



Appeal Decision

Site visit made on 6 May 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/P0240/W/24/3356583

Land at and adjacent to 24 Rook Tree Lane, Stotfold, Hitchin SG5 4DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Bird against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/01370/OUT.
 - The development proposed is erection of a detached dwelling house [Self/Custom Build] and new crossover to serve the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application seeks outline planning permission with all matters reserved, except for access. I have considered the appeal on this basis and have treated any details in relation to the reserved matters as illustrative.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and
 - highway safety

Reasons

Character and appearance

4. The appeal site is located to the side of No 24, a two storey detached property which faces a narrow track that is used to access the appeal site and Nos 22 and 24 Rook Tree Lane. The track is also a public right of way (PROW) which runs through the site and to open fields.
5. The surrounding area is predominantly residential with dwellings of varied styles and sizes. This variety contributes positively to the character and appearance of the area. The open frontages seen on many of the properties and the presence of hedgerows and mature trees contributes to the area having an open and verdant character.
6. Several residential cul-de-sacs are located south of the appeal site, including a new build development immediately to the rear of the appeal site. I observed that a sense of spaciousness prevailed, with modest gaps between buildings and/or boundaries, contributing to the spacious character of the wider area. The current

openness of the appeal site contributes to this spacious character and is experienced from the PROW running through the site.

7. An indicative layout plan shows a dwelling directly abutting the western boundary, in very close proximity to No 24. Whilst I recognise that layout is a reserved matter, a dwelling positioned tight to the boundary and in close proximity to the adjacent property would be at odds with the surrounding grain of development and that of the cul-de-sac to the rear, where larger gaps between detached dwellings are more evident.
8. Given the locational constraints of the plot, including the nearby PROW and the need for a parking space that allows for a car to turn and exit the track in forward gear, I am not persuaded that a dwelling positioned further away from No 24, while still providing sufficient rear and internal amenity space and parking, could be accommodated on the plot without the development appearing cramped and contrived, which would be at odds with the character of the surrounding area.
9. Whilst largely screened by No 24 when viewed from Rook Tree Lane, the introduction of a dwelling on this site would appear prominent from the PROW and, overall, would erode the existing sense of spaciousness and open character. This impact would be exacerbated further if the dwelling were located even closer to the PROW than that shown on the indicative layout plan.
10. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. Accordingly, I find conflict with Policy HQ1 of the Central Bedfordshire Local Plan 2015-2035 (2021) (LP). This, amongst other matters, seeks to ensure development enhances or reinforces local distinctiveness.

Highway safety

11. The proposal seeks to create a new crossover from Rook Tree Lane to serve No 24. This would provide two parking spaces for the property, which would negate the need for the owners to use the access track for vehicular purposes. The appellant contends that this would mitigate the increased use of the track arising from the proposed new dwelling.
12. No visibility splay has been submitted for the proposed crossover at No 24. Consequently, I cannot be certain that sufficient visibility could be achieved to ensure safe access in and out of the designated parking area. The submitted block plans indicate that vehicles would overhang into the public highway. This narrowing of the footway would cause an obstruction for pedestrians on a section of the footway which is particularly busy due to the proximity of a bus stop and nearby school, which would be of detriment to pedestrian safety.
13. The width of the access track also falls short of the required 4.8 metre width. This results in a narrow track whereby only one vehicle can enter and exit the site at any one time. Conflict could occur where two vehicles attempt to enter and/or exit simultaneously, requiring vehicles to wait on Rook Tree Lane, causing an obstruction to vehicles and pedestrians. Furthermore, the absence of a pedestrian refuge within the access, could result in conflict between vehicles and pedestrians on the PROW.

14. A visibility splay of 2.4 metres by 25 metres has been submitted for the existing access track, which the appellant argues demonstrates that sufficient visibility can be achieved. Whilst vegetation within the appellant's ownership could be cut back, and a condition could be imposed to restrict its height, part of the visibility splay appears to cross land outside of the appellants control. As such, the appellant would not have control over the height of this vegetation. Given the tall height of the hedgerow flanking the access track where it joins Rook Tree Lane, I am not persuaded that sufficient visibility could be achieved. Due to the limited visibility, vehicle users exiting the site would have to drive out on to the narrow footway, which, I observed was busy with pedestrians. This would be heightened during times of school drop off and pick up. Moreover, whilst I note Rook Tree Lane is only 20mph, I observed the road was heavily parked, further restricting visibility.
15. Given that I have found the proposed parking at No 24 would not be adequate, the proposal would likely increase the use of the access track. I recognise that the property could be suitable for older or disabled occupiers and is in close proximity to a bus stop and local services within walking distance, something the Framework supports by seeking opportunities to promote walking, cycling and public transport. Furthermore, I do not dispute that the proposal would be likely to generate limited vehicular movements over the course of the day and I note that no accidents have occurred at the point of access. Be that as it may, no matter how small the increase, drivers would be required to negotiate a substandard access track, increasing the likelihood of accidents where I have found that sufficient visibility would be unlikely to be achieved.
16. The appellant has provided limited information regarding the precise bin collection location, indicating that refuse collection would take place from the street, consistent with existing arrangements for other dwellings along Rook Tree Lane. Whilst this may be the case, the proposal would further increase clutter around the access point, causing further detriment to visibility, which is already limited. Given the narrow footpath, an additional bin would result in further obstruction for pedestrians.
17. The Council is concerned that large delivery and ambulance sized vehicles may not be able to satisfactorily turn within the site. Although a swept path analysis has been submitted, it only illustrates how a large car could manoeuvre within the site. Based on the evidence before me, I am not able to be satisfied that larger vehicles could undertake a similar manoeuvre. It may necessitate reversing, which would be unacceptable given the narrow width and limited visibility on the access track. Such movements would have an adverse effect on other vehicle and pedestrian traffic using the PROW.
18. In conclusion, for the reasons above, the proposal would cause unacceptable impact on highway safety. It would thus be contrary to Policy T2 of the LP. This seeks to ensure that new development, amongst other matters, does not have a detrimental effect on highway safety and provides safe and convenient access. It would also conflict with Policy T3 of the LP which requires development to have regard to car parking standards set out in Central Bedfordshire Council's parking strategy.

Other Matters

19. The proposal is for a self-build dwelling, and would be an effective use of land on a small site. Such sites can often be built out relatively quickly. However, whilst this weighs in favour of the scheme, it does not justify introducing harmful development as I have identified above.
20. Notwithstanding my findings on character and appearance, the plot could accommodate a dwelling which would not result in adverse living conditions for neighbouring occupiers. However, an absence of harm in this regard weighs neither for nor against the proposal.
21. I note that the proposed dwelling could be suitable for the elderly and/or disabled. However, whilst noting the description of development states market/self-build, the application form indicates the proposal would be for market housing. In either case, there is little guarantee that the proposed dwelling would be available to elderly and/or disabled buyers, with no mechanism before me to secure it as such. This therefore carries limited weight.

Conclusion

22. 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. Therefore, I conclude that the appeal should be dismissed.

T Bennett

INSPECTOR