



Appeal Decision

Site visit made on 29 September 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 26th October 2022

Appeal Ref: APP/P0240/W/22/3298555

Land Adjacent to Amber Lodge, Hatley Road, Wrestlingworth SG19 2EH

- 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 Mr and Mrs K Webb against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/05363/FULL, dated 1 December 2021, was refused by notice dated 3 March 2022.
 - The development proposed is the erection of a detached dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) character and appearance of the surrounding area; (b) safety of other highway users and (c) the future occupiers from a risk from flooding.

Reasons

Character and Appearance

3. An appeal was dismissed (Ref APP/P0240/W/19/3237944) for residential development located on land adjacent to Amber Lodge with the Inspector raising concerns about the effect of the proposal on the character and appearance of the surrounding area and the countryside. This previous appeal proposal was in outline form and the development proposed was for the erection of a single dwelling in an unspecified location. This appeal scheme includes full details of the design and siting of a proposed dwelling.
4. The proposed dwelling would be sited on land outside the settlement envelope of Wrestlingworth as defined on the Proposals Map for the Central Bedfordshire Local Plan (LP). Outside settlement envelopes, LP Policy SP7 recognises the intrinsic character and beauty of the countryside and only particular types of development will be permitted. The policies which have been referred to by the parties, including those in the Cockayne Hatley Neighbourhood Plan (NP), do not provide for general housing development outside settlement envelopes.
5. As with the previous scheme, the appeal site is part of the garden to Amber Lodge and this has an open, verdant and rural character which is separate from the adjacent residential development. Although the contrary is claimed by the

appellants, the siting of the proposed dwelling would not represent an infill housing development. There is a clear pattern of linear housing development fronting High Street and Hatley Road. The appeal scheme would not infill a gap within this frontage development and thereby respect the established settlement pattern.

6. Instead, the appeal scheme would involve the erection of a 2-storey dwelling that would significantly reduce the openness of the appeal site and introduce a built form of development onto land which relates more the surrounding open and verdant countryside rather than the settlement. The siting of the proposed dwelling would, therefore, be an intrusive and incongruous feature within the countryside and, as such, it would conflict with LP Policy EE5 by failing to reflect local character and distinctiveness in terms of the scale and pattern of the surrounding landscape and existing settlement form.
7. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with LP Policies SP7, EE5 and HQ1 which, amongst other matters, refer to development being well related to the existing local surroundings and reinforcing local distinctiveness.

Highway Safety

8. Vehicular access to the proposed dwelling would be from Hatley Road via a narrow bridge across a watercourse. The bridge is located at a right-angled bend in the road and there is also an access serving garages to the rear of dwellings fronting Hatley Road. This access is also a public right of way.
9. The width of the bridge is sufficient for only one vehicle to cross at any one time and the evidence indicates the appellants could not increase the width to allow a 2-way flow of traffic due to land ownership constraints. Accordingly, it would be necessary for a vehicle entering or exiting the appeal site to wait for the bridge to become available to use if it was already being crossed.
10. From the observations made during the late morning/early afternoon site visit, the traffic travelling along the road was infrequent and because of the bend travelled at low speed. By reason of being on the outside of the bend, if a vehicle exited the site across the bridge the drivers of other vehicles, and other highway users, would be able to see the exiting vehicle. Equally the driver of the vehicle exiting the site would be able to see other users of the highway because there is adequate visibility along the roads. The same visibility considerations apply to those using the access to the garages, including people walking along the public footpath.
11. A vehicle exiting the site would be able to see another vehicle crossing the bridge and be able to wait within the site. If a vehicle sought to enter the site and the bridge was already being used then it would have to wait on the road which would cause an obstruction to the free flow of traffic. However, the relatively low number of vehicle trips generated by a single dwelling throughout a day, and also taking into account the potential for the occupiers of Amber Lodge to use the bridge, there would not be a significant number of instances of a vehicle potentially waiting on the public highway to use the bridge.
12. Further, the time taken for a vehicle to cross the bridge and manoeuvre onto the road would not be significant. Any delay to the low number of vehicles

travelling along the road would not be a significant impediment to the free flow of traffic on the existing highway network nor create an unacceptable safety hazard to other highway users. Accordingly, it is concluded that the proposed development would not cause a danger to the safety of other highway users and, as such, there would not be a conflict with LP Policy T1. This reflects the assessment of the previous Inspector who referred to the appeal site being served by a safe highway access.

Risk of Flooding

13. Although about 30 metres away from the watercourse and outside the fluvial floodplain, it is common ground that the proposed dwelling would be sited on land which is the subject of surface water flooding as identified on mapping provided by the Environment Agency. The appellants claim that because of the size of the appeal site then it would be possible to address surface water flooding and sustainable drainage concerns via appropriate conditions rather than submitting any details as part of the appeal application.
14. However, as a more vulnerable form of development, the National Planning Policy Framework (the Framework) states that where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable), it can be demonstrated that, amongst other matters, within the site the most vulnerable development is located in areas of lowest flood risk, the development is appropriately flood resistant and resilient, it incorporates sustainable drainage systems, any residual risk can be safely managed and there would be safe access and escape routes. This approach towards development in an area of high risk of surface water flooding is echoed in LP Policy CC3.
15. The information sought by the Framework has not been submitted and, as such, the impact of the proposed development on flooding and the potential effect of flooding on the occupiers of the proposed dwelling cannot be fully assessed. It would be inappropriate for this information to be submitted pursuant to a condition because it may affect the principle, siting and design of the appeal scheme. For these reasons, it is concluded that the future occupiers of the proposed development would be at risk from flooding and, as such, it would conflict with the Framework and LP Policies CC3 and CC5 and NP Policy W3 which, in addition to surface water flooding, refer to details of sustainable drainage systems to be provided. A conflict with LP Policy CC4 concerning development close to watercourses has not been identified.

Conclusion

16. Although the proposed development has been assessed as not causing a danger to the safety of other highway users this issue is demonstrably and significantly outweighed by the unacceptable harm which would be caused to the character and appearance of the surrounding area and the future occupiers being at risk from flooding. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR