
Appeal Decision

Site visit made on 14 November 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/P0240/W/23/3317590

52 Drury Lane, Houghton Regis, Dunstable LU5 5ED

- 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 Abid Nasar of Ideal Properties UK Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/04594/FULL, dated 23 November 2022, was refused by notice dated 19 January 2023.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the area,
 - (ii) the living conditions of the occupiers of the neighbouring properties at Nos. 52 and 54 Drury Lane with particular regard to light and outlook, and
 - (iii) the living conditions of the future occupiers of the proposed dwelling with particular regard to privacy.

Reasons

Character and appearance of the area

3. The appeal site forms part of the garden area at the side of No. 52 Drury Lane (No. 52) a two storey semi-detached property that occupies a relatively spacious plot. The proposal would involve the construction of a two storey detached dwelling with provision of a parking forecourt and ancillary works.
4. The appeal site is located in a mature well-established residential area, characterised by detached and semi-detached properties set back from the road behind front gardens/driveways. Although there is some variation in the design and style of the other properties in the area, the adjacent semi-detached properties are set on relatively long narrow spacious plots. No. 52 being situated on a relatively spacious plot adds to the open character and appearance of the area, which is further enhanced by the presence of a number of established trees along the frontage of the site.

5. Although the proposed dwelling would extend in the front of the adjacent property at No. 52, the degree of projection would not appear excessive due to the staggered built form along Drury Lane and would generally be built in line with the frontage of the adjacent properties at Nos. 54 and 56. Equally, from my site visit I noted a number of properties in the road appear to have been built to the side boundaries or in close proximity to such. The reduced space between the new dwelling and adjacent properties would be offset to some degree by the open parking area and landscaping along the frontage of the appeal site in this case.
6. Whilst visually the design of the proposed dwelling would be acceptable, the scale and two storey form of the proposed dwelling would nevertheless still be a significant addition in this location. Such positioning, on what would be an atypically narrow plot, would erode the visual gap between the dwellings, compromise the sense of space and openness in the area and appear as a visually cramped and incongruous addition in the street scene.
7. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along Drury Lane. I therefore consider that the proposed development, by virtue of its scale, siting and form, would adversely harm rather than positively contribute to the character and appearance of the area.
8. I have considered the appellant's arguments that the design and layout of the proposed development has been carefully considered in order to minimise any impacts on the area. Whilst the use of materials, fenestrations, boundary treatment and landscaping would assist with integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
9. Consequently, I conclude that the proposal would result in harm to the character and appearance of the area. It would be contrary to the overall aims of Policy HQ1 of the Central Bedfordshire Local Plan 2021 (LP) and the Central Bedfordshire Design Guide 2014 (CBDG). This policy and guidance, amongst other things, require development proposals to be of the highest quality that relate well to the existing local surroundings and enhance or reinforce the distinctiveness and character of the area. In addition, the proposal would not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

Living conditions of the occupiers of the neighbouring properties

10. The proposed dwelling would be located adjacent to the two storey dwellings at Nos. 52 and 54 Drury Lane (Nos. 52 and 54). The proposed dwelling would be set back at an angle from 2no. ground floor windows on the side of No. 52 and would be separated by a pedestrian accessway running between the properties.
11. The proposed dwelling would be set back from a ground floor window and first floor window on the side of No. 54, to the north of the appeal site. The proposed dwelling would be inset from and project along the common shared boundary with No. 54 and would be separated from the rooms at the side of the adjacent property by a vehicular accessway and high brick wall running between the properties.

12. Whilst I accept that there would be some impact from the development, given the proposed design and layout of the proposed dwelling, set back, together with the separation distance between the properties and the orientation of the buildings, I consider that the proposal would not result in a significant loss of light to the rooms at the side of No. 54, nor significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the side at the Nos. 52 and 54. Whilst there would be some loss of light and outlook to the windows on the side elevation of the adjacent properties these are secondary windows, as I observed on my site visit in this case.
13. Consequently, I conclude that the proposed dwelling would not result in an unacceptable impact on the living conditions of the occupiers of the neighbouring properties at Nos. 52 and 54 Drury Lane with particular regard to light and outlook. It would be consistent with Policy HQ1 of the LP and the CBDG which seek, amongst other things, to ensure that development creates quality places that do not adversely affect the amenity of nearby occupiers. In addition, it would accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing users (paragraph 130).

Living conditions of the future occupiers of the proposed dwelling

14. The rear elevation of the adjacent two storey dwelling at No. 52 would be set back at an angle a short distance from the rear garden of the proposed dwelling and would be separated from the appeal site by a small patio area and proposed 1.8m high fence running along the common shared boundary.
15. The first floor bedroom windows on the rear elevation of No.52 would be situated in close proximity to the common shared boundary with the rear garden of the proposed dwelling, particularly the small hardstanding area at the rear of the dwelling. The future occupiers of the proposed dwelling would use the garden area to carry out household and leisure activities where they would be observed at close quarters, by the occupants of No.52, when relaxing and sitting out, particularly during the summer months.
16. Given the siting and layout of the proposed dwelling and the separation distance between the properties, I consider the proposal would result in an unacceptable level of overlooking and loss of privacy to the rear garden of the proposed dwelling from the rear elevation of the adjacent dwelling at No. 52. I therefore consider that the proposal would result in a poor quality living environment and an unacceptable harm to the living conditions for the future occupiers of the proposed dwelling.
17. I have considered the appellant's arguments that the design and layout of the development has been carefully considered and that the orientation between the adjacent property and the proposed dwelling mirrors the existing relationship between Nos. 50 and 52 and the pattern repeated elsewhere on the street. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal and is not a determinative factor on its own. Whilst the separation distance between the properties and the boundary treatment would reduce the impact on the proposal to some degree, these aspects do not overcome the adverse effects outlined above.
18. Consequently, I conclude that the proposed development would result in unacceptable harm to the living conditions of the future occupiers of the

proposed dwelling with particular regard to privacy. It would be contrary to Policy HQ1 of the LP and the CBDG which seek, amongst other things, to ensure that development creates quality places that do not adversely affect the amenity of nearby occupiers. It would also not accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for future users (paragraph 130).

Other Matters

19. I have noted the Council's Reason for Refusal and comments regarding the appellant's failure to address the impact of the development located within the 12.6km zone of influence of the local designated Chiltern Beechwoods Special Area of Conservation through either submitting evidence to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. I note the appellant had agreed in principle to a condition that would secure the required mitigation measures and submit a Section 106 Agreement. However, in light of my findings on the main issues above, it is not considered necessary to look at this matter in detail, given that the proposal is unacceptable for other reasons.
20. I have noted the other development in the area drawn to my attention by the appellant. Whilst I note some parallels with the residential development at the corner of Drury Lane and St Andrews Road, it has different development characteristics to the appeal scheme. As a consequence, whilst I have taken this into account, they do not materially alter my conclusions on this appeal.
21. The appellant considers the development constitutes a sustainable form of development in line with the requirements of the Framework. I have considered the various benefits put forward by the appellant that the proposal would bring towards the housing supply in the area, the efficient use of land on a small windfall site within an accessible location, the scheme's design and the contributions towards the local economy and construction industry through the supply of building materials and jobs. While I have given them some weight in favour of the appeal, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

22. Notwithstanding my findings on the lack of harm to the living conditions of the occupiers of the neighbouring properties, this is significantly outweighed by the harm I have identified to the character of the area and the living conditions of the future occupiers of the proposed dwelling. The development conflicts with the development plan taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR