



Appeal Decision

Site visit made on 26 October 2017

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th November 2017

Appeal Ref: APP/P0240/W/16/3164862

Land to the rear of 8 - 12 Water Lane, Flitwick MK45 1LD

- 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 Mrs Yasmin Shariff (Water Lane Flitwick Ltd) against the decision of Central Bedfordshire Council.
 - The application Ref CB/15/04665/FULL, dated 1 December 2015, was refused by notice dated 13 June 2016.
 - The development proposed is development of 10 new detached dwelling houses, associated landscaping, parking and other associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Refusal Reason 4 on the Council's Decision notice relates to whether the proposal makes appropriate provision for surface water drainage. As part of the appellant's appeal statement, the appellant has submitted further information and infiltration rate calculations and I will return to this later under the other matters relating to this appeal.

Main Issues

3. The main issues are the effect of the proposed development on
 - (i) the character and appearance of the area;
 - (ii) the living conditions of the occupiers of the neighbouring properties with particular regard to light, privacy and outlook; and
 - (iii) Whether the proposal makes appropriate provision for off-street parking in the interest of highway safety.

Reasons

Character and appearance of the area

4. The appeal site comprises an open rectangular parcel of land at the rear of Nos. 8 - 12 Water Lane (Nos. 8 - 12) and part of the garden area at the side of No. 12. It is located in a mature well-established residential area that has a mixed suburban character with a range of bungalows and two storey properties typically set back from the road behind front gardens/driveways in

relatively spacious plots. No. 12 being situated on a corner plot has even more expansive grounds, which add to the open character and appearance of the street scene, which is further enhanced by the presence of mature landscaping and established trees within the surrounding gardens. These properties, along with those in the surrounding residential streets, are also predominantly built in brick with pitched tiled roofs. These features give the area a strong unifying character and appearance.

5. The proposal would involve the construction of 10 no. three/four bedroomed, three storey detached dwellings each with an integral garage, driveway, garden and vehicular access off Water Lane. The contemporary style dwellings with two storey projections at the front would be built on narrow plots with shallow asymmetric roof pitches. Although they would have comparable roof heights to the adjacent properties, the shallow pitched roofs would create a large expanse of roof. The external finish of the dwellings would be predominantly constructed from light coloured render and grey slate roof tiles.
6. Whilst the proposed development would not appear overlarge, relative to the overall plot size, the overall massing of the three storey dwellings extending across the frontage of the site combined with the roof design would nevertheless be substantial in this location. As such, although they would be set back and stepped down at the front of the site and would have comparable roof heights to the adjacent properties, the proposed dwellings, by virtue of their massing, layout and design, would appear visually cramped and compromise the sense of space and openness in the area.
7. Whilst individually the innovative design of the dwellings has some merits, cumulatively the contemporary appearance and full elevational rendered finish would be very much at odds with the older more traditional character and appearance of many of the properties in the area. The front elevations of the proposed dwellings on Plots 1-8 would also have no ground floor windows overlooking Water Lane that would create a lack of active frontage. This would be contrary to the advice contained in the Central Bedfordshire Design Guide 2014 (CBDG) which encourages the provision of windows overlooking footways and activity at ground floor level to create a sense of security and safety.
8. These shortcomings would be exacerbated by the hard edged appearance of the new car hardstanding areas with limited soft landscaping at the front of the dwellings and the appeal site's prominent position, which would be visible from a number of public vantage points along Water Lane. As such, I consider the proposed development would adversely harm rather than positively contribute to the character and appearance of the area.
9. I have considered the appellant's arguments that the design and layout of the proposed dwellings has been carefully considered in order to provide an innovative design solution to the development of the site that would be in keeping with the other properties in the area. Whilst the use of matching roof materials, landscaping and the boundary treatment would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above. I note the appellant's comments regarding the context provided in the National Planning Policy Framework (the Framework) for good design and that planning decisions should not attempt to impose architectural styling and should not stifle innovation, originality or initiative in design, but I find that the proposal does not achieve the standards the Framework seeks.

10. I have noted the other developments in the area drawn to my attention by the appellant. However, the three storey flats on Kings Road and the small backland development at White Horse Mews have different development characteristics to the appeal scheme. The large residential development at Froghall Field relates to a different scale and form of development. I note the examples of other dwellings with a rendered finish but this does not set a precedent for such an inappropriate development in this location for the reasons set out above. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as precedents in this case.
11. Consequently, I conclude that the development would adversely harm the character and appearance of the area. It would conflict with Policies CS14 and DM3 of the Central Bedfordshire Core Strategy and Development Management Policies Development Plan Document (North) 2009 (CS) and the CBDG. These policies and guidance seek, amongst other things, to ensure all proposals for new development will be of the highest quality design that would be appropriate in scale and design to their setting, respects its local context and contributes positively to the local distinctiveness of the area. In addition, it would not accord with the aims of the Framework that development should seek to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

Living conditions of the occupiers of the neighbouring properties

12. The proposed dwellings on Plots 8 and 9 would be located on or within 1m of the common boundary of the rear garden of No. 12 Water Lane (No. 12) and would result in the three storey dwellings running along the full length of the southern rear and eastern side boundaries of the rear garden. The semi-detached property at No. 12 currently has uninterrupted views over the open garden areas and the appeal site at the rear of the property.
13. Whilst the proposed dwellings would be located some distance from the rear elevation of No. 12, they would be situated in close proximity to the rear garden. Given the proposed overall layout, massing and the design of the dwellings, the separation distance and the orientation of the buildings, I consider the proposal would result in a significant loss of available light in the rear garden and dominate the views from the garden at the rear of No. 12. It would introduce dominant and overbearing structures in close proximity to the common boundary that would severely restrict the outlook of No. 12.
14. The proposed dwelling on Plot 1 would be situated parallel to and stepped back behind the adjacent two storey semi-detached properties at Nos. 18 and 20 Water Lane (Nos. 18 and 20) to the south of the site. The proposed dwelling would set back at a right angle from the side boundary of the property and the rear garden at No. 18. The nearest ground floor windows to the habitable rooms at the side of No. 18 would be separated from the appeal site by a close boarded fence of about 2m high.
15. Whilst I accept there would be some impact from the development, given the design and layout of the proposed dwelling, stepped back and set back, together with the boundary treatment and the separation distance between the properties, I consider that the proposed dwelling on Plot 1 would not cause

significant harm to the outlook at the rear of the neighbouring properties, nor dominate the views to cause an unacceptable sense of enclosure from the rear windows and garden at No. 18 and rear garden of No. 20.

16. The proposed dwellings on Plots 1- 4 would be located approximately 29m from the rear elevation of the two storey detached properties at Nos. 20 and 22 Orchard Way (Nos. 20 and 22) to the rear of the site. The nearest windows to the habitable rooms at the rear of Nos. 20 and 22 and their rear gardens would be separated from the appeal site by a close boarded fence. In addition, the rear garden of No. 6 Water Lane and mature vegetation are situated at the rear of No. 22. The Council's appeal statement outlines that the CBDG Design Supplement indicates that typically, back to back distances of 21m for traditional two storey dwellings. However, as this proposal relates to three storey dwellings, the Council indicate that this distance must be adjusted to provide an acceptable level of privacy.
17. Whilst I accept that there would be some overlooking of the dwellings at Nos. 20 and 22, given the separation distance, boundary treatment and modest size of the windows at first and second floor levels in the proposed dwellings, I do not consider that the proposal would cause significant harm to the privacy, nor result in significant overlooking of the occupiers in the rooms and gardens at the rear of the dwellings at Nos. 20 and 22. However, this is not a determinative factor on its own.
18. Consequently, I conclude that the development would result in harm to the living conditions of the occupiers of No. 12 Water Lane with particular regard to light and outlook and the development conflicts with CS Policies CS14 and DM3 and the CBDG. These policies and guidance seek, amongst other things, to ensure all proposals for new development will be of the highest quality design that respect and protect the amenities of the neighbouring and surrounding properties. In addition, it would be contrary to the aims of the Framework that development should seek to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Parking arrangements

