



Appeal Decision

Site visit made on 6 August 2024

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2024

Appeal Ref: APP/P0240/W/24/3337009

58 Bullpond Lane, Dunstable, Central Bedfordshire, LU6 3BJ

- 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 A Reeves against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/01760/FULL.
 - The development proposed is new bungalow with associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The council in their appeal statement say that a suitably worded condition could address their reason for refusal relating to privacy. This accords with the finding of my colleague Inspector in relation to a previous appeal on this site¹. I see no reason to disagree and have determined the appeal accordingly.

Main Issues

3. The main issues are therefore:
 - The effect on the Chiltern Beechwoods Special Area of Conservation; and,
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Chilterns Beechwoods Special Area of Conservation

4. The appeal site lies within the zone of influence of the Ashridge Commons and Woods Site of Special Scientific Interest, which forms part of the Chiltern Beechwoods Special Area of Conservation (the SAC). The SAC is an internationally designated wildlife site recognised for its beech forests, dry grasslands and scrublands and stag beetle population. New residential development, alone or in combination with other developments, can result in increased recreational pressure on sites within the SAC. The council have adopted a mitigation strategy which places tariffs on new residential development to offset the negative impacts on the integrity of the SAC.
5. The appellant has indicated a willingness to enter into a financial agreement providing the required contributions identified in the mitigation strategy.

¹ Planning Inspectorate ref: APP/P0240/W/22/3297664

6. As the competent authority I am required to make an appropriate assessment of whether the development would be likely to result in a significant effect on the SAC. In this instance the provided unilateral undertaking is unsigned and undated. It is therefore not complete and would not secure the required contributions. The appeal proposal would consequently be likely to result in a significant effect on the SAC.
7. The appeal proposal would therefore be contrary to policy EE3 of the Central Bedfordshire Local Plan (the LP). This policy states that important habitats and sites of geological and geomorphological interest will be protected, maintained and enhanced.

Character and appearance

8. The appeal site faces onto Furness Avenue. Properties on Furness Avenue are a mixture of two-storey houses and bungalows, with the bungalows sited towards the far end of the street relative to the appeal site. Properties within the street typically occupy wider plots than the appeal site, generally with little or no space left to the side boundaries.
9. Within this context the proposed bungalow would sit between the host dwelling and the two-storey house at 2 Furness Avenue. While there are no other bungalows in the immediate vicinity of the appeal site, the overall character of the street is mixed and there would be no harm to it from a single bungalow in this location.
10. The appeal site is both narrower and shallower than neighbouring plots in the street. However, the proposal is for a one-bedroom bungalow. Given the relatively modest scale of the development, the plot size would allow sufficient space for it not to appear unduly cramped on the site.
11. The appeal proposal would reduce the depth of the plot for the host dwelling. Corner plots in the area provide spaciousness to the environment, and separation between rows of development. However, the host dwelling is a detached house occupying a large plot with space to both sides, as well as the front and rear. In addition, the opposite corner plot at 60 Bullpond Lane has been extensively developed, with off-street parking substantially reducing its rear garden. Given this context the reduction in depth of the rear garden of the host dwelling would not result in an undue loss of spaciousness or an overly cramped appearance in the street scene.
12. The appeal proposal would therefore not be harmful to the character and appearance of the area. It would comply with policy HQ1 of the LP which amongst other criteria requires that the size, scale and massing of developments relate well to the existing local surroundings. It would also accord with the Central Bedfordshire Design Guide, which amongst other things recommends that residential development be appropriate in scale and design to its setting.

Other Matters

13. The parties have referred to certificates of lawfulness granted for construction of a garage and outbuilding at the appeal site. For the avoidance of doubt, any such construction carried out under a property's permitted development rights would not result in increased recreational pressure. They are not therefore

directly comparable to the appeal proposal, and do not outweigh the harm I have identified by way of likely significant effect to the SAC.

Conclusion

14. In the absence of any secured mitigation measures the appeal proposal would be likely to cause a significant effect on the integrity of the SAC. There would be benefits arising from the development including the delivery of a new bungalow, supporting the government's objective of boosting the supply of homes. However, this would not outweigh the harm identified.
15. Therefore, the appeal proposal conflicts with the development plan and there are no material considerations to indicate a decision other than in accordance with it. Accordingly, for the reasons set out above, the appeal is dismissed.

M Chalk

INSPECTOR