



Appeal Decision

Site visit made on 2 July 2024

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2024

Appeal Ref: APP/P0240/W/23/3332549

35 Ridgeway, Kensworth, Central Bedfordshire, LU6 3RL

- 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 Mr D Lewis and Ms S Foad against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/00888/FULL.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty in England and Wales became National Landscapes. The appeal site falls within the Chilterns Area of Outstanding Natural Beauty which becomes the Chilterns National Landscape. However, its legal designation and policy status is unchanged and both local and national policy refer to Areas of Outstanding Natural Beauty, so I have used that term for consistency with the main parties' submissions.

Main Issues

3. The main issues are:
 - Whether the development proposed would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect on the openness of the Green Belt,
 - The effect on the character and appearance of the area, including the wider Chilterns Area of Outstanding Natural Beauty,
 - Whether it would provide acceptable living conditions in terms of internal and garden space for future occupiers of the proposed house and the occupiers of the existing house No 35 Ridgeway,
 - The effect on the living conditions of neighbouring occupiers, with particular regard to overlooking of Nos 2-8 Plewes Close; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt. The proposal is for a dwellinghouse that would face onto Plewes Close. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt. Certain types of development are identified in the Framework as not being inappropriate. This includes the construction of new buildings as limited infilling in villages. Policy SP4 of the Central Bedfordshire Local Plan (the Local Plan) states that development proposals within the Green Belt will be assessed in accordance with the Framework and national planning practice guidance.
5. The Local Plan states 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.
6. However, it is the side elevation of No 35 that faces onto Plewes Close. I do not therefore consider that the appeal site represents a small gap in an otherwise built up frontage. Rather, it is at one end of the frontage comprising Nos 2-8 Plewes Close.
7. While the appeal proposal as a single house would be small-scale development, and limited for the purposes of the Framework, it would not be limited infill and therefore would be inappropriate development within the Green Belt.

Green Belt openness

8. As the appeal proposal would be inappropriate development, it is also necessary to consider its effect on the openness of the Green Belt.
9. The appeal site is an enclosed back garden within a residential estate. However, it serves as a gap between the host property and the block of flats to the rear, creating a sense of space within the street scene. This would be substantially reduced by the appeal proposal as the proposed house would be two storeys tall and set close to the Plewes Close boundary.
10. The appeal proposal would therefore reduce both the spatial and visual openness of the Green Belt in this location to a modest degree.

Character and appearance

11. The appeal site lies within a residential estate principally comprised of two-storey dwellings and blocks of flats. Within the Ridgeway and Plewes Close, properties are typically set back from the street with generous front gardens. The appeal proposal would conflict with this general pattern of development. The shallow plot would result in the proposed house being very close to the street. This would be in direct contrast to the blocks of flats at 2-8 and 10-16 Plewes Close on the same side of the street. These are set significantly back from their front boundaries. The house would therefore be an incongruous feature in the street scene and surrounding area, harmful to its character and appearance.
12. The site is within the Chilterns Area of Outstanding Natural Beauty (the AONB). The Framework states that great weight should be given to conserving and

enhancing its landscape and scenic beauty. While the appeal proposal would be a small-scale development, it would nevertheless fail to conserve or enhance its landscape due to the harm I have identified.

13. The scale of the house would be generally in keeping with that of neighbouring properties. Furthermore, its detailed appearance would not be out of place given the setting of this residential estate. The absence of harm in relation to these points is a neutral factor.
14. The council granted permission for a new dwelling at the rear of 49 Ridgeway. However, that property is a bungalow and aligns with the established building line in the street scene. Accordingly, I am only able to give limited weight to that permission, and it does not outweigh the harm I have identified to the character and appearance of the area.
15. The appeal proposal would therefore conflict with policies HQ1 and EE7 of the Local Plan. Taken together these require that development enhance or reinforce the local distinctiveness of the area, including the AONB. It would also conflict with the aims of the Framework to achieve well-designed and beautiful places and conserve and enhance the natural environment.