19. The proposal would entail the construction of an integral garage and car hardstanding at the front of each of the dwellings. The Council's Highway Department as the Local Highway Authority (LHA) has objected to the development stating it does not have satisfactory parking provision.
20. The LHA requires two parking spaces for each of the dwellings with a minimum garage size of 3.3m (width) by 7.0m (long). The LHA outlines that neither the proposed garage nor the driveway parking would be of sufficient size to comply with the minimum parking design requirements set out in Sections 1.13 and 5.05 of the CBDG. The LHA states that in accordance with the CBDG, garages designed below the minimum requirements will not be counted as a parking space and that the proposed driveways would not allow access to the garages without vehicles overhanging the footway to the detriment of pedestrian safety.
21. The appellant considers that the proposed development provides two parking spaces in accordance with these parking space design requirements and has questioned the weight that should be given to the guidance in the CBDG. Whilst I acknowledge that this is only guidance, it is a material consideration that carries significant weight as an adopted supplementary planning document

and provides evidence to assess more objectively the impact of the proposed development on highway safety.

22. Paragraph 32 of the Framework states that decisions should only be prevented or refused on transport grounds where the residual impacts of development are severe. In view of the scale of development, it is evident that the impact of the development on highway efficiency would not be severe. However, paragraphs 32 and 35 of the Framework go on to state that decisions should also take into account whether safe and suitable access to the site can be achieved for all people.
23. From the evidence provided and from my observations on site, I consider that the proposed parking arrangements are neither safe nor suitable to safely cater for the traffic movements from the proposal, due to the proposed design of the integral garages and the lack of driveway space. The users of the garages and the driveways would be severely restricted by the overall dimensions of the garages and parking areas to be provided at the front of the properties. This would significantly reduce the ability of drivers to use the proposed garages and driveways safely and as such would result in vehicles potentially overhanging the footway and additional displaced parking on the roads in the immediate vicinity of the site contrary to highway safety in the area.
24. Consequently, I conclude that the proposal would have a detrimental effect on highway safety and would be contrary to CS Policy DM3 and the CBDG. This policy and guidance seeks, amongst other things, to ensure all proposals for new development will provide adequate areas of parking in accordance with the minimum parking standards and design requirements set out in the guidance. In addition, it would not accord with aims of paragraphs 32 and 35 of the Framework, which seeks to ensure that a safe and suitable access to the site can be achieved for all people and that a safe and secure layout can be achieved which minimises the conflicts between traffic and cyclists or pedestrians.

Other Matters

25. Refusal Reason 4 on the Council's Decision notice relates to whether the proposal makes appropriate provision for surface water drainage. As part of the appellant's appeal statement, the appellant has submitted further information and infiltration rate calculations. Whilst the Council still raise some concerns that the infiltration rate is low, they consider that it is acceptable subject to appropriate storage requirements and further calculations being carried out at the final detailed design stage. Based on the evidence before me, I have no reason to disagree that this matter could not be satisfactorily dealt with through an appropriate planning condition dealing with surface water drainage in order to protect the surrounding development from increased risk of flooding.
26. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the Framework states that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate such a supply. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision making this means that where the development plan is absent, silent or relevant policies are out of date, planning permission will be granted unless any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Sustainable development is identified as having social, economic and environmental roles in the Framework.

27. The appellant states that the proposal would be well connected to existing services and facilities and provide some social and economic benefits through contributing to the supply and mix of housing and the local economy in the area, providing construction jobs and would make efficient use of previously developed land in an accessible location.
28. However, while I note the appellant's view that the scheme's design and sustainable construction measures would amount to environmental benefits, I have found above that taken overall the development would harm the area's character and appearance, the living conditions of the occupiers of the neighbouring property at No. 12 Water Lane and the highway safety in the area. This harm would conflict with the environmental dimension of sustainable development and, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the Framework as a whole. The proposal would not therefore amount to sustainable development in the terms of the Framework.
29. I have noted the objections raised by local residents to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

30. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR