
Appeal Decision

Site visit made on 11 October 2016

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 8 November 2016

Appeal Ref: APP/P0240/W/16/3152444

Rear of 3 Park Palings Walk, Haynes Silver End, Bedfordshire MK45 3PY

- 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 C.R. Baldock against the decision of Central Bedfordshire Council.
 - The application Ref CB/15/04715/FULL, dated 9 December 2015, was refused by notice dated 8 February 2016.
 - The development proposed is the erection of a single storey dwelling and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey dwelling and associated parking at the rear of 3 Park Palings Walk, Haynes Silver End, Bedfordshire MK45 3PY in accordance with the terms of the application, Ref CB/15/04715/FULL, dated 9 December 2015 subject to the conditions set out in the schedule at the end of this decision.

Background and Main Issue

2. The background to this appeal involves an appeal decision in 2001 (APP/J0215/A/01/1066933) for a similar proposal on the same property, which was dismissed. The development plan at that time identified Haynes as a small village, where residential development was limited to infill, so as to protect its rural character.
3. Since then the policy context has changed. Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) (the Core Strategy) now defines Haynes as a Large Village, where Policy DM4 establishes that small scale housing will be permitted within the Settlement Envelope. The Proposals Map shows the appeal site as located within the Settlement Envelope. On this basis the Council confirms that the principle of new residential development at the appeal site is now acceptable, with no requirement for it to constitute infill.
4. In the light of this and the Council's reason for refusal, the main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Character and Appearance

5. The appeal site is located within a small cul-de-sac development of three detached houses at the end of Park Palings Walk, in a maturely landscaped,

semi-wooded setting, on the south-western edge of the village of Haynes. The main part of the site comprises a long, rectangular plot of garden land, adjoining the side and rear gardens to 2 and 3 Park Palings Walk on its south and east sides. It is accessed via a strip of land which runs between the front gardens of nos. 2 and 3. To the west the site adjoins open countryside and to the north a small area of woodland. Substantial hedgerows and mature trees line its eastern and southern boundaries with nos. 2 and 3 and the boundary with the fields to the west.

6. Policy DM3 of the Core Strategy requires all new development to be appropriate in scale and design to its setting, contribute to creating a sense of place and respect local distinctiveness. Paragraph 58 of the National Planning Policy Framework (the Framework) seeks to ensure that development will add to the overall quality of the area, respond to local character and reflect the identity of surroundings and materials.
7. The appeal proposal would insert a single storey dwelling onto the existing plot. Its design and materials would reflect the variety of architecture and materials on the surrounding properties. The site is largely unseen from the entrance the cul-de-sac and from the adjoining fields and footpaths to the west due to the substantial tree cover. The proposed dwelling would likewise not be very visible from the surrounding area, partly due to its low level design and its position on the plot set back from both the end of Park Palings Walk and the field boundary, behind mature trees and hedgerows. The plans and arboricultural assessment submitted with the appeal show the retention of the existing trees and hedgerows, subject to appropriate protection methods. As such the visual impact of proposal the on the surrounding area would be very limited.
8. I recognise that the size of the plot is considerably narrower than the three surrounding properties within the cul-de-sac. However, Park Palings Walk and the wider area are characterised by a variety of plot shapes and sizes. The position of the proposed bungalow, set back from the adjoining properties at nos. 2 and 3, would also ensure ample space between the dwellings, retaining the spacious feel and character of the surrounding development. For similar reasons, the Inspector for the 2001 appeal also found that the proposed dwelling would not be overdevelopment.
9. I have carefully considered the effect of the proposal at the edge of the village, noting the conclusions of the previous Inspector on this point. However, that appeal was determined under different policies, which limited development within the village to infilling to protect its rural character. For that reason the Inspector considered that the fringe land just inside the settlement boundary should be safeguarded. The policy context for this appeal does not offer such a safeguard, but permits small scale housing development within the Settlement Envelope, defined on the Proposals Map as the western boundary of the appeal site, subject to the Policy DM3 requirement to respect local character.
10. The proposed dwelling would be positioned roughly in line with the western elevation of the house at no. 2 and be set well back from the boundary of the site with the adjoining fields. Its position in relation to the settlement boundary would be consistent with other properties along Silver End Road adjoining the countryside. From my own observations on site, in any glimpsed views of the dwelling from adjoining fields through the surrounding tree cover, it would appear within the existing built envelope of the village at this point.

For these reasons, I find that the proposal would not unacceptably extend the built form of the village outwards nor represent an inappropriate consolidation of the built form of the village up to the settlement boundary.

