



Appeal Decision

Site visit made on 7 July 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/P0240/W/22/3309907

111 Broad Street & Land at the Rear of 109 Broad Street, Clifton SG17 5RP

- 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 Mark Moloney of Mileacre Ltd. against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/01463/FULL, dated 6 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is the erection of 1 No. two storey 3-bedroom house and 2 No. 2-bedroom bungalows with access driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Additional reports and drawings have been submitted to support this appeal and that seek to address the Council's concerns regarding highways and ecology issues. The Council has been given the opportunity to comment on the additional information. Although the appeals process should not be used to evolve a scheme, I am satisfied that in this case, given my overall decision, accepting the additional documents would not prejudice other interested parties.
3. Therefore, I have considered the reports and drawings provided and the Council's comments. The Council are satisfied that their concerns regarding highways access, parking/turning provision, ecology, and biodiversity have been overcome. Consequently, this is reflected in the main issues below.

Main Issues

4. Having regard to the above, the main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - existing trees and the provision of landscaping.

Reasons

Character and appearance

5. The surrounding area is predominantly residential. This section of Broad Street is characterised by road fronting properties with wide frontages set back from the highway. The appeal site comprises a two-storey end terrace property and residential gardens. A housing development has recently been constructed to the rear of the appeal site with substantial rear to rear separation distances provided by long verdant rear gardens. An access road to the new dwellings, flanked by landscape buffers meets Broad Street adjacent to the appeal site.

6. The site and adjacent access road are located in a prominent position on the edge of the village with open fields to the southeast. When viewed in combination, they act as a gradual transition between the denser village centre and the openness of the countryside. The built form of Broad Street and the new development to the rear are softened by landscaping including wildflowers, hedging and several mature trees and the significant separation distances between the properties. Overall, the appeal site contributes significantly to the open, semi-rural character of the edge of the village.
7. The proposed house on Plot 1 would maintain the existing building line of Broad Street and would be of a similar height to nearby properties with materials to match. However, it would have contrasting proportions to the surrounding properties. The front elevation would be a narrow gable with a significantly deeper footprint. Although it would be adjacent to the new access road, due to its proximity to No 111, separation distance from the new estate and prominent position at the edge of the village, the house on Plot 1 would most closely relate to the older properties on Broad Street and not the new estate. When approaching from the southeast, the dwelling would appear overly large and bulky within the street scene.
8. Plots 2 and 3 would be accessed via a private drive running between No 111 and Plot 1. Despite the new houses to the rear, the proposal would introduce two dwellings in a backland position which would fail to replicate the road fronting pattern of development seen in the immediate area and would appear incongruous. The access road to the housing estate would run adjacent to Plot 3, however the house on plot 3 would not address the road nor be accessible from it.
9. The development of the appeal site with three additional dwellings and associated features, including large areas of hardstanding would urbanise the plot and significantly diminish the contribution that it makes to the semi-rural setting of Clifton. The surrounding countryside is not a 'valued landscape' as referred to by the National Planning Policy Framework (the Framework). However, the proposal would greatly reduce the sense of openness and verdant semi-rural character on approach to the village.
10. My attention has been drawn to several other developments in the locality, including Nos 79-81 Broad Street and the approved outline planning permission for Nos 83-85 Broad Street, which are backland developments. However, the examples provided, although on the same street, are some distance from the appeal site and from the village edge and so they are seen in a different context. Moreover, the existence of other backland development in the wider area does not justify the harm identified to the character and appearance of the area.
11. Overall, I conclude that the proposal would harm the character and appearance of the area, in conflict with Policies HQ1 and HQ8 of the Central Bedfordshire Local Plan 2015-2035 (July 2021) (CBLP), where they require developments to be of the highest possible quality and respond positively to the existing pattern and grain of development, while considering the landscape setting. The proposal would also conflict with the Central Bedfordshire Design Guide (September 2014) where it advises that development should contribute to local character and distinctiveness. Similarly, it would be contrary to the Framework which, amongst other things, require development to maintain and be sympathetic to an area's prevailing character and setting.

Existing trees and the provision of landscaping

12. According to the appellant's Tree Survey Report the appeal site comprises six good quality trees and several mature hedges which edge the majority of the appeal site. Due to the position at the edge of the village, the trees and hedges appear prominent when viewed from the highway. Regardless of the trees' retention categories, they form a considerable canopy which contributes significantly to the verdant, semi-rural character of the area.
13. While the majority of the hedges would be retained, the proposal would require the removal of all six trees. Given the estimated remaining life expectancy of the trees and their overall good health, sufficient justification for their removal has not been provided and there is no indication that the retention of the existing trees within the site layout has been considered. Further, the loss of trees adds to my concerns regarding the character and appearance of the area as set out above.
14. The appellant contends that replacement trees could be secured via condition. However, CBLP Policy EE4 requires that lost trees are replaced with appropriate planting of equivalent scale and canopy cover. Once space for access, parking and private amenity has been accommodated, I fail to see where any meaningful replacement planting could be located on the appeal site that would mitigate the loss.
15. Therefore, I conclude that the proposal would unduly harm existing trees and would fail to provide adequate replacement landscaping. In these respects, it would conflict with policy EE4 of the CBLP which requires that development incorporates existing trees or sufficiently justifies their loss and provides equivalent replacements. The proposal would also conflict with the Framework where it seeks to retain existing trees wherever possible.

Other Matters

16. The proposal would provide three additional dwellings in an accessible location, which would increase the density of development on site and make an effective use of land. Whilst the Framework seeks to boost the supply of housing, the social and economic benefits would be limited by the scale of the development proposed. The scheme would be served by suitable access and parking arrangements, would provide sufficient outdoor amenity space for future occupiers, and would not harm the living conditions of the occupiers of surrounding properties. However, these are neutral matters which neither weigh in favour of, or against the proposal. Overall, these matters do not outweigh the harm identified to the character and appearance of the area and the unacceptable impact upon existing trees as previously set out.
17. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR