



Appeal Decision

Site visit made on 14 November 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/P0240/W/23/3321465

1 Allenby Avenue, Dunstable, Central Bedfordshire LU5 4QB

- 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 A Hoque against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/02910/FULL, dated 15 July 2022, was refused by notice dated 4 November 2022.
 - The development proposed is new build 3 bedroom dwelling house adjacent to existing No.1 Allenby Avenue (Re-sub).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and,
 - highway safety with particular regard to parking provision.

Reasons

Character and appearance

3. Allenby Avenue is a mostly residential street that consists of terraced housing of similar appearance with the frontages being located close to the road. The appeal site includes No 1 Allenby Avenue which is an end of terraced house with a large side and rear garden. There is also a service yard and storage area to the side which serves a commercial unit.
4. The proposal seeks to erect a dwelling which would occupy the space to the side of No 1. The appeal site is close to the entrance of Allenby Avenue from Luton Road and as such the proposal would be located in a visually prominent position. The proposal generally replicates the design of the existing dwellings along Allenby Avenue and due to the set back and lower ridge height to No 1 it would appear as a subordinate addition.
5. As a result of the loss of the side garden to No 1 both the occupiers of this property and the proposed dwelling would be required to locate their refuse bins to the front of the property where they would be stored in a timber store.
6. I note the Council's concerns over the likelihood of such measures to be implemented. However, there is no evidence before me to suggest this would be the case, and due to the terraced nature of Allenby Avenue this is the general arrangement of other properties on the street as many do not have

side access to the rear garden. As such, the proposed refuse store to the front would mirror the predominant arrangement of other houses on the street and not stand out as a prominent feature on the street scene.

7. I therefore conclude that the proposal would not cause harm to the character and appearance of the area. I find no conflict with policy HQ1 of the Central Bedfordshire Local Plan 2015-2035 (LP). Amongst other things, this seeks to ensure proposals take account of opportunities to enhance or reinforce the local distinctiveness of the area and create a sense of place.

Highway safety

8. It is proposed to provide two parking spaces to the front of the proposed dwelling which is a similar arrangement to many dwellings within Allenby Avenue. As a result of the parking spaces to the front of the properties and associated dropped curbs, street parking is very limited and many of the available spaces were taken up during my site visit.
9. The Council's Design Guide¹ suggests that a parking bay should be 2.5m wide and 5m in length. However, despite the set-back, due to the small property frontage that remains they would fail to accord with the Council's Design Guide in width and length.
10. As a result of the length of the spaces, future occupiers' vehicles would overhang onto the pavement. I note the appellant considers that the overhang would be small, but it is not possible to determine the size of the vehicles that future occupiers would have, or how close they would park to the frontage of the dwelling. As such, the overhang has the potential to be larger than what has been suggested and there would be no control over this.
11. The proposal would also result in the re-arrangement of existing parking for the occupiers of No 1 as there would be no parking available to the side of the dwelling. The existing parking situation would therefore be worsened for the occupiers of No 1 as cars would be forced to park in front where there is less available space.
12. I note that No 1 is already able to park to the front and vehicles already overhang and the situation is similar for other properties, which I observed during my visit. However, this is not a reason to justify allowing this appeal.
13. The width of the spaces would also be narrow and there would be very little space between each car which would result in an awkward arrangement for future occupiers. This would be worsened by the location of the refuse storage which would further reduce the width and length of the spaces.
14. Furthermore, the Design Guide suggests an additional 1m gap to the side of any car parking spaces where they abut a solid boundary. One of the spaces would abut a wall however there would be no room to provide the 1m gap.
15. Overall, the proposed parking spaces would be tightly constrained and would result in an awkward arrangement for future occupiers. It is likely that cars using these spaces would overhang onto the footway which could cause a hazard for pedestrians, or future occupiers could be reluctant to use the spaces

¹ Central Bedfordshire Design Guide – A guide for designing high quality new development – A Great place to live and work – September 2014

and park on the road instead, leading to an increase in parking pressure in the area.

16. I therefore conclude that the proposal would unacceptably harm highway safety, with particular regard to parking provision. It would be contrary to policy T2 of the LP which amongst other things, seeks to ensure development provides safe and convenient access and does not create hazards to that traffic and other road users.

Other Matters

17. The appeal site falls within the zone of influence of the Chiltern Beechwoods Special Area of Conservation. 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.
18. I note that the principle of development has been accepted by the Council and that they consider the proposal would provide acceptable living conditions for the occupiers of No 1, for which I have no reason to disagree with. I also note that the site is located in an area where sustainable transport methods, such as public transport, walking and cycling are available with several facilities nearby. However, these matters do not outweigh the harm I have identified.

Conclusion

19. 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