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# Appeal Decision

Site visit made on 20 December 2016

**by Alex Hutson MATP CMLI MArborA**

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

**Decision date: 12 January 2017**

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**Appeal Ref: APP/P0240/W/16/3157381**

**2 Ampthill Road, Silsoe, Central Bedfordshire MK45 4DX**

- 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 Jim Gill - J C Gill Developments against the decision of Central Bedfordshire Council.
  - The application Ref CB/16/00742/FULL, dated 19 February 2016, was refused by notice dated 28 April 2016.
  - The development proposed is erection of a single detached four-bedroom dwelling, detached garage and alterations to the main house to form an additional 2 bed unit at basement level. The application also introduces alterations to the access drive, parking area, fences and removal of trees.
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## Decision

1. The appeal is dismissed.

## Main issues

2. The main issues are:
  - Whether the proposal would preserve or enhance the character or appearance of the Silsoe Conservation Area;
  - Whether the proposal would provide adequate living conditions for any future occupiers of the basement dwelling with particular regard to sunlight and daylight and outlook; and
  - Whether the proposal would provide adequate living conditions for any future occupiers of the detached dwelling with particular regard to sunlight

## Reasons

### *Conservation Area*

3. The appeal site, which includes a building known as Silsoe House, lies within the Silsoe Conservation Area (SCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." Paragraph 132 of the National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, Paragraph 135 of the Framework requires that the effect of an application on
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the significance of a non-designated heritage asset should be taken into account.

4. Silsoe House is a large, detached, attractive building dating from the mid-19<sup>th</sup> century which has been converted to a number of flats. It is set back a considerable distance from Ampthill Road and occupies a prominent location. Silsoe House is identified as a Building of Local Interest on the SCA map. In light of this and given its age, character and prominence, I am satisfied that it can reasonably be classified as a non-designated heritage asset.
5. An area of parking is provided in an informal arrangement to the front of Silsoe House. A number of trees and shrubs are present around the southern and eastern boundaries of the appeal site where these boundaries adjoin Ampthill Road and High Street respectively. Whilst comprising a number of evergreen species, glimpsed views through this vegetation towards Silsoe House can be obtained from the junction of Ampthill Road and High Street. An informal area of soft landscape, which predominantly comprises lawn, is present between the car park area and Silsoe House.
6. The open character of the car park area provides a strong sense of space at the junction of Ampthill Road and High Street. The vegetated southern and eastern boundaries of the appeal site and the soft landscape to the front of Silsoe House add a notable verdant quality to the area. These features, in combination with the informal car parking arrangement, provide an attractive setting to Silsoe House and make a positive contribution to the character and appearance of this part of the SCA.
7. Part of the proposal would introduce a two bedroom basement flat with light wells within Silsoe House. The Council considers this element of the proposal would preserve the character and appearance of Silsoe House and the SCA. I have no substantive reasons before me to take a different view on this matter. Moreover, I am aware that subsequent to the lodging of this appeal, planning permission has been granted<sup>1</sup> for a one bedroom basement flat with light wells within Silsoe House.
8. The proposal would also introduce a detached, four bedroom dwelling and associated detached garage building onto the south-eastern part of the appeal site, within the existing car park area. A more formalised parking arrangement would be provided to the front of Silsoe House.
9. I acknowledge that the detached dwelling would largely reflect the style, size and height of a recently constructed detached dwelling<sup>2</sup> to the south-west of the appeal site. I also acknowledge that it would maintain a generous separation distance from, and would not be sited directly in front of, Silsoe House. Nevertheless, its presence would substantially erode the spatial qualities of this part of the appeal site and would obstruct glimpsed views through the boundary vegetation towards Silsoe House from the junction of Ampthill Road and High Street.
10. In addition, the siting of the detached dwelling would necessitate the heavy pruning of trees 4565 and 4566, as identified on the submitted Tree Protection Plan, which currently display an attractive shape and form. This would considerably reduce their visual amenity value and given their considerable

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<sup>1</sup> Consented under Ref CB/16/01972/FULL

<sup>2</sup> Consented under Ref CB/14/00600/FULL

age, would also likely have a detrimental impact on their health. The reconfiguration of the parking arrangement would also necessitate the incursion of new surfacing into the root protection areas of a number of trees around the southern and eastern boundaries of the appeal site, including a large and prominent Beech tree, which has been classified as a Category A<sup>3</sup> tree.

