



Appeal Decision

Site visit made on 13 February 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/P0240/W/22/3300893

land rear of 25 Westoning Road, Harlington, DUNSTABLE LU5 6PB

- 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 Acorn Development Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/04953/FULL, dated 2 November 2021, was refused by notice dated 11 April 2022.
 - The development proposed is for a new dwelling with a detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site was subject to a dismissed appeal¹ for the erection of three dwellings in 2017. The Inspector found that the proposal would create a cramped form of development within a site with an open and spacious character. Whilst the development to the south has since been built, this former decision is a material consideration that I shall return to later.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, and
 - the effect of the proposed layout of the site on highway safety.

Reasons

Character and appearance

Westoning Road is a residential street, on the western side of the village. Housing in the area consists of a diverse variety of styles. Several cul-de-sac estates are located within the local built-up area. This includes Manor Close, to the immediate south of the site and within the Harlington Conservation Area. Nonetheless, the street pattern becomes linear in form from the appeal site and to the north. Plots on the eastern side of the road have relatively long gardens with a railway line and the countryside beyond their rear boundaries. The appeal site consists of a relatively narrow plot on higher land to plots to the north and the countryside to the west. Due to the limited boundary

¹ Planning Appeal Reference: APP/P0240/W/16/3158330

screening, views from the site in these directions take in wide views of the surrounding area. The site, and these neighbouring rear gardens, combine to create a strong sense of spaciousness. As such, the site makes a positive contribution to the open character and appearance of the area.

4. The site would be behind an established row of dwellings. Policy HQ8 of the Central Bedfordshire Local Plan (LP) states that back-land development will be resisted where it would be against the existing pattern and grain of development. The site has an absence of substantive boundary landscaping to the north and western boundaries and would be open to views from neighbouring gardens. Consequently, the existing open aspect of the site would be fundamentally reduced by the proposal, eroding its sense of spaciousness. Furthermore, due to the proximity of the proposed dwelling to its side boundaries any landscape screening would be ineffective at obscuring wider views of the proposal.
5. Manor Close is substantially screened from the appeal site, and neighbouring gardens to the north, by mature tree and hedge planting. The screening and change in development pattern establish a clear change in character type between the site and Manor Close. Consequently, this adjacent estate is not clearly associated with, nor does it significantly contribute, to the context of the appeal site. The proposed dwelling would be an overt addition to the site and visible in wide views. Accordingly, the proposal would not result in a natural extension of the existing pattern of development, nor would it make a positive contribution to the established character of the street.
6. Moreover, the proposed two-storey dwelling would be at a similar level as the frontage dormer bungalow. Consequently, the proposal would be partially visible from the street from its access drive, over the host dormer bungalow and in glimpses between other frontage housing. As a result, the proposal would be clearly visible from the highway as an obtrusive addition to the streetscene.
7. Consequently, the proposed dwelling would result in substantial harm to the character and appearance of the area. Accordingly, the proposal would conflict with LP policies HQ1 and HQ8 and the National Planning Policy Framework (the Framework). These policies seek, among other matters, for development to enhance local distinctiveness, relate well to the local surroundings and accord with the existing pattern and grain of development. However, Policy T2 with respect to highway safety and design, is not of relevance in my consideration of matters relating to character.

Highway safety

8. LP policy T2 requires development to have regard to the council standards including those set out in the Council's Highway Construction Standards and Specifications (HCSS) Guidance. The supporting commentary of the policy requires development to be designed to create safe and secure layouts which minimise conflict between traffic, public transport, cyclists and pedestrians. The policy requires development to be acceptable in terms of highway safety and patterns of movement.
9. I understand that the HCSS Guidance requires a shared access to be a minimum width of 4.8 metres for the first 5 metres into the site. The Council has sought dimensioned plans to show the width of the access in this regard.

Such plans have not been submitted and the Appellant has therefore failed to demonstrate that this requirement can be achieved. Nevertheless, the frontage dwelling of No 25 (within the Appellant's control) is a relatively generous space and could be adjusted to accommodate an increased width as required. Accordingly, this matter could have been addressed by condition had I been minded to allow the appeal.

10. The proposal would extend the driveway into the site to access a double garage and small turning area in front of the proposed dwelling. As the access road is over 45 metres long the HCSS Guidance requires adequate space to be provided to enable a light goods vehicle and fire tender vehicle to turn within the site. Also, the driveway would need to be of sufficient width for the garages to accommodate frontage parking spaces without blocking access to the turning head.
11. The Appellant's submitted tracking plan (appendix 3) appears to demonstrate that a fire tender vehicle could enter and exit the site in a forward gear. An extended provision of hardstanding, required by condition, could have satisfied the requirements to accommodate suitable turning and parking areas had I been minded to allow the scheme. Accordingly, the proposal could accommodate suitable turning area, access width and parking provision to ensure that vehicles could safely access, exit and manoeuvre within the site.
12. Accordingly, the proposal would create a suitable layout for parking, manoeuvring, and passing without causing detriment to highway safety. Consequently, the proposal would accord with LP policies T2 and HQ1 and the Framework. These seek, *inter alia*, for development to not impede the free flow of traffic on the existing network and to function well.

Other Matters

13. I note the objections raised by interested parties with respect to overlooking, loss of sunlight and daylight and outlook, noise impact and impact on trees, but these matters do not affect my findings on the main issues.
14. The Appellant advances that the proposal has addressed the concerns raised in the previous appeal decision. As that scheme was for three dwellings, it represented a different form of development with limited commonality with the proposal. Furthermore, whilst the current appeal proposal would not result in a cramped form of development, it would not accord with the established pattern of development and would erode the existing spacious character of the area.

Planning balance and conclusion

15. The Framework seeks to significantly boost the supply of housing. The proposal would be within the settlement envelope of the village. It would provide good access to public transport, goods and services, and would make more efficient use of land. These benefits are supported by the Framework. However, as the Council can demonstrate it has a five-year housing land supply, one additional dwelling garners only modest weight in favour of the scheme. The proposal would also have no adverse impact on highway safety and would lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment.
16. Conversely, the identified harm to the character and appearance of the area would attract significant weight and would outweigh the benefits of the

proposal. The proposal would therefore conflict with the development plan when taken as a whole and there are no other considerations, including the Framework, that would outweigh this conflict. For the above reasons outlined above, I conclude that the appeal should be dismissed.

Ben Plenty

INSPECTOR