



Appeal Decision

Site visit made on 5 September 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/P0240/W/23/3317654

Venture, Dunstable Road, Studham, Central Bedfordshire LU6 2QJ

- 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 Regal Developments Group Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/03358/FULL, dated 24 August 2022, was refused by notice dated 20 October 2022.
 - The development proposed is the erection of two, semi-detached dwellings with associated access, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On submission of the appeal scheme the appellant has provided an Ecological Impact Assessment (non-EIA) October 2022 (EIA) and amended plans reference: Site Plan & Street Scene 30487A_2_03 Rev. C and Site Plan & Street Scene 30487A_2_03 Rev. D. The EIA confirms that that no reptiles were present on site and recommends protected measures should permission be granted. The amended plans have revised the access layout and visibility splays.
3. The EIA and amended plan were available when the appeal was submitted, and the Council have had the opportunity to consult and have provided their views. These additional documents have provided clarity and minor changes to the proposed scheme. Accordingly, no one would be prejudiced were my decision to have had regard to the EIA and amended plans.
4. In view of the above and based on some of the additional information submitted, the Council have confirmed that their third reason for refusal which concerns ecology in relation to protected species, habitats or ecosystems has been overcome, subject to conditions. I have therefore not sought to explore this matter further.
5. In September 2023 a revised National Planning Policy Framework (the Framework) was published. However, in respect of the main issues for consideration in this appeal, the revised Framework has not changed Government policy and so the cases for the appeal parties have not been prejudiced. I shall consider the appeal accordingly.

Main Issues

6. The main issues are:

- whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the development on the character and appearance of the area and AONB,
- the effect of the development on highway safety with particular regard to access and parking, and;
- the effect of the development on the integrity of the Chilterns Beechwoods Special Area of Conservation.

Reasons

Whether inappropriate development

7. The appeal site is located within the South Bedfordshire Green Belt. Paragraph 138 of the National Planning Policy Framework (the Framework) sets out the purposes of the Green Belt which are; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
8. Paragraph 149 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.
9. The Framework does not define limited infilling and it is noted that the Council do not have a specific policy that relates to limited infilling in villages. The Council's Central Bedfordshire Local Plan 2015-2035 (LP) considers that infill development can generally be defined as small-scale development in a small gap in an otherwise built up frontage, utilising a plot in a manner which should continue to complement the surrounding pattern and grain of development. I note that a number of Inspectors have had a general regard to the same description in their appeal decisions¹ which have been referred to by the Council. I have had this in mind when considering this appeal.
10. The appellant has referred to several appeal decisions² where varying plot widths have been considered to constitute limited infill. However, whether the site would constitute limited infilling is a matter of fact and planning judgement taking the site context into account. I have therefore had limited regard to these appeal decisions.
11. There is no dispute between the parties that the appeal site is within a village, and I find no reason to reach a different conclusion. I will therefore consider whether the proposal would constitute limited infilling.

¹ APP/P0240/W/21/3288099; APP/P0240/W/22/3310502; APP/P0240/W/23/3315083

² APP/F2360/W/20/3244797; APP/P0119/W/16/3151719; APP/R0660/W/18/3201548; APP/J1915/W/22/3297661

12. The appeal site forms part of the garden to the side of Venture, which is a detached property that sits within a large plot accessed off Dunstable Road. Houses line the road on both sides and are mostly detached and set back from the road. Houses on the opposite side of the road are set within modest plots and are located close together. This pattern of built form is generally mirrored within the wider area.
13. The appeal site, and the houses on the same side of the road generally have larger plots which form the boundary of the village. The generally larger plot sizes, combined with the extensive vegetation and even spaced gaps between the houses, results in these dwellings being differentiated from those opposite.
14. The proposal would be located to the side of Venture which has an uncharacteristically larger gap between the house and the neighbouring property, Holybush House. The proposal for two semi-detached dwellings would fit logically into this large gap and reduce the spacing to match the other houses on the same side of the road and be set back a similar distance. While it would use the existing access, albeit widened, the proposal would front the road and result in a continuation of the built up frontage. In this regard, I therefore find that the proposal would constitute limited infilling and meet the exemption outlined in paragraph 149(e) of the Framework.
15. Accordingly, the proposal would not comprise inappropriate development in the Green Belt. The question of the impact on openness is no longer an issue, as any impact on openness is accepted as being implicitly taken into account in the exceptions set out in the Framework.

Character and appearance

16. The site is within the Chilterns Area of Outstanding Natural Beauty (AONB). The AONB is categorised by flower-rich down land, broadleaved woodlands and commons. Paragraph 176 of the Framework requires great weight should be given to conserving and enhancing landscape and scenic beauty Areas of Outstanding Natural Beauty. The appeal site's large, open plot with its densely vegetated boundaries gives the area a spacious and verdant character and appearance which contributes positively to the qualities of the AONB.
17. Dwellings near to the appeal site are also large and set within verdant plots. The proposal to erect two semi-detached dwellings would differ from the predominantly detached dwellings nearby. While I note that there are examples of semi-detached dwellings within the wider locality, these are generally infrequent on Dunstable Road and do not detract from the predominantly detached design, particularly on the same side of the road as the proposal. The proposed semi-detached dwellings would therefore be at odds with the other dwellings in the area.
18. The appeal site is a large plot. However, the development would result in the removal of vegetation, widening of the access and the separation within the plot to build the dwellings and associated garden areas. The proposal would also result in a large amount of hardstanding to create the new internal road, driveways and parking areas. This would erode the verdant character of the plot and would be harmful to the spacious character and appearance of the area.

19. A landscaping scheme could be implemented to mitigate the loss of existing vegetation. However, no landscaping scheme has been submitted with this appeal and while it could be required by condition, without any details in front of me I am not convinced that new planting could maintain the verdant character and mitigate for the loss of existing, mature vegetation.
20. While the existing trees and vegetation are not protected on the site and the owner could remove them, there is no reason to suggest that this is a realistic outcome. I am only in a position to consider what is in situ and as such, for the reasons outlined, the vegetation is an important consideration of the character and appearance of the area.
21. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area. It would be contrary to policies HQ1, EE5 and EE7 of the LP. Amongst other things, these seek to ensure developments take account of opportunities to enhance or reinforce the local distinctiveness of the area and create a sense of place, reflect local character and distinctiveness and conserve and enhance the Chiltern AONB's special qualities.

Highway safety

22. The appellant has sought to address the Council's concerns in relation to highway safety by the submission of an amended plans that removes the proposed new access and seeks to widen the existing access to serve the proposed dwellings as well as the existing.
23. The Council originally raised concern in relation to the lack of parking details. The amended plans show that two parking spaces can be provided for each dwelling which is the minimum number required by the Council's Design Guide³.
24. The Council's Highway Construction Standards & Specifications Guidance Issue 8 (Highways Guidance) also recommends that parking next to solid structures should be widened by 1m to allow for improved manoeuvrability and entry/exit of people to/from the vehicle. One of the dwellings spaces are located immediately next to the side wall and provision has not been made for this widened space. Furthermore, a single visitor parking space is required which is not shown.
25. However, there is sufficient space within the appellant's ownership to widen the spaces to allow for this extra space as well as provision for a visitor parking space. I am therefore satisfied that the required parking standards could be achieved on the site subject to appropriately worded conditions.
26. I note that the amended plan submitted with this appeal has been drawn incorrectly, which is acknowledged by the appellant and in response a further amendment was made to the plan to clarify the visibility splays. In this regard, I am satisfied that the required visibility splays could be achieved on site, subject to an appropriately worded condition.
27. I therefore conclude that the proposal would not result in harm to highway safety with regard to access and parking. I find no conflict with policies T2 and T3 of the LP. Amongst other things, these seek to ensure that development

³ Central Bedfordshire Design Guide – A guide for designing high quality new developments – September 2014

does not have a detrimental effect on highway safety, provides appropriate access and parking.

28. I have had regard to the Councils Design Guidance and Highways Guidance in reaching this view.

Chilterns Beechwoods Special Area of Conservation

29. The appeal site falls within the zone of influence for the Chilterns Beechwoods Special Area of Conservation (SAC). As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further. Even if I had found that no harm would be caused to the SAC, this would have been a neutral finding weighing neither for or against the scheme.

Other Matters

30. The proposal would be located in a sustainable area, with access to schools, pubs, churches and sports facilities. The site also has access to a public footpath with cycle and public transport access to nearby settlements. The proposal would provide large gardens and has also been designed to be of a similar design to nearby properties. However, these matters do not outweigh the harm I have identified.

Conclusion

31. In conclusion, while I have found that the proposal would not represent inappropriate development or harm highway safety, I have found harm to the AONB. That is the prevailing consideration and so, for the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR