



Appeal Decision

Site visit made on 25 April 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 5 June 2023

Appeal Ref: APP/P0240/W/22/3311532

Land to the side and rear of, 41 and 47 Coniston Road, Flitwick, Bedfordshire, MK45 1QJ

- 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 Y Allyjaun against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/01771/FULL, dated 22 June 2022, was refused by notice dated 16 August 2022.
 - The development proposed is the construction of a single storey 1-bed dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - The effect of the proposed development upon the living conditions of future occupiers, having particular regard to the availability of private outdoor space; and
 - the effect of the proposed development on highway safety.

Reasons

Character and Appearance

3. The appeal site is an irregular triangle shape which is located adjacent to two existing properties, No. 41 and 47 Coniston Road. This area is predominantly residential, with a park and school in the immediate vicinity. The surrounding residential properties share similar characteristics and design features, such as being two storeys high, with wide spacious areas between houses, which are predominantly constructed of brick. The overall effect is of a pleasant, suburban environment. Currently, the appeal site has the appearance of undeveloped open land and is currently devoid of any built form, which contributes to the sense of spaciousness.
4. The proposed development would introduce a 1-bedroom detached single storey dwelling with a low-profile roof, clad with vertically laid timber and limited openings. Internally, the dwelling would be oriented to face the courtyard garden area, and the plans do not indicate that there would be any

windows facing the public footpath. A cycle store and bin store has been indicated near the corner edge of the appeal site.

5. Due to the unusual design of the proposed development, it would have a visual profile which would be inconsistent with the character of the site and its surroundings. The wooden cladding used on the public facing elevation would not align visually with the predominantly brick dwellings in the area. As the proposed development would be positioned up against the boundaries of the appeal site, it would appear cramped and at odds with the spaciouly laid out housing that characterises the area. In respect of the adjoining park, the proposed development would introduce residential development to an otherwise undeveloped site. Notwithstanding that the appeal site may have limited ecological or recreational value, its loss would detract from the amenity setting of the park and tree lined character of the adjoining public footpath.
6. There would be no screening from the public footpath, however, there would be limited screening from nearby properties, due to the low height of the dwelling and existing fencing which encircles much of the perimeter of the appeal site. From the park, there would be limited screening available due to the presence of trees located on the opposite side of the public footpath. Nonetheless, given the contrasting materials used in construction, the flat landscape of the land and the location of the highway, the overall visibility of the building would remain high.
7. Although the proposed development is of limited scale as a single storey dwelling, it is still of a sufficiently large size and constructed from visually inconsistent materials, such that the views from the park would not be adequately mitigated by the screening which is available. I have considered that high-quality materials would be used during construction, however, they would still be visually inconsistent with the dwellings in the area. Furthermore, due to the location of the appeal site, the proposed dwelling would negatively impact the surrounding environment, as it would adjoin the public footpath and introduce built form in an open area of land. For these reasons, the appeal scheme would not harmonise with the character of the local area.
8. In conclusion, the proposed development would therefore not be sympathetic to the character and appearance of the surrounding area, contrary to Section 12 of the National Planning Policy Framework 2021 (the Framework). It would also not relate well to the existing local surroundings or reinforce local distinctiveness, contrary to policy HQ1 of the Central Bedfordshire Local Plan (2021) (Local Plan) It would also not make a positive contribution to the character of the area, contrary to the Central Bedfordshire Design Guide (CBDG).

Living Conditions

9. The plans indicate that a small garden area would be the focus of an interior circular courtyard and would adjoin the boundary of 47 Coniston Road. The Council's concerns relate to whether the garden area would constitute a liveable private garden and provide an acceptable amenity space for the future occupiers of the dwelling. The CBDG requires homes to have good size gardens which should not face the public realm. Although the proposed development is a new dwelling, rather than an alteration or extension, the aims of the Design Guide on Householder Alterations and Extensions are relevant and require that

sufficient usable private garden space should be available for the enjoyment of residents and to reflect the established character of the area.

10. In terms of established character, the properties in the area benefit from large gardens, which in combination with the nearby park, adds to the general spaciousness of the amenity space available in the area. In comparison, whilst the garden would not face the public realm, it would instead be enclosed by a fence and the dwelling. These features would emphasise a cramped sense of enclosure which would not be sufficiently mitigated by the elongated triangular strip of land indicated as planted garden. I have also considered that a separate external amenity space has been allocated for the storage of cycles, bins and to allow washing to dry, which would focus some domestic activities away from the internal garden area. Nonetheless, despite this, the private garden would not function as sufficient usable garden space, due to the unusual triangular shape and sense of enclosure. There would be considerable constraints on the useability, flexibility and adaptability of this space, given the tight enclosure of the garden wall. These factors in combination would leave insufficient space available for outdoor sitting, recreation or outlook.
11. In reaching this view, I have considered the fact that the future occupants would not be able to overlook the neighbouring garden and that the dwelling has been internally orientated to maximise the natural light towards the garden area. Nonetheless, while noting the comparison that the appellant has made with 1-bedroom apartments and their respective balconies, those generally have more space around them and an open outlook. In comparison, the enclosure of the garden by the close boarded fence and the proposed building, would leave insufficient space to effectively soften the impact on living conditions which would not create satisfactory living conditions for future occupiers. As such, the proposal is not comparable to the amenity space in one bedroomed apartments.
12. In conclusion, the proposed development would therefore not result in adequate living conditions for future occupiers, having particular regard to the availability of private outdoor space. It would therefore be contrary to Section 12 of the Framework. It would not promote healthy lifestyles, contrary to policy HQ1 of the Local Plan. It would also not provide sufficient usable private garden space nor reflect the established character of the area, contrary to the CBDG.

Highway Safety

13. The proposed development adjoins a public footpath which is also used as a cycleway. This path is well used and the main entrance would open directly onto this footpath which would give rise to a potential hazard from the risk of collision, particularly with cycle users who would be likely to be travelling at higher speed.
14. Whilst the entrance to the dwelling has been moved back marginally from the footpath to address previous concerns raised by the Council this would result in a very modest reduction in the identified risk. The visibility from the doorway to pedestrians and cycle traffic would remain limited and the risk of injury due to the location of the main access remains high, with specific regard to the speed of cycles which use the cycleway and the limited visibility from the dwelling.

15. While there is a proposal to divert the footway/cycleway and to extend the width of the footpath, this is not directly related to the safety of users and future occupiers. Additionally, there would be no windows facing the public footpath, and the assertion that the alteration would benefit the safety of footpath users lacks credibility. As such, these concerns do not alter my conclusion in relation to this issue.
16. I have borne in mind that there are no significant issues with congestion in the area and that zero-parking provision in a location such as this, where the site is located close to services shops and transport links is not unacceptable in principle. Nonetheless in this particular configuration, the lack of both off street parking and direct vehicular access would make it likely that deliveries or indeed emergency vehicles attending the property would block the cycle/footway, which would cause an obstruction and increase the risk of collision with pedestrians and cyclists. Accordingly, the concerns of the previous inspector in dismissing a similar appeal in November 2021¹ would not be overcome, such that it would lead me to a different conclusion.
17. Taking all these matters into account, I therefore conclude that the proposal would lead to an unacceptable level of risk to highway safety. It would therefore be contrary to Section 9 of the Framework. It would be contrary to policy T2 of the Local Plan which seeks to provide safe and convenient access. As it would have an adverse impact on highway safety, it would also be contrary to the CBDG.

Other Matters

18. I have considered that the proposed development could affect the highway authority's ability to maintain or upgrade the path due to its proximity, and that there may be statutory undertakers' assets within the path or public highway area that have easements which may be compromised by the development. However, there is no substantive evidence before me regarding maintenance or upgrade works, nor of any assets which may be affected. As I am dismissing this appeal for the reasons given above, I have not pursued this matter further.
19. I note the Council's comments regarding the effect the proposed building could have on personal safety and fire safety. These matters could be addressed by the imposition of conditions to address fire safety precautions, given the fact that the development does not have a vehicular access nor access for emergency services vehicles, but these measures would not overcome other concerns identified such that they would justify the scheme.
20. I have considered the benefits that would arise from the proposed development. The provision of a single dwelling would make only a minimal contribution to the housing need in the area such that it would be afforded only modest weight in favour of the proposal.

Conclusion

21. The appeal scheme conflicts with development plan policy and thus I find that it would be contrary to the development plan when taken as a whole. No material considerations have been demonstrated which would outweigh the planning development conflict. Therefore, for the reasons set out above, and

¹ (APP/P0240/W/21/3276243)

having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR