



Appeal Decision

Site visit made on 8 March 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9th April 2024

Appeal Ref: APP/P0240/W/23/3331231

24 Lane's End, Heath and Reach, Central Bedfordshire LU7 0AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Millen of Millen Homes Ltd against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/00742/FULL.
 - The development proposed is a detached 3-bedroom dwelling.
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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, having particular regard to the effect on the Heath and Reach Conservation Area; and
 - the effect of the proposal on highway safety.

Reasons

Character and appearance

3. The appeal site is located within the Heath and Reach Conservation Area (H&R CA). As a result, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
4. Built form within the H&R CA includes a varied mix of residential building types, styles and periods. The spatial character of H&R CA has been formed by its simple layout and development. There is a particularly attractive green which acts as a focal point and is surrounded by cottages and houses.
5. Lane's End is located to the northwest of the green and its character derives from its curving road with smaller narrow lanes running off from the main part of the road along with a mix of housing types, styles and periods.
6. From my observations, and the H&R CA Appraisal Report, the significance of the H&R CA derives from the enduring historic pattern of development and the variety and interest in the built form, which provide both aesthetic and historical value. Lane's End is an important integral component of the H&R CA.
7. The appeal site comprises an open area of land to the rear of 24 Lane's End and is located on one of the small lanes that runs off the main part of Lanes

End. Although there has been some infilling along Lane's End, and 28 and 36 Lane's End (No 28 and 36) are newer built properties compared to the older period houses on the other side of the narrow lane, there is an open green gap between No 28 and No 36 created by the appeal site and a similar open area to the rear of 22 Lane's End. This creates welcome relief from the built form along the lane and creates a sense of spaciousness which makes a positive contribution to the character and appearance and overall sense of place of the H&R CA.

8. The proposal would involve the introduction of a two-storey dwelling. I accept in terms of the architectural design and materials the proposal would be compatible with surrounding properties. However, the proposed side elevation on each side of the proposed dwelling would be set in only a small distance from the common boundaries on either side. Although these side elevations would be set away from the actual built form at No 28 and No 36, nevertheless given the small set in from the common boundaries the proposal would appear cramped on the site. Moreover, the introduction of the proposed dwelling with such a mass and scale would harmfully erode the existing spaciousness which as outlined above makes a positive contribution to the character and appearance of the area. Such an arrangement would unacceptably harm the character and appearance of the area.
9. I have taken account of the density study prepared by the appellant. I accept that in pure numerical terms the density per hectare figure for the proposed dwelling would be similar to 10 properties in the vicinity and two would have a higher density. However, I note that most properties measured by the appellant would have a lower density. Further, except for No 28, which is on the corner, all other existing properties along the same narrow lane would have a lower density than proposed on the appeal site, some by a significant margin.
10. Even if that was not the case, it is not only the fact that the proposal would result in a high-density development on the plot which causes the harm. Rather and more importantly it is the lack of an adequate set in from the common boundaries on either side and the introduction of the proposed dwelling onto the existing open plot which harmfully erodes the sense of spaciousness in this sensitive location.
11. I therefore conclude that the proposal would neither preserve nor conserve the character and appearance of the Heath and Reach Conservation Area. This would lead to harm to the significance of a designated heritage asset. As a result, the proposal would conflict with Policy HQ1 and HE3 of the Central Bedfordshire Local Plan 2015-2035, July 2021 (CBLP) which among other things seeks to ensure that development is of the highest possible quality, relates well to the existing local surroundings and reinforces local distinctiveness and would preserve, sustain and enhance the special character, significance and appearance of a designated heritage asset.
12. The proposal would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure development is sympathetic to local character and heritage assets should be conserved in an appropriate manner.
13. The proposal would also not accord with the guidance contained in the Central Bedfordshire Design Guide – August 2023 (the Design Guide) which sets out that any development within a conservation area must preserve or enhance its character or appearance.

14. As required by the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the harm identified. In this case I consider that the harm to the significance of the heritage asset is less than substantial and in such a situation the Framework also sets out that this harm should be weighed against the public benefits of the proposal.
15. The appellant has highlighted that the appeal site is sustainably located close to shops, schools and other facilities and has excellent access to public transport. However, although I accept that the appeal site is located within a suitable location, I am not persuaded that that this or any other matters amount to sufficient public benefits that would outweigh the identified harm to the heritage asset.

Highway Safety

16. The proposal would involve the introduction of two additional parking spaces to serve the proposed dwelling and in numerical terms this level of provision would be adequate. It follows that the proposal would not conflict with Policy T3 of CBLP which seeks to ensure adequate parking in accordance with car parking standards.
17. However, the existing lane is very narrow and does not allow two vehicles to pass without entering private land. As a result, it would be necessary for vehicles entering and leaving the proposed parking spaces or delivery vehicles visiting the proposed dwelling to reverse along the lane. There would also be likely conflict with other vehicles using the lane. This would result in an unacceptable impact on highway and pedestrian safety.
18. I appreciate that the narrow lane has served the existing properties for many years, that the lane is not heavily trafficked and due to the limited width vehicles do not travel at excessive speed. However, the existing situation is far from ideal and any additional traffic would exacerbate already unsuitable access arrangements. Moreover, given the width limitations associated with the existing narrow lane, I am not persuaded that the use of signage, speed restrictions, or other traffic calming measures would satisfactorily ameliorate the unacceptable highway and safety impacts set out above.
19. I therefore conclude that the proposal would result in an unacceptable impact on highway safety. Consequently, the proposal would conflict with Policy T2 of the CBLP which among other things seeks to ensure that new development does not have a detrimental effect on highway safety. It would also be at odds with the Framework which sets out that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

S Rawle

INSPECTOR