
Appeal Decision

Site visit made on 20 June 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/P0240/W/21/3282763

32A High Street, Toddington, Dunstable, LU5 6BY

- 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 N Hussain against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/00351/FULL, dated 26 January 2021, was refused by notice dated 22 July 2021.
 - The development proposed is change of use from Class E (formerly Class A3) to a takeaway shop (sui generis) formerly Class A5 and installation of a chimney to house a flue at the rear of the building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site visit I noted that the change of use had already occurred, although the erection of the proposed chimney was still to commence. Accordingly, I am considering the appeal on the basis that it is a proposed development.
3. The decision notice refers to both Policy BE8 of the South Bedfordshire Local Plan (SBLP) and Policy HE3 of the Central Bedfordshire Local Plan (CBLP). The council have advised that the then emerging Central Bedfordshire Local Plan (CBLP) has since been adopted, superseding the SBLP. Accordingly, I consider the local plan policy relevant to the determination of this appeal to be CBLP Policy HE3.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of Toddington Conservation Area (TCA).

Reasons

5. The appeal property is currently operating as a hot food takeaway with residential accommodation above and is located at the end of a parade of buildings on the High Street, within the TCA. The roof-form of the parade of properties on the west side of High Street is varied, but generally there is a gradual increase in building height along the road in a northerly direction. Many properties feature chimneys of some form.
6. The significance of the TCA derives from the traditional and historic nature of the architecture of the buildings within it, and their setting around the village green. The appeal property has been previously altered, but nevertheless

contributes positively to the character and appearance of the TCA as it retains traditional proportions, features and materials.

7. The relative positioning of the appeal property and the neighbouring Methodist Church is such that the set-back location of the Methodist Church results in the southern elevation of the appeal property being prominent in views from the south, particularly when approaching along the B5120.
8. As I was able to see on my site visit, there are a number of chimneys evident in the TCA, including examples forming external chimney breasts on side elevations. Nevertheless, the prevailing character is of traditionally proportioned chimney stacks rising through the roofs of properties. The proposed flue within its external chimney enclosure, by being located on the rear elevation of the property would in contrast be situated in an unusual position for this parade of buildings. The proposed two-storey height external chimney stack of the bulky proportions proposed, and situated on and projecting out from the rear elevation of the property would appear incongruous, and as a result would not preserve the character of the TCA.
9. The chimney would be unlikely to appear as prominent when viewed from the front of the property, however the southern elevation of the appeal property is prominent in views from the south, and there would be visual harm as a result.
10. I note that the scheme has been amended from a previous proposal by means of the proposed use of a brick-slip chimney enclosure. Despite this, the proposed development would still result in visual harm. The use of a planning condition to secure further details of proposed materials would not overcome this harm, as it can be attributed to the location and scale of the proposed chimney, along with its design.
11. The harm the proposed development would cause to the significance of the TCA would be less than substantial. Paragraph 202 of the National Planning Policy Framework ('the framework') states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case the premises would contribute to the range of services available in the area.
12. The proposal would have a negative effect on the significance of a designated heritage asset and the Framework states that great weight should be given to the conservation of the asset. The public benefit identified would not outweigh this harm.
13. The proposed development would fail to preserve or enhance the character and appearance of TCA. It would be contrary to CBLP Policy HE3 which requires new development to preserve, sustain and enhance the character and significance of designated heritage assets, and where development would lead to harm, that they be assessed against the relevant criteria within the framework.

Other Matters

14. I acknowledge that the potential effect of the development upon living conditions is not matter of dispute, and that no objections to the development have been received. However, even if I were to agree that the scheme would not harm the living conditions of occupiers of neighbouring properties, this

would be a neutral factor, as is the absence of objections. Consequently, these matters would not weigh in favour of the scheme.

Conclusion

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

C Harding

INSPECTOR