The development proposed is the erection of a new single storey one bedroom detached bungalow with associated garden amenity and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the determination of the planning application, the Council adopted the Central Bedfordshire Local Plan (2021) (the Local Plan). This document now carries full weight in the decision-making process. The effect of this is that the policies cited on the Council's decision notice have been superseded. Having given the appellant the opportunity to comment on the revised policies, I am satisfied that prejudice has not been caused to any party. Therefore, I have proceeded with reference to the new planning policies.
3. References have been made to an emerging Neighbourhood Plan. However, given the early stage that this plan has reached in its preparation and as I have not been directed towards any specific policies, I can only give this document a limited amount of weight in my considerations.
4. The appellant has drawn my attention to Policies H3 and H4 of the Local Plan. However, the proposed development contains a single dwelling. It therefore falls below the minimum threshold for the application of these policies. In result, they are not relevant to my assessment.
5. The Council amended the description of the development from 'the proposed erection of a new single storey one bedroom bungalow on land associated with No.27 Duck End Lane with associated garden amenity and parking provision' to 'the erection of a new single storey one bedroom detached bungalow with associated garden amenity and parking'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more succinct summary of the proposed development and have therefore proceeded on this basis.

Main Issues

6. The main issues relevant to this appeal are:

- the effect of the development upon highway safety, with particular reference to visibility; and
- the effect of the development upon the character and appearance of the area.

Reasons

Highway safety

7. The appeal site is accessed via Duck End Lane, which is a narrow road with some sharp corners but low traffic volumes. In consequence, it can be anticipated that vehicles would travel at lower speeds. It is also lacking in formal passing places and separate pavements for use by pedestrians. Duck End Lane is accessed via the nearby Flitwick Road. The surrounding area contains some footpaths that lead to and from Duck End Lane.
8. The proposed development would create an additional dwelling with a driveway to the side. By reason of the proximity of the driveway to the proposed dwelling and other houses nearby, the visibility splays associated with the proposed driveway have a length of 17m. This means that motorists leaving the site would not have sufficient advance warning of approaching vehicles and pedestrians, particularly if vehicles are travelling in excess of the modelled speed. This is likely to increase the risk of collisions within the street.
9. In addition, one of the proposed visibility splays would cross land outside the appellant's control. In consequence, a condition requiring the retention of this splay would fail the necessary test of reasonableness as specified in the National Planning Policy Framework (the Framework) for there is no certainty that the appellant would be able to provide this splay.
10. The proposed visibility splays have been designed assuming that on-coming vehicles in Duck End Lane would approach the appeal site at a speed of 15 miles per hour. The appellant has suggested that vehicles approaching the appeal site would be travelling at a lower speed and therefore shorter visibility splays would be adequate.
11. However, even if I were to agree that approaching vehicles would be travelling at speeds of less than 15 miles per hour, the visibility splays cannot be reduced by a notable amount as drivers of vehicles would require some time to react to an approaching vehicle. However, I have not been provided with any evidence that confirms this. Therefore, I do not find that the possibility that vehicles may be travelling at speeds of less than 15 miles per hour is sufficient to overcome my previous concerns.
12. The proposed development would increase the use of Duck End Lane. Whilst the scale of the development is such that any increase may not be overly large, I am mindful that Duck End Lane features some sharp corners, with limited forward visibility and is narrow in width. Therefore, an increase in vehicle movements would increase the likelihood of vehicles meeting in the road.

