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# Appeal Decision

Site visit made on 01 October 2024

**by N Robinson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> October 2024**

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**Appeal Ref: APP/P0240/W/24/3341107**

**1 Atterbury Avenue and land r/o 124 Vandyke Road, Leighton Buzzard, Bedfordshire LU7 3LE**

- 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 Vincenzo Trebisacce against the decision of Central Bedfordshire Council.
  - The application Ref is CB/23/03758/FULL.
  - The development proposed is demolition of existing detached garage and erection of a detached dwelling with associated parking for proposed dwelling and for existing property.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

3. The site is located in a residential area which has a suburban character. The site comprises a detached garage and part of the amenity space associated with 1 Atterbury Avenue and 124 Vandyke Road.
4. Although there is a variety of house design and scale on Vandyke Road, dwellings on Atterbury Avenue comprise predominantly semi-detached properties arranged in regimented rows in reasonably sized plots, with some detached dwellings in the immediate vicinity. Dwellings on Atterbury Avenue tend to have a general consistency in terms of their size, plot widths, and the positioning of dwellings within their respective plots. The site, along with other gardens makes a positive contribution to the spacious character and appearance of the immediate surrounding area.
5. The appeal proposal is for the erection of a detached 2-storey dwelling which would address Atterbury Avenue. Whilst the dwelling would be provided with adequate standards of internal accommodation and amenity space, it would be significantly narrower than properties in the immediate surrounding area and would occupy a demonstrably narrower plot. Though the dwelling would be set back in its plot in line with the dwellings on Atterbury Avenue, it would be positioned tight to the eastern and western site boundaries with very limited separation between the dwelling and the side elevation of 3 Atterbury Avenue.

6. Together the narrow width of the proposed dwelling, as well as its positioning within the plot relative to the site boundaries and adjacent built form, would combine to create a cramped form of development which would contrast markedly with the surrounding built form. The loss of amenity space would also result in a loss of the sense of spaciousness that the site contributes to the wider area, resulting in appreciable harm to the character and appearance of the area.
7. The appellant has sought to take design cues from neighbouring properties, for example, through the gable and roof line. However, such design aspects do not overcome the fundamental concern that the cramped appearance of the scheme does not represent a suitable form of development.
8. My attention has been drawn to developments in the local area<sup>1</sup> which, it is stated, appear incongruous within the street scene. However, these developments do not appear to be similarly cramped in form and thus do not appear to be directly comparable to the appeal proposal. Furthermore, even if I were to find that these developments are visually at odds with the character of the area, rather than set a precedent for similar forms of development, this highlights the need to assess each proposal on its individual merits. Additionally, whilst reference is made to an incongruous form of backland development, I have not been provided with the details of this proposal to give substantial credence to.
9. I note the appellant's argument that the proposal would make efficient use of an underused site. The National Planning Policy Framework (the Framework) promotes the development of under-utilised land to help meet the need for homes. However, this is not at the expense of well-designed development, which is also promoted by Chapter 12 of the Framework.
10. Whilst reasonably localised in its extent, the effect of the scheme would be to unacceptably harm the character and appearance of the area. Conflict therefore arises with those aims of Policy HQ1 of the Central Bedfordshire Local Plan (2021) which seek to ensure that developments are of the highest possible quality and respond positively to their context. I also find conflict with the Central Bedfordshire Design Guide (2023) which has similar aims, and with Chapter 12 of the Framework which requires that developments are sympathetic to local character.

## **Other Matters**

11. The appeal site lies within 12.6km of the Chiltern Beechwoods Special Area of Conservation (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 also refused planning permission for reasons relating to the effects on the SAC. As I have found harm in relation to the main issues, it is not necessary in this instance to undertake an appropriate assessment to consider the effect on the SAC.
12. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling on a small site with good access

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<sup>1</sup> Block of flats at Vandyke Road, semi-detached houses at junction of Meadway and Vandyke Road, properties at Lynwood Road

to facilities, services and public transport. This weighs in favour of the proposal. However, this benefit would be limited given the scale of the development.

13. In support of the proposal a neighbouring resident suggests that the appeal proposal would stop cars from parking on the corner of Atterbury Avenue and Vandyke Road. However, there is no particular evidence before me that that would be the case or that this is currently an issue. I therefore attribute limited weight to this as a benefit of the proposal.
14. The appeal property would be provided with adequate car and cycle parking, and I note that the Council raised no concerns regarding the effect of the proposal on the living conditions of the occupiers of neighbouring properties and I see no reason to take a differing view. However, compliance with the relevant policy requirements would be required in any case, therefore these matters weigh neutrally, rather than in favour of the proposal.
15. It is suggested that the existing garage is of insufficient width to park a vehicle. Even if that is the case, that does not overcome my concerns in relation to the proposal's harmful effect on the character and appearance of the area.

### **Conclusion**

16. The proposal conflicts with the development plan and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

*N Robinson*

INSPECTOR