
Appeal Decision

Site visit made on 5 August 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/P0240/W/25/3360102

51 Poynters Road, Dunstable LU5 4SG

- 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 J Baig against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/01695/FULL.
 - The development proposed is the erection of an attached 2 storey dwelling and alteration to dropped kerb access to existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development given on the application form in the banner heading above. However, in so doing I am mindful that the proposal does, in fact, incorporate the creation of a new vehicle access to the existing dwelling and that the “dropped kerb” is a feature of the highway connected with the existing pedestrian crossing.
3. A completed, but unsigned planning obligation in the form of a Unilateral Undertaking (UU) was provided with the appeal. The Council have commented upon this UU and I have taken account of this here. A highways statement was also provided with the appeal and, again, the Council have commented upon this. These documents do not involve a substantial difference or a fundamental change to the application, being mindful of the Wheatcroft¹ and Holborn² principles. The Council have commented upon these documents and given that no third parties have made observations on these specific matters, it would not cause procedural unfairness to anyone involved in the appeal by my taking account of them here.

Main Issues

4. The main issues are:
 - 1) the effect of the proposed development on highway safety,
 - 2) the effect of the proposed development on the character and appearance of the area, and
 - 3) the effect of the proposal on the integrity of the Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) within the Chilterns Beechwoods Special Area of Conservation (SAC).

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Reasons

Highway safety

5. The appeal site addresses Poynters Road which is a Class C classified Road. The proposal incorporates the re-use of the existing vehicle access to the site for the proposed dwelling. It also includes a new vehicle access to give parking to the existing dwelling. This latter access would expand and utilise an existing dropped kerb which forms part of an uncontrolled pedestrian crossing that includes a pedestrian refuge in the centre of the carriageway. This crossing and refuge are one of numerous such features that run the length of Poynters Road.
6. The new access would result in vehicles entering or leaving the site by traversing the pedestrian crossing. This would create conflict at a point where pedestrians would quite reasonably expect a place of refuge from vehicles. Furthermore, when making a right turn into or out of the site, vehicles would have to make a convoluted manoeuvre and, for a short distance, would have to travel in the wrong direction along the carriageway due to the pedestrian refuge.
7. This is of particular concern as it is not possible for vehicles to turn within the site, therefore there would be at least one vehicle access or egress movement undertaken in reverse. These manoeuvres are highly unlikely to be expected by pedestrians using the crossing. This is not adequately shown on the tracking plans provided with the appeal.
8. The appellant conducted a pedestrian and cycle survey over a twelve-hour period on a typical weekday observing this crossing. I accept that the results of this indicated a low number of pedestrian movements. It does, however, indicate that this crossing is used and therefore results in an increased risk as a conflict would be introduced by the proposal. This is a risk that does not presently occur. Moreover, as this type of crossing is a clear feature of Poynters Road, it would represent an erosion of the impression of safety by users along the full length of the road and undermine the purpose of the refuges.
9. The National Planning Policy Framework (the Framework) sets out at paragraph 115 b) that it should be ensured that safe and suitable access to a site can be achieved for all users. Paragraph 116 explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The proposal would result in situations of uncertainty, inconvenience and danger to pedestrians, cyclists and motorists and therefore, whilst of a relatively small scale, would nevertheless undermine the proper functioning of the road network.
10. Therefore, the proposal would result in a detriment to the safety and convenience of users of the highway and would conflict with policy T2 of the Central Bedfordshire Local Plan (CBLP) and provisions of the Framework.

Character and appearance

11. The site is set along Poynters Road, a long straight road flanked by a mix of housing types and styles. However, semi-detached and terraced homes predominate the area, and these are commonly set back from the road with front gardens, of which many have been adapted to form driveways and parking areas.

12. Gaps between homes vary and these range from relatively spacious layouts, such as those at and around the appeal site, on this side of the road, to more intimate ones. Therefore, whilst spacious layouts are a feature of the area, they are not a defining one.
13. The proposal would comprise a side extension to the existing dwelling and alter these homes from a pair of semi-detached homes to a terrace of three. The form and detailing of the proposed dwelling would reflect the style and appearance of the existing pair of semi-detached homes, and that of neighbouring ones. The gentle change in topography means that the proposed dwelling would be slightly higher than its neighbour at number 53, but this is no different to other changes in roof heights between buildings due to the slope of the land.
14. The gap between 51 and 53 would be substantially reduced and the resultant space between these homes would be notably less than other properties of the same style along this part of the road. Nevertheless, there would still be an appreciable break in the built form and, as I have highlighted, these gaps are not a defining feature of the area due to the mix of vernaculars.
15. Accordingly, I conclude that the proposed development would integrate satisfactorily with the character and appearance of the area. It follows that the proposal complies with policy HQ1 of the CBLP and Framework in that it achieves a high quality design in this regard.

SSSI and SAC

16. The appeal site lies within the zone of influence for the SSSI within the SAC. I have noted that the appellant has provided a draft UU to secure mitigation against the adverse effects created by increased recreational activity arising from additional residents. Whilst the Council have provisionally indicated that they are satisfied with the wording of the UU, this planning obligation has not been certified and executed.
17. Nevertheless, as the appeal is to be dismissed, there is no need for further consideration to be given to this, nor for me to undertake an appropriate assessment or to consider the provisions of the Conservation of Habitats and Species Regulations 2017.

Planning Balance and Conclusion

18. Neither party has provided me with advice as to whether the Council can demonstrate a five year supply of deliverable housing land or details of the Housing Delivery Test results. I have therefore not explored any implications having regard to paragraph 11 d) of the Framework.
19. I have found that the proposal would be detrimental to highway safety. Nevertheless, I have also found that it would not cause harm to the character and appearance of the area. The site is in a sustainable location and would not result in any adverse effect upon neighbours living conditions. However, these matters, along with other neutral considerations, weigh neither for, nor against, the scheme.
20. The proposal conflicts with the development plan due to the adverse highway safety impacts and the material considerations do not indicate that the appeal should be decided other than in accordance with the development plan.

21. For the reasons given above, the appeal should be dismissed.

N Bowden

INSPECTOR