13. Due to the layout of the development, there is a likelihood that, at times, vehicles would need to be reversed out of the driveway onto Duck End Lane. This would add to my concerns.
14. This development would result in increased likelihoods of lengthy reversing manoeuvres taking place to allow vehicles to pass one another. Owing to the nature of the road and the position of the appeal site towards the end of the road, such a manoeuvre is likely to result in reversing over a significant distance and may require reversing around corners. This would increase the risk of collisions between motorists as other properties could still be accessed by vehicles. Whilst Duck End Lane is accessed by refuse vehicles, this would not occur with the same frequency as people potentially arriving at or leaving the appeal site. As such this does not offset the adverse effects.
15. There is a wider section of Duck End Lane close to the appeal site. It has been suggested that this can be used for vehicles to pass. However, this area is close to a sharp corner and therefore forward visibility is limited. This means that motorists would not necessarily have advance warning of an approaching vehicle. Therefore, there is a reduced likelihood of this space being used for avoiding action and would not overcome the risks elsewhere in Duck End Lane.
16. There are no separate pavements in Duck End Lane. Therefore, pedestrians would be required to walk in the road. This means that there is the potential for increased conflict between pedestrians and vehicles should there be an increase in vehicle movements owing to the relatively narrow width of the road and the fact that some boundary treatments are adjacent to the highway edge.
17. As Duck End Lane predominantly contains residential dwellings, it is likely that several motorists would be familiar with the road layout. However, it is also likely that properties will be visited by non-residents or deliveries will need to be made to dwellings. Therefore, there is a realistic likelihood that some motorists will not be familiar with the road's layout. This would contribute to the previously described adverse effects.
18. Duck End Lane joins Flitwick Road, which carries a greater amount of traffic. Owing to the pattern of development and existing boundary treatments within the surrounding area, the drivers of vehicles leaving Duck End Lane have limited visibility of approaching vehicles. The layout of the vicinity means that this could not be improved in response to the appeal proposal.
19. In addition, the drivers of vehicles in Flitwick Road would have a diminished amount of time to take avoiding action in the event of a vehicle unexpectedly joining the road. Therefore, given that the proposed development would result in an increase in traffic, highway safety would be eroded.
20. There is a mirror opposite the junction of Duck End Lane and Flitwick Road. Whilst this provides more visibility for motorists leaving Duck End Lane, the increase is relatively small. In addition, the mirror is sited on land outside of the control of the appellant and the Local Highway Authority. Therefore, I have no mechanism before me that might secure the retention of this mirror. Furthermore, the mirror does not aid visibility for motorists on Flitwick Road. Therefore, the presence of this mirror does not overcome my previous concerns.

21. My attention has been drawn to Policy T3 of the Local Plan. Amongst other matters, this seeks to ensure the provision of appropriate car parking. However, as the number of spaces proposed conforms with this policy, I am unable to conclude that this policy has been breached.
22. I therefore conclude that the proposed development would have an adverse and unacceptable effect upon highway safety. The development, in this regard, would conflict with Policy T2 of the Local Plan. Amongst other matters, this seeks to ensure that proposals do not create hazards to traffic and other road users and that developments provide safe accesses.

Character and appearance

23. The appeal site contains an existing terraced dwelling with an irregular shaped garden. The proposed dwelling would be sited so that it fronts onto Duck End Lane. However, this section of the existing garden is relatively narrow. The immediate surroundings contain a predominance of dwellings of more than one storey. Whilst these are constructed to different designs, unifying trends are their height and the presence of open areas.
24. The proposed dwelling would be located close to the front and rear boundaries of the appeal site, in addition to one of the side boundaries. This would create a cramped form of development owing to the absence of space around the dwelling. This would also conflict with the prevailing character of the surrounding area, which can be broadly summarised as dwellings that are set back from the road and with areas of open space around them.
25. Where dwellings in the surrounding area are closer to the highway edge, they generally have longer rear gardens that are perceptible from public viewpoints. This means that existing dwellings contribute to a more open character. In contrast, the rear boundary of the appeal site would be readily perceptible from the street, which would erode the more open character of the vicinity.
26. In addition, the proposed development would be divergent from the prevailing character in that it would be of a single storey. This would conflict with the building heights of the surrounding dwellings in that these are generally of one and half, or two, stories. Although the proposed development would be of a height lower than many of the existing dwellings, it would be apparent over the height of the site's boundary treatments.
27. The garden of the proposed development is located to the side of the dwelling. This differs from the prevailing character as the existing dwellings have gardens to the front and rear. Therefore, the proposed development would appear incongruous. This would occur even though other properties have car parking spaces adjacent to the highway, as these properties have bigger plots and therefore having a greater amount of open space around them.
28. This creates further concern owing to the relative prominence of the appeal site. Owing to the generally level topography of the surrounding area and proximity of buildings nearby, the proposed development would be readily perceptible from the surrounding dwellings.
29. In addition, as previously mentioned, there are several footpaths within the vicinity of the site. Therefore, it is likely that walkers would use Duck End Lane as part of a longer journey. In particular, the side elevations of the proposed development and their proximity to the site's front and rear boundaries would

be apparent. Furthermore, the contrast in height of the proposed development, relative to the existing dwellings would be notable.

30. This means that the incongruous form of development has the potential to be experienced by a great number of people. This would render the proposed development a strident addition to the locality.
31. I have given consideration as to whether the effects of the development could be mitigated through increased landscaping or taller boundary treatments. However, owing to the proximity of the front elevation of the proposed development any increased landscaping or boundary treatments would prevent satisfactorily living conditions being secured for the future occupiers of the development due to diminished light and outlook. I therefore do not find that this suggestion overcomes my previous concerns.
32. I conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy HQ1 of the Local Plan and the Central Bedfordshire Design Guide (2014). Amongst other matters, these seek to ensure that proposals take account of opportunities to enhance or reinforce the local distinctiveness of the area and create a sense of place; and that size, scale and appearance relate well to the existing local surroundings.

Other Matters

33. I have given the personal circumstances of the appellant careful consideration. I have no doubt that the proposed development would lead to improved living conditions for the appellant and their family. However, I am mindful that, in general, planning decisions should be made in the public interest. Therefore, I do not find that the private benefits associated with the proposed development are sufficient to outweigh my conclusions in respect of the main issues.
34. It has been suggested that the proposed development would provide a home for an older resident and would also be an affordable dwelling. However, the Council has adopted planning policies in place that seek to ensure the provision of suitable housing for older residents and set out the criteria by which such developments and sites would be assessed. The evidence before me is indicative that the appeal site does not meet these criteria. In addition, I do not have a mechanism before me that would restrict the occupancy of the proposed dwelling.
35. I have been referred to the Assessment of the Housing Needs of Older People in Central Bedfordshire (2017). Whilst I have had regard to its contents, it has been confirmed that this assessment was intended to form an evidence base for the formulation of planning policies and does not form part of the Development Plan in its own right. Therefore, as the Council has identified that there are strategies in place for the delivery of such housing, the recommendations of this document have been actioned and I am therefore not required to disregard my previous conclusions.
36. Although the proposed dwelling might command a lower purchase price, I do not have a mechanism before me that would ensure that the development would be made available for occupation on affordable tenures. This is because a condition that specifies the tenure of the dwelling is unlikely to meet the requisite test of reasonableness as outlined in the Framework. Furthermore,

there is no legal agreement before me that might secure the tenure of the dwelling. In result, the proposed dwelling could be made available at market value. As a smaller dwelling, this value might be lower, however, this does not mean that it would meet the definition of affordable housing.

37. In consequence, I give the proposed tenure of the development limited weight. It therefore does not outweigh my previous concerns.
38. The proposed development could be constructed in an environmentally sustainable manner. However, this is only one of all the matters that must be considered and therefore does not overcome my previous findings.
39. Delays are likely to be caused by vehicles having to reverse to the limited passing places or by waiting to join Flitwick Road. However, the Framework is clear that developments should only be resisted in instances where the cumulative adverse effects on the functioning and capacity of the road network, as opposed to highway safety, are severe. Owing to the scale of the development, I do not believe that the increased inconvenience would amount to a severe adverse effect. However, this does not overcome my findings in respect of highway safety.
40. The appellant has raised some concerns regarding the manner in which the application was determined by the Council. However, in considering this appeal, I have limited my considerations to the planning matters before me.

Conclusion

41. The proposed development would have an adverse effect upon highway safety and the character and appearance of the surrounding area. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR

APPEARANCES:

For the Local Planning Authority:

Fenella Hackney	Central Bedfordshire Council
Jethro Punter	Central Bedfordshire Council
David Gauntlett	Central Bedfordshire Council

For the appellant:

Neisha Gleeson	on behalf of the appellant
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Interested parties:

Susan Millen	Local resident
Sian Nelson	Local resident

Documents submitted at the hearing:

Photographs and written commentary of Duck End Lane