



Appeal Decision

Site visit made on 31 October 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/P0240/W/23/3322368

59 Manor Road, Barton-le-clay, Central Bedfordshire MK45 4NP

- 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 Dance against the decision of Central Bedfordshire Council.
 - The application Ref CB/23/00075/FULL, dated 7 January 2023, was refused by notice dated 6 March 2023.
 - The development proposed is a new build 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised drawing (OAK-276-PL-01 Revision A) was submitted with the appeal which sought to respond to the Council's second reason for refusal relating to highway safety. The revised drawing showed a wider access point, added visibility splay measurements and showed the refuse collection point relocated to the opposite side of the proposed access point.
3. The 'Procedural Guide: Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application (paragraph 3.1.1). If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (paragraph 16.1).
4. Whilst I note that the Council has commented on the revised drawing in its response to the appeal, I cannot be certain that interested parties, of whom some raised concerns about highway safety, have been made aware of the proposed revisions. For that reason, I consider that interested parties may be prejudiced if I determine the appeal based on the revised drawing. Accordingly, I have determined the appeal on the basis of the drawing on which the Council made its decision.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

6. The appeal site is located within an established residential area characterised by detached and semi-detached two storey and single storey dwellings of varied design, set back from the road. Front gardens and parking areas located to the front and side of dwellings within each plot are a prevailing feature. Although the front building line of dwellings does vary a little it is fairly consistent within the different groups of dwellings along the northern side of Manor Road. The appeal site is not subject to any specific designations.
7. Whilst there are instances where dwellings are located in close proximity to the side boundaries within the vicinity of the appeal site, the prevailing character is that there is some meaningful separation between built form and the side boundaries or that the scale of the buildings reduces to single storey where it is located closer to a side boundary. This provides for some visual relief between built development, especially at first floor level, and makes a positive contribution to this section of Manor Road.
8. The proposed dwelling would be located in close proximity to the eastern boundary. The two storey side elevation of the adjacent dwelling to the east is located on the side boundary. The proposal would leave very little separation between the two storey side elevation of the proposed dwelling and the existing adjacent dwelling. This would result in a lack of space between the dwellings that would result in the dwelling appearing cramped within the plot when viewed from the road.
9. A two storey dwelling of the size and design proposed would not appear untoward in the street scene in principle. Indeed, the neighbouring properties either side are two storey and there are a significant number of other two storey properties of mixed character and design located along both sides of Manor Road.
10. Also, the dwelling would not sit forward of the front building line of the neighbouring dwelling to the east and would have a significant set back from the front building line of the neighbouring dwelling to the west. In this regard the proposal would be in keeping with the pattern of development. However, that would not mitigate the cramped appearance.
11. The proposed parking layout would dominate the front garden area and also take space from the garden area directly in front of the adjacent existing dwelling. There are other dwellings along the northern side of Manor Road where the parking space to the front is a dominant feature. In this regard the proposal would not be at odds with the character of the area.
12. However, the proposed arrangement whereby the parking/turning area would extend eastwards in front of the neighbouring adjacent dwelling would be out of keeping with the pattern of development. It would add to the cramped appearance with the proposal appearing to need to overspill in to part of the neighbouring front garden in order to accommodate the required off street parking and turning area.
13. The proposal would therefore result in the introduction of a dwelling that would appear as a cramped form of development that would be harmful to the character and appearance of the area. The proposal would be contrary to Policy

HQ1 of the Central Bedfordshire Local Plan 2015-2035 July 2021 (LP) which seeks, amongst other things, to ensure developments respond positively to their context. It would also be contrary to the overarching principles set out in the Central Bedfordshire Design Guide September 2014 (DG) which looks to ensure developments respect local distinctiveness through design and layout and also in this regard, Section 12 of the National Planning Policy Framework (the Framework).

Highway safety

14. The Highways Officer provided comments on the original drawing stating that the proposed access is of an insufficient width and is required to be 3.5m to meet the requirements of the Highway Construction Standards & Specification Guidance (HCSSG). Given I am considering the appeal on the basis of the original drawing, the width of the access does not meet this requirement and is insufficient in this regard.
15. There is dispute between the parties as to the required visibility splay needed to ensure that the access is safe in terms of driver/driver intervisibility. The appellant has provided an extract from the HCSSG which says that splays to the edge of the pavement must be provided, whereas the Council state that splays to the main carriageway are also necessary. The Council's approach is common practice in my experience and would allow for drivers of cars emerging from the access to see cars approaching on the road, in addition to pedestrians on the pavement. As the plans do not show these splays, visibility has not been demonstrated, nor has whether the land included in the required splays is within the control of the appellant or within the extent of the public highway. I cannot therefore be confident highway safety would be maintained.
16. The appellant asserts that the access details could be required by planning condition. However, given the access is a fundamental part of the proposal, I am not satisfied that it could be appropriately dealt with by condition.
17. Therefore, without evidence to the contrary, I conclude that the proposal would be likely to have an unacceptable impact on highway safety. It would conflict with Policy T2 of the LP. This policy seeks, amongst other things, that proposals for new development must not have a detrimental effect on highway safety and must provide appropriate access having regard to the HCSSG.

Other Matters

18. Residential development is acceptable in principle in this area, and the proposal, as a small windfall site it would make a small contribution to the housing land supply. There would be some limited associated social and economic benefits.
19. I acknowledge that there is no 57 Manor Road and that currently the existing dwellings jump from 55 to 59. However, there is no information before me as to what may have happened in the past when the existing dwellings were constructed and numbered. The lack of a No 57 does not mean that the proposal before me, considering the current development plan policies, is acceptable.
20. The appellant asserts that an adequate level of parking, internal space and private amenity space would be provided for both the occupants of the proposed dwelling and those at 59 Manor Road. A lack of harm in these

respects is a neutral consideration that weighs neither for nor against the proposal.

21. The appellant states that the occupants of No 59 along with other residents along Manor Road could carry out development under permitted development rights to create additional hard surfaced areas to the front of dwellings which would reduce the amount of grassed areas. It is also stated that the occupants of No 59 could provide additional extensions and/or outbuildings under permitted development rights on the appeal site that would close the gap between dwellings. Nevertheless, I have not been provided with the details of any potential fallback schemes in this regard in order to make a comparison to the proposal before me. I therefore attribute limited weight to this consideration.

Conclusion

22. I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that indicate I should take a decision other than in accordance with it. Therefore, the appeal is dismissed.

G Dring

INSPECTOR