Future occupier living conditions

16. The proposed house would have 2 bedrooms. The Nationally Described Space Standards (the Standards) require that for dwellings of two or more bedrooms, one bedroom must be at least 11.5 square metres. Each of the proposed bedrooms would be 11.2 square metres. The shortfall is slight but the Standards are intended as a minimum such that any shortfall would result in a substandard quality of accommodation for future occupiers.
17. The Standards only require that the second bedroom meet the minimum floorspace of 7.5 square metres. The second bedroom would exceed this and would therefore provide an acceptable standard of accommodation.
18. The council's Design Guide seeks a minimum garden depth of 10 metres and area of 50 square metres for two-bedroom houses. Both the existing and proposed gardens would meet the minimum area but would fail to provide rear gardens of the minimum depth sought. The expectations of the Design Guide do not carry the same weight as adopted policy, but nevertheless they seek to ensure high quality design in new development. The gardens to both the existing and proposed houses would be substantially shorter than 10 metres. The Design Guide does allow for a shortfall in depth in certain circumstances, including infill sites. However, the extent of shortfall would be substantial, especially given both the existing and proposed properties are two storeys in height. The resulting rear gardens would be so shallow that they would provide constrained and cramped accommodation of poor quality for the occupiers of the houses. The proposed house would also dominate and overshadow its rear garden. The overall size of the gardens would not offset their shallowness.
19. The appeal proposal would therefore fail to provide acceptable living conditions for the occupiers of the existing and proposed houses. It would conflict with the aims of Local Plan policies H2 and HQ1, which taken together require that development be of the highest possible quality, accord with the Standards and not cause an unacceptable adverse impact upon nearby existing uses, including

amenity. It would also conflict with the expectations of the Design Guide identified above.

Neighbour living conditions

20. The side window to the rear bedroom of the proposed house would face towards 2-8 Plewes Close, and permit overlooking of the front garden space. However, this is communal amenity space and open to public view in the street scene. It is already overlooked by the front windows of the flats within the blocks, as well as those of the properties on the opposite side of the street. Any increased overlooking from one more property would not cause harm to the living conditions of the occupiers of Nos 2-8.
21. The appeal proposal would therefore accord with the requirement of Policy HQ1 of the Local Plan that development avoid an unacceptable adverse impact upon nearby existing uses, including privacy.

Other Matters

22. The site falls within 12.6 kilometres of the Chiltern Beechwoods Special Area of Conservation (the SAC). The appellants have provided a unilateral undertaking committing them to pay for mitigation measures to offset any adverse effect arising from the appeal proposal. If I had otherwise been minded to allow this appeal it would have been necessary for me to undertake an Appropriate Assessment to determine whether this would have been sufficient to mitigate any likely significant effects to the integrity of the SAC. As I am dismissing the appeal on other grounds, however, I do not need to consider this matter further.
23. The appellant has suggested that replacement planting for the tree that would be lost could be provided through a landscaping condition. Had I otherwise been minded to allow this appeal, I am satisfied that an appropriately worded condition could have secured replacement planting.

Other considerations

24. The Framework requires that substantial weight is given to any harm to the Green Belt. The appeal proposal would be inappropriate development and would cause harm to the openness of the Green Belt. It would also be harmful to the character and appearance of the area, would fail to conserve or enhance the landscape of the AONB and would fail to provide acceptable living conditions for future and existing occupiers.
25. The proposal would create one new house, supporting the Government's objective of significantly boosting the supply of homes. The appeal site is in a sustainable village location with access to local services and facilities. As the proposal is for a single house this attracts limited weight in its favour.
26. The village of Kensworth was considered for inseting from the Green Belt during the council's review of its Local Plan. However, it was not inset so this is not determinative for this appeal. For the sake of clarity I have determined this appeal in accordance with national and local Green Belt policies.
27. Overall, these other considerations would not clearly outweigh the harm to the Green Belt by inappropriateness and loss of openness, as well as the other harm I have identified. Very special circumstances do not therefore exist in this

instance. The appeal proposal would therefore conflict with the requirements of the Framework and Policy SP4 of the Local Plan identified above.

Conclusion

28. For the reasons given above the appeal is dismissed.

M Chalk

INSPECTOR