



Appeal Decision

Site visit made on 17 October 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/P0240/W/22/3297904

4 Townsend Terrace, Houghton Regis LU5 5BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Terry Starkey against Central Bedfordshire Council.
 - The application Ref CB/21/04863/FULL, is dated 28 October 2021.
 - The development proposed is described on the application form as 'revised application for the conversion and extension of double garage into a single storey two bedroom detached dwelling, with off street parking and rear private garden'.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal is against the non-determination of the above proposal. The Council have presented no reasons for refusal or a statement of case.

Main Issues

3. Based on the submitted policies, my site visit and correspondence from the appellant and the Council, I consider the main issues to be:
 - whether the proposal would provide satisfactory living conditions for future occupants with particular regard to access to light;
 - the effect of the proposal upon the character and appearance of the area; and
 - the effect of the proposal upon the Chilterns Beechwoods Special Area of Conservation (the SAC).

Reasons

Living conditions

4. The proposed dwelling would take the form of a two bedroom bungalow with Bedroom 1 situated to the front of the building, Bedroom 2 on the northern side and an open plan lounge, dining room and kitchen to the rear. Bedroom 1 and the lounge, dining room and kitchen would receive ample light from the large windows serving these rooms.

5. Bedroom 2 would include a narrow obscure glazed window and a high-level window on the northern elevation. The Inspector for the previous appeal¹ relating to a similar proposal found, in the absence of any technical analysis, that these windows would not provide sufficient levels of light penetration to this bedroom. However, this revised scheme includes the provision of two sun-tunnels to Bedroom 2 which would increase the amount of natural light received into this bedroom compared to the previous scheme.
6. The appellant's Sunlight and Daylight Report concludes that all the habitable rooms in the dwelling, including Bedroom 2, would exceed the minimum requirements for good practice daylight. Based on the evidence before me and my own observations on site, there is nothing that would lead me to reach a different conclusion in this respect. Thus, in this instance, I am satisfied that Bedroom 2 would receive sufficient light penetration such that it would provide an acceptable standard of accommodation.
7. For these reasons, I consider that the proposal would provide satisfactory living conditions for future occupants with particular regard to access to light. It would accord with Policies HQ1 and HQ8 of the Central Bedfordshire Local Plan (July 2021) (the Local Plan), the Central Bedfordshire Design Guide and paragraph 130 of the National Planning Policy Framework (the Framework), which, amongst other things, seek to ensure that developments secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

8. The garage is located towards the end of the rear garden of the host property and is accessed from a driveway off the eastern side of Freemans Close. On this side of Freemans Close there are a number of other detached garages of varying sizes and designs with two storey dwellings on the opposite side of the road. The surrounding area is mainly residential and is predominantly characterised by two storey detached and semi-detached properties.
9. The proposed extensions to the front and rear of the garage would respect the scale and design of the existing structure, including in terms of its height, hipped roof profile and external materials. The extensions and insertion of new windows and doors to the front, rear and north side elevation of the building would change the appearance of the building to that of a small dwelling. However, the scale of the resultant building would not appear out of place given the variety of other garages on this side of Freemans Close. Whilst the proposal would be close to the side boundaries of the site, it would retain adequate separation from the public highway and from the host property and would not appear cramped. When viewed from Freemans Close and Millers Way the building would continue to reflect its general surroundings and would not be harmful to the street scene.
10. For the above reasons, I conclude that the proposal would not harm the character and appearance of the area. It would therefore accord with Policies HQ1 and HQ8 of the Local Plan and the Central Bedfordshire Design Guide which together seek to ensure proposals respect local context and secure high-quality design. The proposal would also comply with paragraph 130 of the Framework, which, amongst other things, requires development to be sympathetic to local character.

¹ Appeal ref APP/P0240/W/20/3264884

Chilterns Beechwoods SAC

11. The site lies within the Zone of Influence within which Natural England advise new residential development would be expected to result in increased recreational pressure to the Ashridge Commons and Wood SSSI part of the Chilterns Beechwoods SAC and a likely significant effect. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations) 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.
12. The SAC is comprised of an extensive area of ancient semi-natural beech forests interspersed with species-rich chalk grassland and scrub. Furthermore, standing and fallen timber provide important habitat for dead-wood invertebrates such as stag beetles. A threat to the SAC's integrity is increased visitor access and associated recreational pressures.
13. Although the appeal scheme relates to the provision of only one new dwelling, applying the precautionary principle, I cannot be certain that the appeal proposal would not have significant adverse effects on the integrity of the SAC due to additional recreational pressure, which in combination with other plans and projects would be likely to lead to a deterioration of the quality of the habitat by reason of increased access to the site including for general recreation and dog walking. Based on the evidence before me, there appears to be no agreed approach to mitigate or avoid harm to the SAC through recreation impacts.
14. The appellant refers to an appeal decision in Luton², where the Inspector concluded that the appeal proposal would not result in any likely significant effect on the integrity of the SAC. However, unlike Luton Borough Council, Central Bedfordshire Council is listed as one of the authorities providing the majority of the visits and impact to this component part of the SAC. Therefore, the other scheme is not comparable to the appeal scheme in terms of its likely effects to the integrity of the SAC.
15. In the absence of appropriate mitigation for recreation impacts arising from the development, I conclude that the proposal alone or in combination with other plans and projects would result in likely significant effects to the SAC that would adversely affect its integrity. The proposal would therefore conflict with the requirements of the Habitat Regulations, and it would be contrary to the objectives of the Framework for the protection of biodiversity and the conservation of the natural environment.

Other Matters

16. The development would offer social and economic benefits in terms of providing a new dwelling in an accessible location which weighs positively in favour of the proposal. The development would also result in the creation of employment opportunities during the construction phase and spending in the local area by future residents. Given the scale of the development, the weight attributable to these matters is limited.

² Appeal ref APP/B0230/W/21/3282428

Conclusion

17. I have found that the proposal would not cause harm to the character and appearance of the area and would provide satisfactory living conditions for future occupants with particular regard to light. However, I cannot be certain that the appeal proposal would not have significant adverse effects on the integrity of the SAC due to increased recreational pressure. This is the overriding consideration in this case, which leads me to conclude that, despite the limited benefits associated with the provision of a new dwelling, the proposal would not represent sustainable development and it would not meet the requirements of the Framework when read as a whole. Material considerations indicate that a decision should be taken other than in accordance with the development plan.
18. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

M Ollerenshaw

INSPECTOR