11. I note the concerns that this proposal, if allowed, could set a precedent for similar developments on the fringes of the settlement, which would be difficult for the Council to resist. However, it is a core principle of the planning system that each application is determined on its own merits. I have explained why in this particular case the proposed development would not compromise the settlement edge and would accord with the development plan policies.
12. Therefore, I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. Accordingly, it would comply with Policy DM3 of the Core Strategy and be consistent with paragraph 58 of the Framework.

Other Matters

13. I note the concerns expressed by the occupiers of neighbouring properties about the effect of the proposed development on their living conditions, in particular the potential for disturbance to the occupiers of no. 3 from use of the access and a risk to highway safety due to the limited space around the end of cul-de-sac in Park Palings Walk. However, the access mainly runs along the front garden boundary to no. 3 and as such the noise arising from vehicles accessing one dwelling is unlikely to be significant. There is also a substantial hedge along this boundary. This could be supplemented with boundary fencing, which could be controlled by condition. Together these would help to mitigate the limited visual or noise impacts arising from passing vehicles. In terms of highway safety, there would be adequate sight lines and visibility onto Park Palings Walk beyond the existing hedge line for vehicles leaving the property and ample space on the property for off-road parking.
14. Concerns have also been raised about the potential threat to the existing mature trees at the property and the overshadowing effect of the tree canopy on the future occupants of the proposed dwelling. However, the majority of these trees are not within the site, the most significant specimens are protected by a Tree Preservation Order and the arboricultural assessment submitted with the application does not suggest any tree removal would be necessary for the development to proceed. A range of tree and root protection measures are recommended to protect the trees and hedgerows during construction, including a no-dig construction method for the driveway. These could be secured by condition. Although there would inevitably be some overshadowing created by the trees surrounding the site, large areas of the property would still be exposed to sunlight and the design and orientation of the dwelling would permit adequate natural light into its main living space from the west. I also note reference to bats in the locality, but given that the tree cover would be retained and no buildings demolished, there is little evidence of a threat to bat roosts or foraging areas.
15. The appeal site is located within an area of archaeological interest with the potential for late prehistoric to post-medieval remains. However, I note that the Council's archaeologist considers this should not be an overriding constraint on development, subject to a condition requiring investigation, recording, analysis and reporting of any archaeological deposits affected by the proposed development.

16. Finally, I note the absence of a 5 year housing land supply within Central Bedfordshire and the Council's admission that the development plan policies for the supply of housing land are out of date. However, given my conclusion on the main issue and the absence of any significant harm arising from the other matters considered above, the third bullet point under the presumption in favour of sustainable development in paragraph 14 of the Framework applies and the development should be approved without delay. Accordingly, it is not necessary for me to reach a conclusion under the fourth bullet point of paragraph 14 of the Framework.

Conditions

17. I have considered which planning conditions are required having regard to the tests contained in the Planning Practice Guidance and the conditions suggested by the Council. I have attached conditions limiting the life of the permission in accordance with the requirements of the Act and specifying the approved plans in the interests of proper planning. A condition requiring samples of external materials to be approved is necessary to ensure the dwelling respects the character and appearance of the area. A scheme of archaeological investigation is required to understand the significance of any heritage assets which may exist within the site. Conditions requiring the submitted tree protection measures to be implemented, including a no-dig construction technique for the driveway, are necessary to protect the trees and hedgerows on and adjacent to the site and maintain the character of the area. I have included a condition requiring boundary treatments to be approved and implemented in the interests of the living conditions of the neighbouring occupiers. A condition to ensure the vehicular parking and access areas are provided on site is necessary in the interests of highway safety.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions specified.

M Hayden

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: A15-119-SLP001, A15-119-SP100, A15-119-PL100, A15-119-EX001 and A15-119-EX002.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall take place within the area shown within the boundary coloured red on the submitted plan no. A15-119-SLP001 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:
 - 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.The development shall only be implemented in full in accordance with the approved scheme of Archaeological Investigation.
- 5) The development hereby approved shall be implemented in accordance with the Arboricultural Assessment and Tree Protection Method Statement dated February 2014 and drawing no. BGC1/PARK Palings/TPP Rev.0 submitted with the application.
- 6) A scheme shall be submitted to and approved in writing by the local planning authority showing the positions, design, materials and type of boundary treatment to be erected around the development hereby permitted. The boundary treatment shall be implemented in accordance with the approved scheme before the dwelling hereby approved is occupied.
- 7) Before the dwelling hereby approved is occupied all on site vehicular areas shown on the approved plans shall be constructed and surfaced.
- 8) The new access shall be of "no-dig" construction in accordance with drawing no. BGC1/PARK Palings/TPP Rev.0 submitted with the application.