



Appeal Decision

Site visit made on 2 September 2025

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 25th September 2025

Appeal Ref: APP/P0240/W/25/3366634

65 to 67 Cemetery Road, Houghton Regis, Bedfordshire, LU5 5DA

- 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 Indigo Residential Developments Ltd against the decision of Central Bedfordshire Council.
 - The application Ref is CB/25/00370/FULL.
 - The development proposed is the erection of two detached bungalows and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on existing trees and the provision of landscaping; and
 - whether there are any other considerations that indicate a decision other than in accordance with the development plan.

Reasons

Character and appearance

3. The area is suburban and despite a variation in architectural design, this portion of Cemetery Road is predominantly characterised by one and two-storey detached and semi-detached properties fronting the highway with long, verdant rear gardens. The appeal site comprises the residential curtilages of Nos 65 and 67, a detached and semi-detached bungalow respectively, with the proposed development focused to the rear of their properties. Notwithstanding the required maintenance, the rear gardens significantly contribute to the open, verdant character of the rear garden environment.
4. The host dwellings would remain unchanged with a development density commensurate to the local area. Nonetheless, the proposal would introduce two dwellings in a backland position which would fail to replicate the road fronting pattern of development seen in the area. Although the dwellings would have a low-profile ridge design and be similar in size to the surrounding dwellings, they would fill the majority of the width of the site. Whilst this is commonplace for the properties

fronting the highway, within the immediate garden context, the proposed dwellings would appear substantial and dominant.

5. The subdivision of the existing curtilage of Nos 65 and 67 would result in uncharacteristically small plots with minimal road frontage. I note the appellant's assertion that there is sufficient space surrounding the properties and that all space standards would be exceeded. However, a large proportion of the appeal site would be dominated by built development and hardstanding. Whilst the proposal would provide sufficient outdoor amenity, parking and turning space, the sites development with two bungalows and associated features would appear cramped when viewed in relation to the surrounding large, open gardens.
6. My attention has been drawn to No 73A Cemetery Road, which comprises a backland dwelling. However, elements of its design, including plot size, separation distances and proportion of built development are significantly different. Moreover, No 73A does not positively contribute to the area and its' existence does not justify the harm identified to the character and appearance of the area as set out above.
7. Consequently, I conclude that the proposal would harm the character and appearance of the area, in conflict with Policies HQ1 and HQ8 of the Central Bedfordshire Local Plan 2015-2035 (July 2021) (CBLP), where they require developments to be of the highest possible quality and respond positively to the existing pattern and grain of development, with consideration given to landscaping. Similarly, it would be contrary to the National Planning Policy Framework (the Framework) which, amongst other things, require development to maintain and be sympathetic to an area's prevailing character and setting.

Existing trees and the provision of landscaping

8. According to the appellant's Tree Survey Arboricultural Impact Assessment and Preliminary Method Statement the appeal site comprises seven Category C trees and one hedge row. An additional two trees are identified in close proximity to the boundary within neighbouring gardens. The hedge is located along the boundary of the rear garden of No 65 with the trees spaced throughout the rear garden of No 67. Regardless of the trees' retention categories, they form a considerable canopy which contributes significantly to the verdant, garden character.
9. The proposal would require the removal of all trees and hedges. Given the estimated remaining life expectancy of the planting and their overall health, I do not consider a modest shortfall in housing land supply to form a sufficient justification for their removal. Moreover, there is no indication that the retention of the existing trees within the site layout has been considered. Further, the loss of trees adds to my concerns regarding the character and appearance of the area as set out above.
10. The appellant contends that the site is not formally identified as part of the Green Infrastructure Network and that the proposed replacement trees are sufficient to compensate for the loss of the existing trees. However, CBLP Policy EE4 requires that lost trees are replaced with appropriate planting of equivalent scale, canopy cover and habitat connectivity. I note that there would be a net-gain in the number of trees on-site however, the proposed scale and canopy cover would not be equivalent to the lost trees, nor would their disparate positions within the site provide habitat connectivity equal with that of the existing planting.

11. Therefore, I conclude that the proposal would unduly harm existing trees and would fail to provide adequate replacement landscaping. In these respects, it would conflict with policy EE4 of the CBLP which requires that development incorporates existing trees or sufficiently justifies their loss and provides equivalent replacements. The proposal would also conflict with the Framework where it seeks to retain existing trees wherever possible.

Other considerations

12. The proposed dwellings would be served via a private drive which would provide safe access. The proposal would not harm the living conditions of surrounding residents and would provide sufficient living conditions for future residents. Further, several ecological and biodiversity enhancements would be provided on-site. Nevertheless, this would be expected of any well-designed development and as such are neutral matters which neither weigh in favour of nor against the proposal.
13. The appellant maintains that the Council cannot demonstrate a minimum of five years' worth of housing as required by Framework paragraph 78 and has provided various appeal decisions which support that finding¹. The Council disputes this and has provided a five-year housing land supply statement and methodology document that states it can demonstrate 5.07 years' supply of housing sites.
14. However, whilst the information the Council has provided appears to be reasonably up-to-date, I have no detailed evidence on which to assess the Council's position and form my own conclusion. Therefore, given the recent appeal decisions referred to by the appellant, and giving them the benefit of the doubt, I have proceeded on the basis that the Council cannot demonstrate the required housing land supply, but that the shortfall is minimal and that the issue is not persistent.
15. The proposal would provide two additional dwellings in an accessible location, that would contribute to the districts housing supply and variety. Whilst the proposal would only deliver two dwellings this would nonetheless be valuable in boosting the housing stock in circumstances where there is a shortfall. Additionally, there would be modest economic benefits during construction, and from future residents who would help to support existing services and facilities.
16. The proposed dwellings would be served via a private drive which would provide safe access. The proposal would not harm the living conditions of surrounding residents, would provide sufficient living conditions for future residents and would not lead to an increase in flooding. Further, several ecological and biodiversity enhancements would be provided on-site. Nevertheless, this would be expected of any well-designed development and as such are neutral matters which neither weigh in favour of nor against the proposal.

Other Matters

17. The parties agree that the development would generate additional recreational impact on the Chiltern Beechwoods Special Area of Conservation and is therefore subject to a one-off tariff as identified in the Mitigation Strategy. However, as I have already identified harm in respect of the main issues, it is not necessary for me to undertake an appropriate assessment, as even if no harm was identified or any

¹ Appeal References: APP/P0240/W/24/3347671, APP/P0240/W/24/3352102, APP/P0240/25/3360168 and APP/P0240/W/25/3363523

harm successfully mitigated, these would be neutral considerations at best and therefore would not alter the outcome of the appeal.

Planning Balance and Conclusion

18. The proposal would conflict with the development plan as a whole. However, because of the housing land supply position, paragraph 11 d) of the Framework is engaged.
19. The proposal would deliver two additional housing units in a district that currently has a shortfall in housing. Two dwellings would make a modest but useful contribution as indicated by paragraph 73 of the Framework. Furthermore, the dwellings would be accessible and make efficient use of land, in line with the provisions of the Framework. Given the limited scale of the proposal, the social and economic benefits would be limited. As such, the benefits of the proposal are of moderate weight.
20. Set against this the proposal would harm the character and appearance of the area and result in the loss of all existing trees on site which would not be adequately replaced. It would conflict with the Framework where it requires development to be sympathetic to local character and recognise the wider benefits from natural capital, including trees, retaining existing trees wherever possible. These matters have significant weight.
21. As such, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for securing well-designed places. Therefore, the proposal does not benefit from the Framework's presumption in favour of sustainable development.
22. The proposal would conflict with the development plan as a whole, and there are no material considerations, including the Framework and the benefits of the proposal, that indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal is dismissed.

K Allen

INSPECTOR