



Appeal Decision

Site visit made on 12 July 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2022

Appeal Ref: APP/P0240/W/22/3290481

13 Hawthorn Crescent, Caddington, LU1 4EQ

- 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 Ian Allsop against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/04000/FULL, dated 31 August 2021, was refused by notice dated 2 November 2021.
 - The development proposed is construction of single detached bungalow, garage and ancillary access road and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in the determination of the appeal are:
 - The effect of the proposed development on the Chilterns Beechwoods Special Area of Conservation; and,
 - The effect on the character and appearance of the area.

Reasons

Chilterns Beechwoods

3. The site lies within the zone of influence for the Chilterns Beechwoods Special Area of Conservation (the SAC). The zone of influence was designated in March 2022. The SAC is an attractive and accessible site of regional significance for recreation. Increasing residential development in the surrounding area is expected to result in further recreational pressure from people using it.
4. The views of the main parties and Natural England were sought during the appeal process as to whether the appeal proposal would be likely, alone or in combination with other developments, to have a significant effect on the integrity of the SAC. As the competent authority I must carry out an appropriate assessment considering the relevant conservation objectives. I am satisfied that all relevant parties have commented on this matter.
5. The appellant has highlighted the presence of alternative recreational facilities that are nearer to the appeal site than the SAC, including rights of way across open countryside as well as National Trust sites. However, the scale of the zone of influence does account for the presence of alternative leisure sites and open space within the zone, as well as the distribution of urban centres. Having regard to the precautionary principle, therefore, the presence of alternative recreational sites does not mean that I can discount the possibility of additional pressure to the SAC.

6. The Council is presently working with Natural England to develop a strategic solution that will deliver mitigation for the effects of residential development within the zone of influence. However, no details of this are before me, and there are no definite details of when a mitigation strategy may be adopted. The appellant has suggested that a suitably worded condition could be used to prevent development commencing until such time as the mitigation strategy is in place. However, there are no guarantees that such a strategy will be adopted, and in any case I have no details of what the strategy will involve. I do not consider that it would be reasonable or appropriate in this instance to impose a condition requiring that the appellant comply with the strategy when it is not clear what this would require of them.
7. The appellant has also suggested that determination of this appeal could be delayed until such time as the mitigation strategy is adopted. However, in the absence of a definite timetable for adoption, and considering the level of public interest in this scheme, I do not consider that would be appropriate.
8. In the absence of an adopted mitigation strategy, it is not therefore possible to conclude that the appeal proposal would not cause an adverse effect on the integrity of the SAC.

Character and appearance

9. The appeal site lies to the rear of No 13. It has been separated from the rear garden of that property with fencing, and a separate gated access and driveway has been created alongside the host property. No 13 lies at a bend in the road, and consequently the plot flares outwards towards the rear.
10. Policy HQ8 of the Central Bedfordshire Local Plan July 2021 (the LP) states that proposals for the development of back-land sites will be resisted where they are against the existing pattern and grain of development. There are no other examples of similar backland development within Hawthorn Crescent. However, there are instances of such development within Caddington, including sites to the rear of 72 and 77-81 Dunstable Road and 105-115 Manor Road close to the appeal site, which are similar in nature to the appeal proposal. Backland development is therefore acceptable in principle in this location, as it would accord with the existing pattern and grain of development in Caddington.
11. Policy HQ8 further requires that the character and appearance of the area not be harmed. Policy HQ1 of the LP similarly requires that for development proposals size, scale, massing, orientation, materials and appearance relate well to the existing local surroundings and reinforce local distinctiveness.
12. The proposed bungalow would have a large footprint and be wider than the host dwelling. However, as the plot widens substantially to the rear, it would not appear unduly large within the plot. The appeal site is set down from the street level of Hawthorn Crescent, and the host dwelling and neighbouring properties would screen the proposed bungalow from view in the street scene. The proposed bungalow would be visible from neighbouring properties, but it would be set away from each plot boundary. It would not appear overly dominant from neighbouring properties as it would be a single-storey building with a relatively shallow pitched roof. The proposed garage would be close to the boundary with 11 Hawthorn Crescent but would be a small building and consequently would not appear unduly prominent from that property.

13. The appeal proposal would therefore not be harmful to the character and appearance of the area. It would accord with Policies HQ1 and HQ8 of the LP, the relevant criteria of which are set out above.

Other Matters

14. Policies HQ1 and HQ8 taken together require that development not cause an unacceptable adverse impact upon nearby existing uses and occupants. The proposed dwelling would be set off the boundaries with neighbouring properties. The houses on Crosslands to its rear have short back gardens so would be quite close to the proposed bungalow. Nonetheless, the appeal site is in a residential area, and the creation of one new dwelling is not likely to result in an increase in noise or disturbance to neighbouring occupiers that would cause unacceptable harm.
15. The proposed development would result in additional traffic entering from and leaving the site onto Hawthorn Crescent. The existing crossover would be retained for use by nos 13 and 15 as well as the proposed house. It is a wide crossover on an open frontage with good visibility to both directions. The additional number of car movements associated with a single dwelling would not cause significant disruption to the flow of traffic or increase risks around highway safety in this location.
16. The Council's design guidance on residential development advocates a minimum separation distance of 21 metres between the rear elevations of properties. However, this is given as a rule of thumb, and only for the separation of two-storey properties. As the appeal proposal is for a bungalow, a shorter separation distance is acceptable.
17. Matters relating to land ownership and the existence of restrictive covenants on the property are private legal matters. They therefore do not fall to be considered as part of this appeal.
18. Residents have expressed concerns about potential ecological impacts and increased flooding risk from the development. However, no information is before me to show that the appeal site is of particular ecological value, or that the development would be likely to result in increased flood risk in this location. I note that the Council did not refuse permission on either of these grounds, and I see no reason to disagree with their conclusions.

Conclusion

19. The appeal proposal would not result in harm to the character and appearance of the area, and there would be benefits from the creation of an additional dwelling on a small site in an existing settlement, which would help boost the supply of homes.
20. However, in the absence of an agreed mitigation strategy I cannot be satisfied that it would not result in an adverse effect on the integrity of the SAC, either alone or in combination with other developments. This outweighs any benefits that would arise from the appeal proposal. This appeal should consequently be determined other than in accordance with the development plan.
21. Therefore, for the reasons set out above, the appeal fails.

M Chalk

INSPECTOR