



Appeal Decision

Site visit made on 12 September 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2022

Appeal Ref: APP/P0240/W/22/3295362

10 Beech Green, Dunstable LU6 1EB

- 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 Adrian Reeves on behalf of CA Contracts Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/04511/FULL, dated 4 October 2021, was refused by notice dated 26 January 2022.
 - The development proposed is erection of an attached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Potential revised plans¹ (the revised plans) make up part of the appellant's submission. These have been formulated in the interests of introducing a simpler design and development of less bulk. However, the appeal process should not be used to evolve a scheme and, in the interests of ensuring that no one with an interest in the outcome of the appeal is prejudiced, it is important that the plans considered at appeal stage are essentially the same as those considered and consulted upon by the Council at planning application stage. This applies irrespective of whether or not objections were received during the Council's determination of the application.
3. The intended revisions include the omission of a front gable feature, an altered and widened dwelling footprint, a reduction in the number of intended bedrooms, and reconfigured parking and planting proposals. The revised plans evolve and materially alter the scheme that was originally submitted. I thus do not accept the revised plans and shall consider the appeal based on the initial plans² that were submitted to the Council for determination.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the area;
 - Whether or not acceptable living conditions would be provided for future occupiers of the proposed dwelling, having particular regard to internal living arrangements; and

¹ 21 029 1001 Rev C; 21 029 101 Rev A

² 21 029 1000 Rev A; 21 029 1001 Rev B; 21 029 100; 21 029 101

- The effect upon the Chilterns Beechwoods Special Area of Conservation (the SAC).

Reasons

Character and appearance

5. The site is, for the most part, comprised of garden land that serves 10 Beech Green (No 10), which is a property that occupies a prominent corner plot and that is semi-detached. The local area incorporates various open spaces and a mix of differing yet often routinely positioned semi-detached pairs and short terraced rows. Properties typically occupy setback positions relative to the highway, and those occupying corner plots tend to be stepped back considerably beyond open/landscaped spaces. Thus, the area local to the site has a formal, verdant and spacious character and appearance.
6. The new dwelling would replicate the height and building lines of No 10 and would incorporate window and door openings of complimentary size and position. However, development of considerable bulk and mass is proposed that would noticeably unbalance an existing semi-detached pair. This is particularly so when noting the intention to introduce a front gable feature. The new dwelling would appear as an incongruous and unsympathetic addition to the streetscene that would fail to respect the spaciousness of the corner plot in question and thus the local pattern of development. Such adverse effects would be heightened via the introduction/formalisation of hardstanding/on-site parking.
7. Any new planting would take time to fully establish and could not be relied upon to provide comprehensive or permanent screening. Similarly, any new boundary treatment would provide screening at merely low level. Moreover, the proposal would have a prominent visual impact and would unacceptably diminish the open aspect of the site.
8. Policy HQ10 of the Central Bedfordshire Local Plan (July 2021) (the CBLP) states that verges, landscape strips and other areas which provide opportunities for recreation or contribute positively to the visual amenity of an area shall be safeguarded from encroachment or loss. In this instance a grassed verge is intended to be utilised for the purposes of providing a planted outer edge to the proposed dwelling's garden space. The verge, despite its narrow width and inability to provide realistic opportunities for recreation, makes a positive visual contribution in an area typified by spaciousness and open spaces. The domestication of the verge would constitute encroachment at odds with its current open composition, which would be to the detriment of the visual amenity of the area. This would exacerbate the scheme's adverse effects as already identified above.
9. An historic permission³ for a two-storey side extension to No 10 has been brought to my attention. However, this does not establish the principle of subdividing the site and creating an additional unit of housing. It is also evident that, when compared to the proposal now before me, development of lesser width and simpler design was granted via the historic permission. It is thus a permission of limited relevance.

³ CB/10/00760

10. For the above reasons, the proposal would cause harm to the character and appearance of the area. The scheme conflicts with Policies HQ1 and HQ10 of the CBLP and the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies require that proposals take account of opportunities to enhance or reinforce the local distinctiveness of the area.

Living conditions – internal living arrangements

11. The Council has indicated that the proposed dwelling, as indicated on the plans considered at application stage, would not meet the relevant national described space standard for a two-bedroom dwelling. This has not been refuted by the appellant, and I have not seen anything within the submitted evidence to demonstrate otherwise.
12. As such, having particular regard to internal living arrangements, unduly cramped and unacceptable living conditions would be provided for future occupiers of the proposed dwelling. The proposal conflicts with Policy H2 of the CBLP and with the Framework in so far as these policies set out that internal space standards for all residential development will be applied to all dwelling types and tenures in accordance with the Nationally Described Space Standards, and that a high standard of amenity for existing and future users should be created.

The SAC

13. The site lies within a recently prescribed Zone of Influence where likely significant effects upon the SAC from net increases in residential development due to recreational impacts cannot be ruled out. The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on (a) European site(s) (either alone or in combination with other plans or projects), the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment. For the avoidance of doubt, even if I had done so and identified no adverse effect upon the SAC's integrity, it would not have affected my overall conclusions on this appeal.

Other Matters

14. I have noted objections/concerns raised by interested parties with respect to matters including highway safety and security. However, as I have found the scheme to be unacceptable for other reasons, it is not necessary for me to explore these matters any further here.

Planning Balance

15. As indicated at paragraph 11 to the Framework, the presumption in favour of sustainable development is engaged in circumstances that include where the policies most important for determining a scheme are out-of-date. This includes, with respect to proposals for housing, where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

16. A recent appeal decision⁴ has been brought to my attention by the appellant where the Inspector identified that the Council's supply of housing land falls marginally beneath five years. The Council has disputed that Inspector's conclusions and has sought to suggest it can in fact demonstrate a supply figure of more than five years.
17. If I were to accept the appellant's position, the presumption in favour of sustainable development would be engaged. For decision making this would mean planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
18. I have identified conflict with Policies HQ1, HQ10 and H2 of the CBLP. These are recently adopted policies that are consistent with the Framework in so far as it requires planning decisions to ensure that developments are sympathetic to local character and create places with a high standard of amenity for future users. I apportion significant weight to the harm I have identified would be caused to the character and appearance of the area, and significant weight to the adverse effect I have identified would be caused to the living conditions of future occupiers.
19. The proposal would deliver an additional housing unit in a location with good access to facilities and services where the principle of housing development is supported by Policy SP7 of the CBLP. Indeed, the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making an efficient use of land. I also note that a modest starter dwelling would assist in providing a mix of dwelling sizes for the local community. Nevertheless, merely a single additional unit is under consideration such that, even if I were to accept the alleged lack of a five-year housing land supply, the delivery of new housing would attract moderate weight as a scheme benefit.
20. The development would also create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities. These benefits attract limited weight due to the quantum of development under consideration.
21. Having considered the benefits and adverse impacts of the scheme that is before me, I conclude that the adverse impacts and associated policy conflicts that I have identified would significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. Thus, it is unnecessary for me to deduce whether a five-year supply of housing land exists. This is because, even should it not, the presumption in favour of sustainable development, as set out in the Framework, would not apply. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

22. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR

⁴ APP/P0240/W/21/3289401