11. Notwithstanding the conclusions of the submitted Arboricultural Implications Assessment and Arboricultural Method Statement, I have considerable concerns that these incursions would detrimentally affect the health of these trees, which could realistically lead to their future demise. Moreover, the alteration of the car parking arrangement would appear considerably at odds with the existing informal parking arrangement and would result in the loss of an important area of soft landscape to the front of Silsoe House.
12. I therefore consider that in light of the above, the proposal would result in an incongruous form of development that would substantially erode the spatial and verdant qualities of the appeal site and area. This would detrimentally affect the setting of Silsoe House, which would result in some indirect harm to its significance and would fail to preserve the character and appearance of the SCA. However, in the context of the SCA as a whole, I would concur with the Council that the harm arising to the significance of the SCA designated heritage asset would be less than substantial. As required by Paragraph 134 of the Framework, I must therefore consider whether there are any public benefits that would outweigh the less than substantial harm identified above.
13. I note that the Council cannot demonstrate a five year supply of housing land. I therefore recognise the benefits of two additional housing units with regard to increasing housing supply in the area. With an eye to the policies of the Framework as a whole, such a contribution to housing supply may be, in the context of paragraph 134 of the Framework, a public benefit. I acknowledge that any future occupiers would have a good level of access to local services and facilities and would increase, albeit to a modest extent, local spending in the area. Nevertheless, these benefits, in the wider scheme of things would be modest, and would not, in my judgement, outweigh the harm I have identified in respect of the designated heritage asset. Nor would they outweigh the harm to the non-designated heritage asset.
14. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the SCA contrary to the requirements of s72(1) of the Act and that the harm to the significance of the designated heritage asset, albeit less than substantial, would not be outweighed by public benefits.
15. The proposal would also be contrary to CS15- Heritage, DM3- High Quality Development, DM13- Heritage in Development, DM14- Landscape and Woodland, of the Central Bedfordshire Core Strategy and Development Management Policies 2009 (Core Strategy). These policies require, amongst other things, development to protect, conserve and enhance the district's heritage, to contribute positively to creating a sense of place, to respect local distinctiveness, to respect and complement the context and setting of historically sensitive sites and to retain and protect trees. These policies are consistent with the broad aims and objectives of the Framework which require

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<sup>3</sup> In accordance with BS 5837:2012 '*Trees in relation to design, demolition and construction*'

planning to take account of the different roles and character of different areas and to conserve heritage assets in a manner appropriate to their significance.

*Living conditions – basement dwelling*

16. The second bedroom of the basement flat would be served by a modest sized window and light well. Whilst this bedroom might not be used as much during the day as the living room would be and whilst its size might be more suited to a single bed, it would be one of the few main habitable rooms of the flat. The modest size of the window and light well would allow little sunlight and daylight to penetrate into this room. This would result in an overall dark and gloomy living environment for any future occupiers. In addition, the modest size of the window and light well would provide a poor level of outlook from this room and would result in a substantial sense of enclosure for any future occupiers.
17. The basement dwelling would therefore provide inadequate living conditions for any future occupiers in respect of sunlight and daylight and outlook. Whilst the Council cites conflict with Policy DM3 of the Core Strategy, this policy does not specifically relate to the living conditions of any future occupiers and is therefore not of relevance to this main issue. However, there would be conflict with the broad aims and objectives of the Framework which seek to secure a good standard of amenity for all future occupants of land and buildings.

*Living conditions – detached dwelling*

18. The rear garden of the detached dwelling would be located to the north of this building. It would contain a number of trees, some of which are evergreen species. Whilst some pruning would be undertaken to these trees, it is likely that they would substantially limit the amount of sunlight that would penetrate through to the rear garden. Consequently, a large part of the rear garden would be in shade for the majority of the day. My view on this appears to be supported by the shade footprint shown on the submitted Arboricultural Implications Plan. This would result in a dark and gloomy amenity space for any future occupiers with limited utility for purposes such as sitting out and relaxing or hanging clothes out to dry.
19. I acknowledge that any north facing windows which would serve habitable rooms of the detached dwelling would likely receive little sunlight in any event given their orientation. However, the close proximity of trees to the front of the detached dwelling, including a large Beech tree, would be likely to limit the amount of sunlight to any south facing windows for a considerable period of the year also. This would notably include the south facing window that would serve the living room. Consequently, I also consider that any overshadowing caused by trees would result in an internally dark and gloomy living environment for any future occupiers.
20. The detached dwelling would therefore provide inadequate living conditions for any future occupiers in respect of sunlight. As set out above, Policy DM3 is not relevant to this main issue. However, this element of the proposal would be contrary to the broad aims and objectives of the Framework which seek to secure a good standard of amenity for all future occupants of land and buildings.

*Other matters*

21. A number of listed buildings are located within the vicinity of the appeal site. This includes 53 High Street, a Grade II listed building, to the immediate northeast. Section 66(1) of the Act requires that in considering development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. The Council raises no particular concerns in respect of any effects on the setting of No 53 or any other listed buildings. Given No 53 faces High Street and is separated from the appeal site by a high brick wall, I am satisfied that the proposal would preserve the setting of this building. I am also satisfied that the proposal would preserve the setting of other nearby listed buildings given their degree of separation from the appeal site by virtue of their location on the opposite side of the High Street.
22. I have had regard to the concerns of a number of interested parties including in respect of parking pressure, highway safety, noise and disturbance, neighbour amenity, ecology, pollution, pressure on local services and property devaluation. However, property devaluation is not a material planning consideration to which I can afford any significant weight. With regard to the other matters, these did not form part of the Council's reasons for refusal and on the basis of the evidence before me, I have no substantive reasons to take a different view.

**Conclusion**

23. I have found that the proposal would fail to preserve the character and appearance of the SCA designated heritage asset and would have a harmful effect on the setting of the Silsoe House non-designated heritage asset. The proposal would also provide inadequate living conditions for any future occupiers. Such harm would significantly and demonstrably outweigh the benefits.
24. Consequently, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

*Alex Hutson*

INSPECTOR