



Appeal Decision

Site visit made on 20 August 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2024

Appeal Ref: APP/P0240/W/24/3339730

12A Back Street, Clophill, Central Bedfordshire MK45 4BY

- 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 & Mrs Richard Daniels against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/03829/FULL.
 - The development proposed is described as a detached chalet bungalow and associated works, new detached garage for remaining dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's appeal statement makes reference to appendices, however no appendices were attached. The Council have since confirmed that the missing documents solely contained their suggested list of conditions. These have now been provided and a copy has been shared with the appellant. The appellant has been given the opportunity to comment on the conditions. Therefore, I am satisfied that neither party has been prejudiced by this initial omission of information.

Main Issues

3. The main issues are the effect of the development on:
 - i) the character and appearance of the area, including the setting of the Clophill Conservation Area; and,
 - ii) highway safety.

Reasons

4. No.12A Back Street (No.12A) is a large detached dwelling set within a generous plot which includes a large front garden. No.12A is accessed via a track from Back Street. Land levels rise from Back Street meaning the appeal site occupies a more elevated position than the public highway and other dwellings to the front. Notwithstanding the elevated position of the site, the distance of the dwelling from Back Street, along with the presence of mature landscaping means that the existing dwelling is not prominent. There is some sense of enclosure along parts of Back Street created by dwellings positioned close to the road. However, the part of Back Street to which the appeal site

relates is characterised by a number of detached dwellings that are set back from the road, by varying distances and elevation. This provides a more dispersed and ad-hoc arrangement to the pattern of development in the immediate area to the appeal site.

5. The site lies adjacent to the Clophill Conservation Area (the CCA), although part of the access road does fall within its boundary. The CCA is concentrated along The High Street, Mill Lane, Kiln Lane, The Slade and Back Street, resulting in a linear boundary which is tightly drawn around these streets. The Clophill Conservation Area Appraisal (2008) provides an understanding of the significance of the CCA. I consider that the significance of the CCA lies within its historic origins and plan form, along with the architectural detailing and interest of its buildings. Given the proximity of the site to the CCA the land can be considered to fall within its setting.
6. There are no significant or important views across the appeal site into the CCA, while views out of the CCA are limited. Where they are available, they terminate with the built backdrop of the existing dwelling over its garden. The land is in domestic use as a garden and does not act as an important visual buffer to the CCA. Therefore, I do not find that the appeal site itself holds characteristics that are of importance to the setting of the CCA.
7. The proposal is for a detached bungalow, with accommodation within its roof space, and a detached garage for the existing dwellings. The dwelling would be sited on the land to the front of the existing property, which is sited to the rear of its plot. Due to the change in land levels, the proposed dwelling would be set at a lower level than the existing property. The existing plot is of sufficient size to accommodate both dwellings without the site appearing cramped or over developed.
8. This particular part of Back Street is characterised by a more informal pattern of development, with dwellings set behind one another and occupying a variety of elevated positions. The proposed dwelling would infill a gap between the existing property and those dwellings to the front which are closer to Back Street. The infilling of this gap would conform with this more informal arrangement of buildings. While it would sit higher than the dwellings to the front, it would be positioned below the elevation and overall height of No.12A. The dwelling would therefore respect the step change in heights and would be consistent with the scale and pattern of development in this part of Clophill.
9. There would be some views towards the dwelling from Back Street along the sites access road, although this would be at some distance. The dwelling would be set back from the front boundary of the site while it would be modest in height. There is a high level of existing vegetation, both on and off the site, which would also provide a degree of screening. Therefore, the siting, scale and surrounding features mean that the dwelling would not be prominent from Back Street. In any event, it would sit comfortably in the context of the informal pattern of those other dwellings off Back Street.
10. Given the elevated position of the site, during my site visit, I took time to observe the site from other streets within Clophill which may have views towards the site¹. In these views a roofscape of varying roof heights set

¹ Such as Cainhoe Road and Goodhall Crescent

amongst mature landscaping is apparent, while the existing dwelling is not prominent. The proposed dwelling, due to its modest height and orientation, is unlikely to project significantly above the skyline and would be viewed in the context of the variety of existing roofs and landscaping. Therefore, the development would not be harmful in wider views over Back Street.

11. The modest scale of the dwelling and limited prominence would mean that it would not visually compete with buildings or features of importance within the CCA. As such, I have not identified any harm that would arise to features which contribute towards its significance.
12. For the above reasons, the development would not have a harmful effect on the character and appearance of the area or the setting of the CCA. Therefore, the development complies with Policies HQ1 and HE3 of the Central Bedfordshire Local Plan 2015-2035 (2021) (the LP) and guidance contained within the National Planning Policy Framework (the Framework). These, amongst other things, require development to achieve high-quality design which responds positively to context, while seeking to preserve the setting of heritage assets. The development also conforms with the principles set out in the Central Bedfordshire Design Guide (2023), which provides guidance for achieving good design.

Highway Safety

13. The dwelling would be served via the existing point of access from Back Street. The existing access serves a number of domestic properties and an allotments. This part of Back Street is a narrow street with no footpath and has 30mph speed limit. From the access, visibility towards Mill Lane appears relatively good, however visibility in the direction of Bedford Road appears to be more restricted by the boundary wall of No.14a Back Lane (No.14a) and vegetation within the its curtilage.
14. The Design and Access Statement² suggests that visibility splays of 2.4m x 43m can be achieved from the site access. It states that these standards have been accepted for a new dwelling from an adjoining point of access leading to No.12 Back Street (No.12)³. However, while the access to No.12 is contiguous with the appeal site access, its actual junction point onto Back Street sits slightly further away from the apparent obstructions at No.14a. As such, the arrangements are not identical.
15. In any event, no details of the achievable visibility within the limits of the public highway have been provided. My observations on site suggest that the proximity of the access to No.14a is such that visibility may be significantly obscured and I am not persuaded that the suggested visibility could be achieved. In this respect, and in the absence of evidence to the contrary, I would concur with the Council that the access arrangements appear to be substandard. Given the apparent constrained nature of the access, I consider that detailed access arrangements which demonstrate the achievable visibility splays should be provided.

² At 3.0 – Design Principles: Layout

³ New dwelling at 12 Back Street (Ref: CB/20/02082/FULL)

16. I note that the width and nature of Back Lane is such that vehicles are likely to travel below the speed limit. This appeared to be the case during my site visit, although my observations on site are just a snap shot in time and may not be truly representative of actual speeds. I accept that vehicles travelling at lower speeds may, in some instances, justify a reduction to the required visibility splays. However, again, I do not have such detail to be certain what the average speed is at the location of the site access to be satisfied that any reduced visibility would be acceptable.
17. I note that there may be an intention to reduce the speed limit in the village to 20mph. Clearly, a reduction in the speed limit will reduce stopping distances and, in turn, the required visibility from the site access. However, I have no details to confirm whether this is a firm commitment and, if so, when these measures will be implemented. As such, this does not give me sufficient comfort to confirm that the access arrangements would be acceptable.
18. The degree of intensification of the site access would be limited to a single dwelling. Therefore, the development may only result in a limited uplift of additional vehicular movements. Notwithstanding this, any intensification of a substandard access could result in further vehicles edging out into the highway without having the appropriate visibility of vehicles approaching. This would increase the risk of a collision occurring. In the absence of any details to show how constrained this access is, based on my observations on site, I am of the opinion that an increase in vehicular movements may lead to highway danger.
19. The Council, in their suggested list of conditions, have recommended a condition for details of visibility splays of 2.4m x 43m be provided, should the appeal be allowed. However, as I cannot be satisfied that this visibility can be achieved in the first instance, such a condition would be unreasonable. Therefore, my concerns could not be addressed by this condition.
20. For the above reasons, insufficient information has been provided to demonstrate that the proposed development would not have an unacceptable effect on highway safety. Therefore, the development is contrary to policy T2 of the LP. This requires that development does not have a detrimental effect on highway safety by providing safe and convenient access.
21. However, I find no particular conflict with policy T3 of the LP, or the guidance contained within the Parking Standards for New Developments Supplementary Planning Document (2023) as these relate to parking provision.

Other Matters

22. The development is for the construction of a single self-build plot and it has been advanced that there are no policies within the Development Plan which are relevant. Therefore, it is suggested that paragraph 11d) of the Framework is engaged. The Council, in their officers report, make no reference to the development being a self-build project, or refer to any specific development plan policy in this regard. However, it is clear from the application form that it is the intention for the dwelling to be a self-build project. Notwithstanding this, the Council in their appeal statement have confirmed that Policy H6 of the LP is relevant. Policy H6 relates to "Self-build and Custom Housing".

23. Policy H6 confirms that, "*The Council will encourage applications for the delivery of serviced plots for SBCH on sites of fewer than 10 dwellings*". My interpretation of this wording is that the policy is clearly relevant to, and supportive of, self-build on smaller sites such as the appeal site. To this end, I am satisfied that there is a policy within the Development Plan which is relevant to small-scale self-build development. As such, I do not consider that paragraph 11d) is engaged.
24. Policy H6 does not set out specific targets for self-build delivery as demand is a matter informed by the Self-Build Register. The Council⁴ have confirmed that there has been an under provision of self-build plots in the Council area, while noting that there is an identified demand for additional plots within the Clophill parish area. The scheme would deliver a self-build plot within Clophill and therefore I consider that this is a matter which attracts significant weight in favour of the development.
25. I also acknowledge that there are other benefits of the development arising from the sustainable and well-connected nature of the site, the economic benefits arising during construction, and the economic and social benefits arising from providing a development which would help to maintain the vitality and viability of the community. Given the modest scale of the development, these attract slight weight in favour of the development.
26. While I acknowledge these benefits, I have found that there is insufficient information for me to conclude that the development would provide safe and convenient access as required by Policy T2. This potential for highway danger is a matter which attracts substantial weight against the development. Therefore, I do not consider the benefits, when considered in isolation or cumulatively, would outweigh this harm.

Conclusion

27. For the above reasons the appeal is dismissed.

D Cleary

INSPECTOR

⁴ Consultation response of the Housing Strategy & Implementation Officer, dated 07/12/23