
Appeal Decision

Site visit made on 31 August 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 20th October 2016

Appeal Ref: APP/P0240/W/16/3149297

Land to the rear of 6 Queens Close, Northill, Bedfordshire, SG18 9AR

- 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 A Irwin of Irwin and Simpson against the decision of Central Bedfordshire Council.
 - The application Ref: CB/15/04624/FULL, dated 22 November 2015, was refused by notice dated 11 February 2016.
 - The development proposed is the erection of two detached dwellings with two detached garages.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dwellings with two detached garages at Land to the rear of 6 Queens Close, Northill, Bedfordshire, SG18 9AR in accordance with the terms of the application, Ref: CB/15/04624/FULL, dated 22 November 2015 subject to the conditions in the attached schedule.

Procedural matter

2. The second reason for refusal related to the adequacy of the proposed access to the appeal site and the implications of this for highway safety. The appellant submitted a drawing with the appeal that contained more detailed information and dimensions of the access track. The Council have had the opportunity to consider this additional drawing and have confirmed in their Statement of Case that they are no longer raising an objection to the proposal on highways grounds. I have therefore determined the appeal on that basis.

Main Issues

3. The main issue in this appeal are:
 - The effect of the development on the character and appearance of the surrounding countryside; and
 - Whether the site is a suitable location for housing having regard to the development plan and the principles of sustainable development.

Reasons

4. The appeal site comprises approximately 0.19 hectares of land and forms part of the large domestic curtilage of 6 Queens Close. It is currently laid out and maintained as a garden area. Access to the site is gained by a currently
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unsurfaced track leading from Ickwell Road. The site is bounded to the east by a similar large garden area of a neighbouring house and to the west, planning permission has been granted at appeal for two dwellings within the garden area of another neighbouring property. At the time of my site visit this site had been cleared and stripped of topsoil but development had not commenced.

Character and appearance

5. Policy DM3 Central Bedfordshire Core Strategy and Development Management Policies 2009 (CSDMP) seeks a high standard of design in new developments that is appropriate in scale and design to its setting, respects local distinctiveness, and contributes positively to creating a sense of place. Whilst the built form along Ickwell Road is linear in character, due to the distance from the road and the presence of intervening properties, although the proposed dwellings would be glimpsed through gaps in the frontage development this would not, of itself, materially alter the character of Ickwell Road. In addition there is development in depth on Sand Lane immediately to the north of the appeal site where houses are seen beyond those on the street frontage. The proposed development would not be inconsistent with this.
6. Within the village there is a range of architectural styles and building ages evident with no prevailing size, height or design. This architectural diversity is part of the defining character of the village. The proposed dwellings would be of a contemporary design, but this draws on materials and design features that can be found elsewhere in the village and surrounding area. As such the design of the proposal would not be inherently objectionable. Moreover, due to its location set back from the main road, it would be read in context with the new development that has been approved on the adjoining site rather than with the existing properties on Ickwell Road or Sand Lane and Queens Close.
7. I therefore find that the proposed development would not cause harm to the character and appearance of the area. It would comply with the requirements of Policy DM3 of the CSDMP which seeks to ensure that new development is of a high standard of design that respects its context and makes a positive contribution to local distinctiveness. It would also be consistent with the National Planning Policy Framework (the Framework) which seeks a high standard of design in new developments.

Suitability of the site for housing

8. CSDMP Policies CS1 and DM4, when taken, together set out the development strategy for the area, focussing growth on principle towns and larger settlements and limiting the overall scale of development in rural areas to reflect the size and character of the community, define settlements and protect the countryside.
9. It is common ground between the parties that the Council cannot demonstrate a five year supply of deliverable housing sites. I note that the Council state that it currently has a 4.76 years supply and that it is confident that the shortfall of 467 dwelling can be made up in the short term, however, no substantive evidence has been submitted that would support this position.
10. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing land and as Policies CS1 and DM4 seek to restrict

development outside settlement envelopes they are relevant policies in this respect. The appellant suggests that no weight should be given to Policy DM4. Nevertheless, settlement envelopes are still a useful tool to establish whether development is appropriately located in relation to services, facilities and public transport. As such the policies would therefore still have some weight. It is not disputed that the appeal site is outside of the settlement envelope and is therefore contrary to Policy DM4.

11. The appeal site lies just beyond, but immediately adjacent to the settlement envelope of the village. The supporting text to Policy DM4 makes it clear that outside settlements the countryside needs to be protected from inappropriate development. The appeal site is presently part of a domestic curtilage and is contiguous with the large garden areas of houses to the east. It also does not extend significantly beyond the domestic curtilages of houses to the south on Ickwell Road. Although the proposal would increase the extent of built development, it would not result in the expansion of domestic curtilages and occupation beyond their current boundaries or encroach into the countryside beyond these.
12. The proposal would make a small contribution to the housing supply in the area and would have modest economic and social benefits through the investment in its construction and use of local services. There are a limited range of facilities and services in the village that are within walking distance of the site and there is a bus stop with hourly services to Bedford and Biggleswade during the day opposite the site access. Although the reliability of the bus service has been questioned by some of the third parties, there is no substantive evidence to show that this is the case. Whilst it is perhaps inevitable that occupiers of the development would have to use private cars to access some goods and services, they would not be entirely dependent on the private car and the location of the appeal site does allow opportunities to access employment, shops and services by other modes of transport.
13. Although the proposal is contrary to Policy DM4, due to the lack of a five year housing land supply, only limited weight can be given to the policy. The appeal site immediately adjoins the settlement envelope and there are a number of benefits from the development that, in addition to the fact that the site would not lead to encroachment into the countryside, would justify a conclusion other than in accordance with Policy DM4. I therefore find that the site is a suitable location for housing.

14. Other matters

15. Although the Council is no longer objecting to the proposal on highways grounds, concerns have been expressed by third parties in respect of the adequacy of the access to the site. The appellant has provided accurate dimensions of the access with the appeal. These have not been challenged by the Council and from what I saw on my site visit I have no reason to doubt their accuracy. The Manual for Streets 2007 sets out that the minimum carriageway width required for two cars to pass is 4.1 metres. The access track exceeds this width at the access from the highway until approximately 10 metres into the site after which the available width would be reduced to 3.7 metres to allow for a hardstanding area for refuse bins. Whilst this width would only allow for single file traffic movements, there is sufficient forward visibility to allow oncoming vehicles to see each other and wait at a point where they can pass.

In addition, I saw on my site visit there is adequate visibility at the junction with Ickwell Road to allow vehicles to safely egress from the access track. I am therefore satisfied that the proposal can achieve a safe and convenient access.

16. Due to the separation distance of the proposed dwellings from existing houses, I am satisfied that there will be no loss of privacy to or loss of outlook from existing neighbouring properties arising from the development. Whilst concerns have been raised in respect of noise and disturbance, I do not consider that the normal domestic occupation of the proposed dwellings would result in excessive noise.
17. Concerns have also been raised in respect of flooding, the capacity of utilities to accommodate the development and the effect of the development on wildlife. There is no substantive evidence to show that the area is liable to flooding or that adequate connections to drainage or electricity or gas supplies could not be achieved. The appeal site is currently a domestic garden which would have only limited ecological value and I note that the Council's ecologist has no objections to the proposal.
18. It is also suggested that development of the site would create a precedent for further development of garden areas or outside of the settlement envelope. However, no directly similar or comparable sites to which this might apply were put forward. Each planning application and appeal must be determined on its own individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

Conclusions

19. Paragraph 49 of the Framework requires that proposals for housing should be considered in the context of the presumption in favour of sustainable development. The presumption in favour of sustainable development is set out in Paragraph 14 of the Framework which states that, where relevant policies are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. Paragraphs 7 and 8 of the Framework set out the three dimensions to sustainable development; economic, social and environmental, and state that these are mutually dependent. I have found that the development would not cause harm to the character and appearance of the area or encroach into the countryside. The proposal would make a small contribution to the housing supply in the area and would have some economic and social benefits through the investment in its construction and use of local services. The location of the appeal site does allow opportunities to access employment, shops and services by other modes of transport than the private car. In this respect the development would meet the aim of moving to a low carbon economy and would represent an environmental benefit.
20. The proposal would therefore represent sustainable development. Although the proposal is contrary to CSDMP Policy DM4, in the absence of a deliverable five year supply of housing land this policy must be considered as out-of-date and only limited weight can be given to it. No adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of the proposal and the presumption in favour of sustainable development is a material consideration that justifies a conclusion other than in accord with Policy DM4.

21. I have had regard to the conditions suggested by the Council. In order to provide certainty as to what has been granted planning permission I have attached a condition specifying the approved drawings. The submitted drawings contain little detail in respect of the landscaping of the site and there are a number of trees on the site that it is proposed to retain. It is therefore necessary to attach a condition requiring the submission of a landscaping scheme in order to ensure that the development integrates with the surroundings and the trees to be retained are identified. As it is necessary to ensure that the retained trees are protected during the entire construction period, a condition specifying the protection measures is also required. This condition and the landscaping condition need to be pre-commencement conditions as the tree protection measures need to be in place for the duration of the development.
22. As there is some evidence that the site may be of archaeological interest, it is necessary to attach a condition requiring investigation and recording of the site. As this has to be carried out before the site is developed, this condition has to be pre-commencement. Due to the constrained nature of the access and the position of the site access on a main road with limited parking, it is necessary to attach a condition requiring that a Highways and Site Management Method Statement be produced to manage parking, deliveries, and storage of materials during the construction phase. This condition must also be pre-commencement as the method statement is required to be in place for the whole construction period.
23. In order to ensure that the development is in keeping with the surrounding area a condition requiring the approval of the materials is required. For a similar reason, as the submitted plans also contain little detail regarding boundary treatments and a condition requiring the provision of these details is also required. In order to ensure that proper access arrangements and arrangements for the presenting of refuse bins for collection are in place it is necessary to require details of these to be approved and provided prior to occupation of the dwellings. As there is also some evidence that unexpected contamination may be encountered during the development due to historic land uses in the area, a condition requiring this to be addressed if necessary is required.
24. The Council have suggested that a condition requiring finished ground levels to be approved is should be imposed. There are no significant level changes on the site, or between the site and the surrounding land, and the degree of separation from existing properties is such that minor differences in height would not harm the living conditions of neighbouring occupiers. Consequently, I do not consider that such a condition would meet the test of necessity set out in the Framework.
25. For the above reasons, and having regard to all other matters raised I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1378-10-4 (Site Plan and Location Plan); 164870 16-02 (Proposed Site Plan); 13-107 1C (Ground Floor Plan); 13-107 2C (First Floor Plan); 13-107 3C (Front and Rear Elevations); 13-107 4C (Side Elevations); 13-107 E12C (Sections); 00-000 1D (Ground Floor Plans); 00-000 2D (First Floor Plans); 00-000 3D (Front and Rear Elevations); 00-000 4D (Side Elevations); 14-085 5A (Garage); 14-085 5C (Garage)
- 3) No development shall commence until a scheme of landscaping has been submitted to, and approved in writing by, the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained, and set out measures for their protection throughout the course of development.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) All the trees and hedges shown on the landscaping plan submitted under Condition 3 as "to be retained", and/or any trees whose canopies overhang the site, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 6) No development shall take place until a Written Scheme of Archaeological Investigation shall have been submitted to, and approved in writing by, the local planning authority. The scheme shall include an assessment of significance and research questions, and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;

- v) the provision to be made for archive deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

- 7) No development shall take place, including any works of demolition, until a Highways and Site Management Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) delivery, demolition and construction working hours.

The approved Method Statement shall be adhered to throughout the construction period for the development.

- 8) No development shall take place above the level of the damp proof course of the buildings until samples of all external facing materials have been submitted to, and approved in writing by, the local planning authority. Thereafter, the relevant works shall be carried out in accordance with the approved sample details.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to, and approved in writing by, the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 10) A scheme shall be submitted for approval in writing by the local planning authority indicating the positions design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the first dwelling is occupied and retained thereafter.
- 11) The development shall not be occupied until details of the means of vehicular access, parking and turning areas, and the junction between the proposed service road and the highway, including materials and drainage, shall have been submitted to, and approved in writing by, the local planning authority; and shall thereafter be retained.
- 12) The development shall not be occupied until such time as a refuse collection point located close to the junction with Ickwell Road but outside of the public highway has been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority.