
Appeal Decision

Site visit made on 7 September 2022

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/P0240/W/22/3294299

Land to the r/o 31 Upperstone Close, Stotfold, Bedfordshire SG5 4LW

- 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 Andrew Slattery against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/05042/FULL, dated 11 November 2021, was refused by notice dated 20 January 2022.
 - The development proposed is described as '*provision of a new single bedroom bungalow with single parking space, bin location and communal garden*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - Highway safety.

Reasons

Character and appearance

3. The appeal site comprises an irregular shaped vacant parcel of what appeared to be garden land to the rear of 31 Upperstone Close, a 2 storey terraced dwelling in a row and modest development of similar properties. The appeal site is free from significant development and enclosed by close boarded fencing and a double gate, abutting the public highway and the wide access to a shared parking area to the rear of the row.
4. The appeal site occupies a prominent location in the streetscene on entering Upperstone Close from Church Road. In combination with modest but generally open rear gardens containing ancillary domestic scaled structures, the openness and spaciousness positively contributes to the character and appearance of this suburban residential area and the streetscene.
5. Although some dwellings are built close to their boundaries the proposal would be very close to its boundaries and of an evidently smaller and markedly different form, scale and appearance to the residential properties that form its immediate and prevailing context. A limited and shared external amenity space

would not mitigate the amount of built form proposed on this small and irregular shaped plot.

6. In public views the mass and expanse of roof would be clearly seen above the fence line and the building perceived as being unduly cramped and incongruous. The contribution made to the openness and spaciousness in this part of the street would be harmfully diminished and in this location such built form would be at the expense of the existing character and visual interests of the streetscene and area. It would not therefore represent a high quality of design.
7. Overall, the proposal would cause harm to the character and appearance of the area and would conflict with Policy HQ1 of the Central Bedfordshire Local Plan 2015-2035 ('the LP') insofar as it requires proposals take account of opportunities to enhance or reinforce the local distinctiveness of the area and create a sense of place; scale, massing, and appearance relate well to the existing local surroundings reflecting the existing character of the surrounding area. There would also be conflict with the National Planning Policy Framework's ('the Framework') objectives of achieving well-designed places, ensuring that developments are sympathetic to local character, are visually attractive and add to the overall quality of an area and are of a high quality design.

Highway safety

8. There are three separate but related reasons covering whether sufficient off street parking would be available, that there is insufficient information about access, waste collection and parking arrangements, and that access to any proposed parking has not been appropriately identified on the relevant plan. Ultimately these all relate to the subsequent effects on highway safety.
9. For a single bedroom bungalow, the provision of a single space to the rear would be acceptable in principle but overall there would appear to be a shortfall of a single space against the Council's parking standards. I saw that in the immediate vicinity that there were no on-street parking restrictions in place and from my observations, albeit during the morning and a single occasion, space was available on the public highway within Upperstone Close.
10. In this case however the highway included a parking bay close to the access and as acknowledged by the appellant this should not be considered as acceptable 'off street' space and is for visitors, including those to the Salvation Army Hall opposite the site which I observed had limited parking to the rear. I agree and it is likely that a shortfall in space for occupiers and visitors here, if accommodated on the public highway, would increase the potential for conflict between all users of the highway by causing a hazard and inconvenience.
11. Taking everything together, there would be some limited harm to highway safety. The Council have not referred me to any development plan conflict in the reasons but relevant policies of the LP are before me. In this respect the proposal would not be a high quality of design and would conflict with Policies T2 and T3 of the LP which require proposals to not have a detrimental effect on highway safety and patterns of movement, have regard to parking standards and not create hazards or impede the flow of traffic. It would also conflict with the Framework's objective of achieving safe and suitable access for all users.

12. I acknowledge that access to the space shown outlined on the site plan has not been shown, as required by the National Planning Practice Guidance and that the area for waste collection and part of the site appears to now be identified as public highway. I also note the appellant's views on this but whatever the case and restrictions such a designation now imposes may be, I have found harm to highway safety and have not therefore considered it necessary to consider the significance of this for the appeal any further.

Other Matters

13. The Council's first reason for refusal refers to a lack of sufficient information in relation to sustainable development, drainage and enhancement of biodiversity. Whatever was intended by this reference, given the harm and conflict I have found I have not considered it necessary to address any perceived lack of information. Further, in such an appeal my conclusion on whether the proposal would amount to sustainable development cannot be drawn from a lack of sufficient information alone and is set out below.
14. I have been provided with a timeline of events from the appellant and whilst I acknowledge some frustration at the Council's apparent handling of the case, their administration and determination of the application has no bearing on the merits of this appeal.

Planning balance and conclusion

15. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole. On the evidence before me the LP should not be regarded as being out of date. Therefore the proposal would not be the sustainable development for which Paragraph 11 c) of the Framework indicates a presumption in favour.
16. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR