



Appeal Decision

Site visit made on 29 March 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2023

Appeal Ref: APP/P0240/W/22/3305431

15 Wing Road, Linslade LU7 2NG

- 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 full planning permission
 - The appeal is made by Ashbolt Limited against Central Bedfordshire Council.
 - The application Ref: CB/22/00248/FULL, is dated 21 January 2022.
 - The development proposed is described as "the demolition of existing outbuilding, construction of new dwelling to the rear of no. 15 Wing Road and provision of parking to rear of no. 17 Wing Road, and associated works including bin storage".
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Decision

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

Applications for costs

2. An application for costs was made by Ashbolt Limited against Central Bedfordshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council failed to determine the application to which this appeal relates. The Council have, however, submitted a draft delegated report and appeal statement which provide reasons that the Council would have refused planning permission for, had they retained jurisdiction to do so. The appellant has responded to these reasons within their appeal statement. I have therefore had regard to the reasons provided by the Council when forming the main issues in this case.
4. Access to the site is via neighbouring land at no. 17 Wing Road, edged blue on the submitted plans. I understand that this neighbouring land benefits from a now implemented planning approval for 8 residential units under planning application ref: CB/17/05835/FULL (the consented scheme). A further planning application has been made to the Council on land at no. 17 Wing Road, under planning application ref: CB/22/00281/FULL. I understand that this development is to reduce the number of residential units from 8, approved under ref: CB/17/05835/FUL, to 7. The Council have stated that drawing no. 1343 SAP V1 XX DR A 30320 S0 Rev 03 shows the consented scheme alongside the proposed development. I have therefore considered this appeal based on the information submitted.
5. Amended plans have been submitted with the appellant's final comments in relation to the pedestrian access arrangements. As the Council and third parties have not had the opportunity to comment on the amended plans, I

cannot be certain that their interests would not be prejudiced if I were to accept them. Therefore, I have determined the appeal based on the plans submitted with the application to the Council and upon which the views of interested parties were sought.

Main Issues

6. The main issues are:

- The effect of the development on the character and appearance of the area;
- The effect of the development on the living conditions of existing occupiers at no. 15A Wing Road, with regard to garden size;
- The effect of the development on pedestrian safety; and,
- The effect of the development on the integrity of the Chiltern Beechwoods Special Area of Conservation (SAC).

Reasons

Character and appearance

7. Development fronting Wing Road, including no. 15 Wing Road, is a mix of predominantly two storey terraced residential and commercial units. Development is sited in a linear arrangement, close to the pavement, thereby creating a strong frontage with Wing Road. No. 15 and neighbouring properties have private rear gardens which extend to adjoin The Wharf. The Wharf serves a residential flat complex, comprising of three to four storey height blocks. Development in the locality largely has pitched roofs and side gables. The existing building at no. 17 Wing Road has a gable to the front and rear.
8. The site is located to the rear of no. 15 and, as it comprises backland development, there are limited views of the site at present from Wing Road. The layout of the consented scheme would open the site up to public views from Wing Road. The site and neighbouring rear gardens serving the properties fronting Wing Road, are visible from The Wharf. Whilst the rear gardens are largely undeveloped at present, except for some single storey outbuildings, part of the consented scheme proposes development adjacent to the boundary with The Wharf. The layout and design of this section of the consented scheme includes a linear footprint, with pitched roof and gable ends. There are also two small front gables, which mirror the front and rear gables on the existing building at no. 17. The layout and design of the consented scheme reflects the terraced properties in the locality and introduces a strong frontage within the grounds of no. 17. It is the strong frontages, terraced blocks and side gables that contribute to the character and appearance of the area.
9. The proposed development would be located immediately to the rear of no. 15, in a tight plot. There would be no direct public frontage to the site, as the side boundary wall is to be retained. The proposed development would immediately adjoin and be accessed via the consented scheme. It is orientated with its front elevation facing towards the rear of no. 15 and its rear elevation facing Waterside Mews. This layout and orientation largely reflect, and would extend, the footprint of the consented scheme.

10. The proposed development has been designed with gables the full width of the front and rear elevations, which mirror the existing building at no. 17 Wing Road. The proposed development is the full width of the site. It projects forward of, and overlaps, both the front and rear elevations of the consented scheme. As a result of this layout, the gables would be dominant features of the proposed development. Furthermore, the proposed window shape and proportions, which are generally square, are inconsistent with the adjoining approved development and those of the frontage buildings on Wing Road, which have a more vertical emphasis. In addition, the frontage of the property would be partially concealed behind an existing side wall and would not therefore extend the strong, public frontage of the consented scheme. This is at odds with the design and layout of the consented scheme and the prevailing character of the wider area.
11. The proposed development has a lowered floor level, and ridge and eaves height. However, the large footprint, which extends the full width of the site and beyond the front and rear elevations of the consented scheme, together with wide front and rear gables, adds to the overall massing and bulk of the proposed development. This would result in an incongruously large and dominant form of development, which would appear cramped in its plot. The prominence of the proposed development, whilst partially screened by the retained boundary wall, would be further exacerbated as the site would be opened up to views from Wing Road as a result of the consented scheme.
12. The appellant states that the proposed development would 'book end' and complete the neighbouring terrace, which was granted consent under ref: CB/17/05835/FULL and the density of both schemes reflects the density pattern of the area. The Council have not raised any issues with regards to the siting or density of the proposed development. However, for the reasons outlined above, the position of, and constraints on, the site, and their associated impact upon the overall design of the proposed development, would result in it being at odds with the prevailing character of the area.
13. For the reasons outlined above, I conclude that the proposed development would result in harm to the character and appearance of the area. As such, it would be contrary to Policies HQ1 and HQ8 of the Central Bedfordshire Local Plan 2021 (LP) and the National Planning Policy Framework (the Framework). These policies seek, amongst other matters, to ensure development is of the highest possible quality and responds positively to its context, that backland developments do not harm the character and appearance of the area and development is well designed and visually attractive.

Living conditions of the existing occupiers

14. To the rear of no. 15 and no. 15A is a private rear garden which provides outdoor amenity space to no. 15A. In addition to this area, no. 15A has access to a small balcony. As a result of the proposed development, the private rear garden serving no. 15A would be reduced. This remaining space, whilst modest, is in excess of the minimum area of private amenity space required by the Council.
15. I consider that the width, amount and usable shape of the remaining garden, together with the balcony, would allow sufficient space for the occupiers of no. 15A to accommodate domestic items, without appearing overly cramped. The proposed development would therefore result in a garden space, that whilst

modest, would provide sufficient and usable space to serve the occupiers of no. 15A.

16. For the reasons above, I conclude that the proposed development would not result in harm to the living conditions of the existing occupiers of no. 15A Wing Road, with regard to garden size. As such, it would accord with Policy HQ1 of the LP and the Framework. These policies seek, amongst other matters, to ensure development does not adversely impact upon amenity and provides a high standard of amenity for existing users.

Highway safety

17. Access to the site is from Wing Road, via no. 17 Wing Road. Two parking spaces are shown to serve the proposed development. The submitted plans show pedestrian access to the proposed development through an access located within the site's side boundary wall. This access point immediately adjoins one of the two parking spaces dedicated to serve the proposed development. Due to the limited space available, any vehicle parked in this space could restrict pedestrian access to and from the site. However, it is highly likely to be the occupiers, or visitors to the proposed development, that would utilise this parking space. Having regards to this arrangement, there is less likely to be pedestrian and vehicle conflict as a result of this layout. A suitably worded condition could control the allocation of parking spaces in order to ensure the identified parking spaces remain allocated to the proposed development.
18. For the reasons given above, I conclude that the proposed development would not be harmful to highway and pedestrian safety. As such, it would accord with Policy T2 of the LP and the Framework. Collectively these policies seek, amongst other things, to ensure new development provides safe and convenient access and safe access to the site can be achieved for all users.

Special Area of Conservation

19. The site lies within the 12.6km zone of influence of the Chilterns Beechwoods Special Area of Conservation (SAC). This site was designated due to the importance of its habitats.
20. All public bodies have a duty to take reasonable steps to further the conservation and enhancement of this designated area. Natural England advises that there is the potential for significant impacts on the SAC as a result of any net increase in residential development within the zone of influence. This is due to pressures on the site by reason of its attractiveness as a location for recreation.
21. The Conservation of Habitats and Species Regulations 2017 (the Regulations) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in combination with other plans or projects.
22. Adequate mitigation measures to avoid additional recreational impacts from net increases in development would be needed, in order for the AA to be able to conclude that there would be no adverse effects on the integrity of the SAC.

23. The Chilterns Beechwoods Special Area of Conservation Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest (the Mitigation Strategy) was finalised during the consideration of this appeal. For development within the wider zone of influence and for development of no more than 9 dwellings, the Mitigation Strategy requires contributions towards the Strategic Access Management and Monitoring Strategy (SAMMS) and Suitable Alternative Natural Greenspace (SANG). The SAMMS is to directly manage and avoid impacts at its source and better educate those visiting the SAC. The SANG is the term given to greenspaces that are created or enhanced with the specific purpose of absorbing recreation pressure that would otherwise occur within the SAC.
24. Within Central Bedfordshire, the Mitigation Strategy seeks a SAMMS contribution of £182.49 per unit. With regards to the SANG contribution, the Mitigation Strategy advises that there are currently four SANGs agreed by Natural England, with a further two expected to be agreed shortly. These SANGs have the capacity for 9,552 new homes in total. A standard cost is to be applied to all new dwelling types. With regard to the proposed development, a SANG contribution of £4,279.00 is required.
25. In response to the Mitigation Strategy, the appellant submitted a Unilateral Undertaking (UU). The UU covenants to pay a SAMMS contribution and SANG contribution, as set out by the Mitigation Strategy, in full, prior to the commencement of development. The Council have confirmed that the contents of the UU are acceptable.
26. I therefore consider that the submitted UU demonstrates that appropriate mitigation measures could be secured in order to ensure that there are no adverse effects on the integrity of the SAC. Notwithstanding this, given that the appeal is being dismissed for other reasons, and planning permission is not being granted, it is not necessary for me to undertake an AA.
27. For the above reasons, I conclude that the proposed development would not lead to adverse effects on the integrity of the Chiltern Beechwoods SAC. This accords with paragraph 180 of the Framework, which seeks to prevent significant harm to biodiversity from development.

Other Matters

28. The appellant highlights that the proposal comprises a windfall site and is therefore entirely consistent with paragraph 69 of the Framework. The development would provide one dwelling which would contribute towards housing needs in the area. The appellant states that the site should be regarded as being well located, given its proximity to services and facilities, including the national rail network and employment opportunities. The appellant also highlights that the proposed accommodation is to a good standard. Having regard to the modest amount of development proposed, these benefits do not carry sufficient weight to overcome the harm I have identified above.
29. The appellant states that opportunities for biodiversity are limited at present. They state that measures could be incorporated into the proposed development to encourage wildlife and improve the biodiversity of the site, including planting of fruit trees, provision of permeable means of enclosure and provision of hedgehog, bat and bird boxes. I have limited information before me which

demonstrate that such measures could be incorporated and whether they would result in biodiversity net gain. This matter therefore carries limited weight, which does not overcome the harm I have identified above.

30. The site lies outside of the adjacent Linslade Conservation Area, but within its setting. There are views of the site from wider public viewpoints within the conservation area, however the Council have found no issue in this regard. Neither party has identified what contribution the setting of the conservation area makes to the understanding or appreciation of its significance. Nonetheless, from what I have read and from what I saw when I visited the site, I find that, due to its location and small scale, the proposed development would have a neutral effect on the setting of the conservation area.

Conclusion

31. For the above reasons, having considered all the policies drawn to my attention, the conflict with Policies HQ1 and HQ8 of the LP, and the serious and enduring harm that the proposal would cause to the character and appearance of the area, leads me to conclude that there is conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed, and planning permission refused.

S Pearce

INSPECTOR