



Appeal Decision

Site visit made on 13 December 2022

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2023

Appeal Ref: APP/P0240/W/22/3301890

5, Badgers Brook, Leighton Buzzard LU7 3HB

- 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 Mrs Michaela Bateman against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/05379/FULL, dated 3 December 2021, was refused by notice dated 13 April 2022.
 - The development is enclosure of car port for use as storage and installation of wooden doors to front and French windows to rear
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Decision

1. The appeal is allowed and planning permission is granted for enclosure of car port for use as storage and installation of wooden doors to front and French windows to rear at 5, Badgers Brook, Leighton Buzzard LU7 3HB in accordance with the terms of the application, Ref CB/21/05379/FULL, dated 3 December 2021, and plans TQRQM22029162547103 (Site Plan), TQRQM22029162958867 (Block Plan), Existing & proposed elevations and Existing & proposed floor plans.

Preliminary Matters

2. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes the proposed development instead of the much longer and detailed description given on the application form.
3. At the time of my site visit, I saw that the development was substantially complete and that the application has been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issue

4. The effect of the proposal on highway safety.

Reasons

5. 5 Badgers Brook is located within a suburban estate towards the centre of Leighton Buzzard. Badgers Brook contains a selection of houses of similar style and size, several of which have a carport.
6. During my site visit, it was noted that the carport area is very narrow and whilst a car may be able to fit within this space, it would be very difficult to open the doors. It is more likely that the open driveway leading towards the car port will be utilised for parking with either the bonnet or boot of the car occupying this space closest to the gates which would allow the doors to be

open with ease and is what is presently taking place. The use of the space in this way should not impede access to No.4 Badgers Brook. I witnessed during my site visit that other car ports are being used in a similar way.

7. It is possible to park an additional car directly in front of the kitchen window of the house and this could be seen during my site visit. Whilst the space available is technically below the size expected within the Council's design guide¹, it is possible to park a car within this space without there being an overhang over the pavement or road. Even if a vehicle were to slightly overhang the boundary, there would be adequate space for vehicles to access the other dwellings and to manoeuvre. Furthermore, there would be no significant impact on pedestrians using the pavement. Consequently, there would unlikely be any conflict with users of the highway.
8. Badgers Brook is serviced by a relatively narrow road and as such, scope for on-street parking is limited. Nevertheless, it would be possible for additional vehicles associated with the appeal site to park in relatively close proximity should the need arise without causing an obstruction. There is no evidence, including from my site visit, that parking on the road in this area is particularly difficult.
9. Accordingly, I am satisfied that 2 off street car parking spaces can be provided with availability for a further space on the street in accordance with the Council's design guide. The development therefore has no harmful effect on highway safety. I therefore find no conflict with Policies HQ1, T1, T2 and T3 of the Central Bedfordshire Local Plan 2015-2035 adopted July 2021 which, amongst other things, seek to ensure the needs of all street users are met, hazards to road users are not created and sufficient private parking is available.

Other Matters

10. I note that concern has been raised by interested parties that the proposal, will set a precedent for those other properties with car ports. I am however required to consider each case on its own merits, based on the site's particular circumstances and in this particular case I have found no harm to highway safety.
11. Concerns have been raised in relation to the potential de-valuation of No.4, sound proofing and whether the development is compliant with building regulations. These are however private matters or covered under different legislation.

Conclusion

12. For the reasons set out above and having regard to the development plan as a whole and all other material considerations, I conclude the appeal should be allowed. The Council has not requested that any planning conditions be imposed as the proposal is retrospective, and I have therefore allowed the appeal on the basis of the submitted plans.

D Wilson

INSPECTOR

¹ Central Bedfordshire Design Guide A guide for designing high quality new developments September 2014