
Appeal Decision

Site visit made on 11 April 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/P0240/W/16/3167516

13 Heathfield Close, Caddington, Bedfordshire LU1 4HB

- 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 Brian Fleckney against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/02652/FULL, dated 14 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed is the erection of a new end terrace dwelling, extension and alterations to existing dwelling, revised car parking and vehicular access arrangements.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new end terrace dwelling, extension and alterations to existing dwelling, revised car parking and vehicular access arrangements at 13 Heathfield Close, Caddington, Bedfordshire LU1 4HB in accordance with the terms of the application, Ref CB/16/02652/FULL, dated 14 June 2016, and the plans submitted with it, subject to the following 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:
 - Location Plan
 - EDR-100-101 - Site Plans
 - EDR-100-102 - Site Location Plan
 - EDR-100-103 - Existing Plans and Elevations
 - EDR-100-104 - Proposed Plans and Elevations (Existing Dwelling)
 - EDR-100-105 - New Dwelling Proposed Plans and Elevations
 - 3) Notwithstanding the details shown on Drawing No. EDR-100-101, no development shall take place until details of the junction of the modified/widened vehicular access with the highway have been submitted to and approved in writing by the local planning authority. Neither the new dwelling nor the additional bedroom to the existing dwelling shall be occupied until that junction has been constructed in accordance with the approved details.
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- 4) No works for the construction of the new dwelling or the extension to the existing dwelling shall take place until samples of the materials to be used in the construction of the external surfaces of those developments have been submitted and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
- 5) Neither the new dwelling nor the additional bedroom in the existing dwelling shall be occupied until space within the site for 4 cars to be parked has been laid out, surfaced and drained, in accordance with details previously submitted to and approved in writing by the local planning authority. That space shall thereafter be kept available at all times for the parking of vehicles and shall not be used for any other purpose.
- 6) Construction of the new dwelling hereby permitted shall not commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all hard and soft landscaping works, a programme for implementation of those works and a landscape maintenance scheme for five years following the implementation of the works. The landscaping works shall be carried out in accordance with the approved scheme and programme.

Procedural Matter

2. At the time of its decision and the preparation of its appeal statement the Council was unable to demonstrate a 5 year forward housing land supply and accepted that, in accordance with paragraph 49 of the National Planning Policy Framework (Framework), the relevant development plan policies for the supply of housing should be considered out of date. The Council gave notification on 24 April 2017 that its latest housing land supply shows that the Council can now demonstrate a supply of 5.88 years.
3. The appellant has commented that the information submitted is a one page summary of the Council's claimed position on housing land supply that cannot be verified or assessed independently without undertaking a significant amount of additional work. I have taken the submissions of both parties on this matter into account in my consideration of the appeal.

Main Issue

4. The main issue is the effect on the character and appearance of Heathfield Close.

Reasons

5. The houses in Heathfield Close have a strong degree of commonality in terms of their two storey, pitched roof construction and the use of red brick and tile as the predominant external materials but there is some degree of variation in their elevational detail. There is also a marked difference between the south side of the close, where numbers 13-16 are linked together in one long terrace, and the northern side (Nos. 1-8) and eastern end (Nos. 9-12), which are formed by six pairs of semi-detached houses.
6. Notwithstanding the proposal to reduce the width of No. 13, the new dwelling would extend into the gap between that house and No. 12. It would read as

part the existing terrace and, although the overall length of the terrace would be slightly increased, the visual effect of that change would be reduced because the front elevation of the new dwelling would be set back by a small degree.

7. That detailed siting, together with the proposed reduction in the width of the existing dwelling, would ensure that a considerable gap remains between the new dwelling and No.12 when seen in views from the west. At present, the gap between these houses is noticeably wider than that in the opposite corner of the cul-de-sac (between Nos. 8 and 9) and the proposal would introduce a greater sense of balance between these two corners. Together with the broad grass verges and mature trees within the cul-de-sac, the gaps at each corner and the views that these provide of the mature trees in the rear gardens of the dwellings make a positive contribution to the spacious and attractive character of the Close. Unlike the proposal that was dismissed on appeal in 2012¹ the current scheme would retain views of those garden trees.
8. Another key difference is that, as proposed in the current appeal, the gable of the new dwelling would line through with that to No. 8, in the opposite corner of the turning area, and with the front elevations of Nos. 9-12. The relationship between the new dwelling and No. 12 would be very similar to that between Nos. 8 and 9. Those existing dwellings do not have a cramped appearance and neither would the new dwelling proposed in the appeal scheme. Rather than being incongruous within the existing layout of the cul-de-sac the proposal would create a greater sense of balance between the two sides of the turning head.
9. Some minor alterations are proposed to the front elevation of the existing dwelling but the proposal would retain the distinctive feature gable which extends over the front doors to Nos 13 and 14. The roof windows proposed within the front roof slope would be a new feature within the Close but there are precedents for this treatment within the surrounding streets. These roof lights would be of a modest scale and, given the screening provided by the large trees within the Close, would not have a significant effect on the character and appearance of the area. The Council has raised no concerns about the design of the proposed new dwelling. Subject to the use of a planning condition to require the submission and approval the external materials to be used, the proposed new dwelling would be in keeping with the general style and appearance of the existing houses within the Close.
10. I find that the proposal would cause no material harm to the character and appearance of Heathfield Close. It would not lead to problems of overlooking or an adverse effect on the outlook of the neighbouring houses or on the living conditions of the occupiers of those dwellings.
11. Accordingly, I find that the proposal is consistent with the guidance in the Central Bedfordshire Design Guide and with saved Policy BE8 of the South Bedfordshire Local Plan Review 2004 (Local Plan) which states that proposals should complement and harmonise with the local surroundings. It complies with Policy H2, which states that the subdivision of large residential sites will be supported where it would make efficient use of the site and would respect

¹ APP/P0240/A/12/2174277

and enhance the character of the surrounding area, and with the policies in section 7 of the Framework with regard to securing good design.

Other Matters

12. I have noted the conclusions of the Inspector who dismissed the appeal on the site in 2012. I am satisfied that the proposal before me is sufficiently different so as to overcome the reasons why that earlier scheme was found to be unacceptable.
13. Having regard to the advice in paragraph 49 of the Framework I do not consider Local Plan Policy BE8, which is concerned only with design matters, to be a relevant policy for the supply of housing. Policy H2 could be regarded as being such a policy but, as I find no conflict with that policy, I do not think it necessary for me to reach a firm conclusion as to whether or not the Council is able to demonstrate a 5 year housing land supply.

Conditions

14. In the interests of certainty a condition is needed to tie the permission to the approved plans. As those plans do not provide full detail of the alterations to the existing access a condition has been attached requiring the submission and approval of those details before development commences. This is needed to ensure that a satisfactory access arrangements are secured to serve the two houses. A condition to require approval of the external materials to be used is needed to ensure that these are compatible with the other properties in the street. These details are required before construction works commence to avoid abortive works.
15. As no landscaping details have been submitted a condition is needed to require their submission and approval before construction of the new dwelling is commenced. To ensure a satisfactory form of development a condition is needed requiring that the proposed parking provision be constructed in accordance with details to be approved and is completed before the new dwelling and the additional bedroom in the existing dwelling are occupied.

Conclusion

16. The proposal complies with Local Plan Policies BE8 and H2 and no conflict with any other policies has been drawn to my attention. There are no material considerations that indicate a decision other than in accordance with the development plan. Having regard to paragraph 14 of the Framework, the proposal benefits from the presumption in favour of sustainable development and should be approved without delay.
17. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should succeed.

Paul Singleton

INSPECTOR