

Appeal Decision

Site visit made on 27 September 2016

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 17 October 2016

Appeal Ref: APP/K0235/W/16/3152493

Land to the rear of 40 Churchill Close, Stewartby, Bedfordshire MK43 9LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Flynn against Bedford Borough Council.
 - The application Ref 16/00022/FUL, is dated 6 January 2016.
 - The development proposed is erection of three (3x) dwelling-houses and associated works.
-

Decision

1. The appeal is dismissed and planning permission for the erection of three (3x) dwelling-houses and associated works is refused.

Application for costs

2. An application for costs was made by Mr Flynn against Bedford Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council's Officer Report concludes that, had they been in a position to determine the application, they would have refused planning permission on grounds that the proposal would be harmful to the character and appearance of the area and to that of Stewartby Conservation Area.

Main Issue

4. Therefore, the main issue raised by this appeal is the effect the proposed development would have on the character and appearance of the area, including its effect on the significance of Stewartby Conservation Area, a designated heritage asset.

Reasons

5. The appeal site is located to the rear of semi-detached houses on Churchill Close and adjacent to the large rear gardens of these properties. Its boundary with School Lane is largely marked by a mature hedge and a footpath runs along the south side of the site. The area is in the main characterised by semi-detached houses with large rear gardens. Although the appeal site is separated from the remaining garden of 40 Churchill Close and largely covered with hardcore its openness reflects the predominantly spacious character of the gardens to the rear of Churchill Close, making a positive contribution to the area's character.
-

6. Stewartby Conservation Area has a low density plan form as part of its planned model village layout which contributes to the open character of the village. The relationship between the distinctive townscape of groups of houses of consistent and attractive design with spacious gardens and associated open spaces are one of the Conservation Area's defining characteristics and hence a key element in its significance.
7. Whilst the rear gardens of properties on Churchill Close are less formal than the open spaces which provide the setting to the frontages of houses in the village they nevertheless make an important and positive contribution to this spacious character and appearance.
8. This architectural and historic character and appearance would be harmed by the introduction of a short terrace in a location which would not reflect the historic, planned layout of the model village with its distinctive arrangements of houses lining Churchill Close, Green Lane and Stewartby Way and the spacious rear gardens which provide a backdrop to this arrangement. Although the site has been separated from the remaining garden of 40 Churchill Close, the further subdivision of the site and introduction of a more dense pattern of development would also harm this spacious character and appearance.
9. The loss of the mature hedge would diminish the leafy appearance of the top part of the west side of School Lane to the detriment of the area's character and erode the 'garden village' appearance of this part of the Conservation Area. The proposed development would be particularly prominent as a result and would also be noticeable from Churchill Close, especially when viewed between Nos 40 and 41 where the footpath runs alongside the site. This would make the proposal's incongruous effect on the historic layout apparent. Notwithstanding the existing lack of greenery within the site or its proposed surfacing material, the extensive parking area which would serve the development would also fail to preserve or enhance the area's character and appearance as a result of its extent and situation.
10. Although the design of the houses attempts to broadly reflect the appearance of those on Churchill Close and adjoining streets, the three house linked terrace form would not reflect the characteristic semi-detached configuration of those dwellings and the design lacks many of the subtleties of those existing buildings including, but not limited to, roof, eaves, lintel, string course, chimney and porch details.
11. There is a group of semi-detached houses of more recent appearance and with considerably less generous gardens on the other side of School Lane, located not far from the appeal site. However, these do not make the same contribution to the area's character that the appeal site does and it is notable that these properties lie outside the Conservation Area. Their presence does not affect the setting of the Conservation Area to an extent which would make the development acceptable.
12. There are some out buildings and garages which are situated between houses on Churchill Close and School Lane which have eroded the spacious garden character at the rear of those properties to a degree. However, they are single storey and remain set in generous gardens. They are not so prevalent, and have not changed the character of the area between School Lane and Churchill Close to such an extent, that the proposed development would not appear incongruous in its setting.
13. The utilitarian appearance which the various school buildings and associated spaces opposite present to School Lane similarly do not have such an adverse effect that would render the harmful effect of the proposed dwellings acceptable. In any event

the character of the school and development on the east side of School Lane is clearly distinct from that of the rear garden area of Churchill Close within which the proposed development would be set.

14. The combined effects of these aspects of the proposal would materially harm the character and appearance of the village and of the Conservation Area, and consequently the heritage asset's significance. As such the proposal would not comply with Bedford Borough local Plan, 2002 Policies BE9, BE11, BE29, BE30, BE35, BE37, H24 and H38 or Bedford Borough Council Development Plan Document Core Strategy and Rural Issues Plan, 2008 Policies CP2, CP21 and CP23.
15. Together these policies seek to: ensure that development is designed to the highest standards; protect and enhance the character and appearance of conservation areas and the character of villages; protect important historic and cultural features; protect and reinforce local distinctiveness; ensure that the scale, form, visual impact and density of development is appropriate to its context, including within villages, and; only permit the development of garden land where there is no harm to the existing character of the area.
16. Bearing in mind paragraph 132 of the National Planning Policy Framework (the Framework), and having paid special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area, I have given this harm considerable importance and weight in reaching my decision.
17. This harm to the significance of the heritage asset would be less than substantial due to its relatively localised effect on the wider Conservation Area. Whilst the proposed development would deliver benefits in the form of three new homes and the associated investment in a part of the Borough the Council have identified as a Growth Area, in the context of paragraph 134 of the Framework such public benefits would be limited and would not outweigh that harm. I note that the Council considers that it can demonstrate a five year supply of deliverable housing sites which limits the benefits those houses would bring.
18. The proposal would also fail to accord with the Framework's approach to requiring good design, in particular that it would not respond to local character and history or reflect the identity of its surroundings. Other than the appellant's Sustainability Statement, there is little substantive evidence to suggest the development would have high levels of sustainability. In any event, the Framework's concession at paragraph 65 for such proposals which are incompatible with townscapes does not apply where material harm to a designated heritage asset would result which is not outweighed by other benefits.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, the proposal would harm the character and appearance of the village, and consequently the significance of the Conservation Area, contrary to the development plan and the Framework. The appeal is therefore dismissed and planning permission refused.

Geoff Underwood

INSPECTOR