



Appeal Decision

Site visit made on 31 May 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/P0240/W/17/3169797
Capra, Norton Road, Stotfold SG5 4PG

- 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 Jamie Dynes and Alex Miles against the decision of Central Bedfordshire Council.
 - The application Ref: CB/16/04781/FULL, dated 12 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is an extension to existing timber barn/workshop and conversion to form 3 bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to existing timber barn/workshop and conversion to form 3 bedroom dwelling at Capra, Norton Road, Stotfold SG5 4PG in accordance with the terms of the application, Ref: CB/16/04781/FULL, dated 12 October 2016, subject to the conditions set out in the attached scheduled.

Main Issues

2. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the surrounding area; and
 - (ii) the living conditions of the neighbouring occupiers at Capra, with particular regard as to whether or not the development would be overbearing.

Reasons

Character and appearance

3. The appeal site is accessed via a track leading from Norton Road, which passes the side of 126 Norton Road. The site is located outside of the settlement of Stotfold and is therefore defined as being within open countryside.
4. It is however necessary to consider the local context. The site is currently a substantial outbuilding associated with the existing residential dwelling, known as Capra. Capra is located in an approximately 3.2 acre site and is a substantial 2-storey, red brick dwelling with a number of associated outbuildings, including the building which is the subject of this appeal. Due to the presence of mature vegetation and the length of the access track, only limited views of the garden area of Capra are visible from Norton Road.

5. The area surrounding the appeal site is predominately residential in nature, with significant variety in the design and scale of dwellings. A small number of agricultural buildings and a builder's merchant, sited behind the Norton Road frontage, were also evident.
6. In setting out a presumption in favour of sustainable development, one of the core planning principles of the National Planning Policy Framework (the Framework) is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. To promote sustainable development in rural areas, Paragraph 55 of the Framework envisages new rural housing to be located where it would maintain or enhance the vitality of rural communities. Consequently, new residential development should not normally be detached from being part of a viable and vibrant rural community, where there would be access to day to day facilities without the need to travel.
7. The proposal is sited within a relatively accessible location, with a bus stop a short walk from the site. The High Street and Roecroft Lower School are an approximately 15-20 minute walk from the site. Furthermore, Stotfold also has services and facilities required for daily living, including public transport facilities, retail units, open spaces, places of worship and a doctor's surgery. It is however acknowledged that not all of these are within walking distance of the site and some reliance on travel by car, bicycle or public transport may be necessary to access them.
8. Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies 2009 (the CS) seeks to restrict development in the countryside and forms part of the Council's strategic approach to the distribution and location of housing. The supporting text to the Policy DM4 states that settlement envelopes serve to prevent coalescence between settlements and reflect the character of the predominant land use. Policy CS14 of the CS further states that all development should enhance or reinforce the character of the area and should also complement and harmonise with local surrounding, specifically in regard to adjoining buildings and longer views.
9. I am mindful of the planning history in relation to the site. In particular, the previous application for an identical scheme in the same location to the appeal before me, which was withdrawn in August 2016.¹
10. Capra has a ridge height of less than 8 metres and the proposed dwelling would have an approximate height of 7.5 metres. This represents an increase of over 3.5 metres to the outbuilding. Nonetheless, the height would be in keeping with the adjacent dwelling and would not therefore appear as an unduly dominant addition.
11. The outbuilding is timber clad and currently mainly used for storage. The proposed dwelling would be finished in featheredge boarding with timber doors and window frames. As such, the use of sympathetic materials would replicate existing features that have a similar resemblance to the existing outbuilding which it would be replacing.
12. As previously noted, the site benefits from a good level of screening and in particular this acts as a clear division between the residential boundary and the open countryside to the west. A proportion of the existing vegetation along the

¹ Council reference CB/16/02557/FULL

western boundary would be removed as part of the proposal. The actual dwelling would also be sited relatively close to the boundary of the site. However, the footprint of the existing outbuilding would be re-used and the dwelling would not be extended towards the western boundary. Views of the proposal from Norton Road would be limited due to both the length of the drive and the existing 10 metre hedge. From observations made during the site visit, no significant views of the proposed dwelling would be visible from elsewhere within the surrounding locality.

13. No objection was received from the Council Landscape Officer, although a number of conditions were suggested. Taking these into consideration, if I were to allow the appeal, I consider it would be reasonable and necessary to impose a condition which requires the submission of a landscaping scheme prior to the majority of the construction commencing, in the interests of the character and appearance of the area.
14. The appeal site already has a domestic appearance as it is forms part of the wider residence on which Capra is located. Given that the proposal would appear as a continuation of the existing residential and commercial properties, it would not represent an isolated dwelling in the countryside. Accordingly, I find no conflict with paragraph 55 of the Framework in respect of rural housing.
15. The pattern of development within the immediate locality varies, with no obvious fixed building line being apparent. A number of dwellings also have outbuildings sited on their land. As noted, there would be minimal visibility of the proposal from within the public realm and as identified, an irregular pattern of development exists within the immediate locality. Accordingly, it is not considered that the surrounding pattern of development would be significantly harmed.
16. At the time of the submission of the appeal, the Council accepted that a five year supply of housing land could not be demonstrated. However, following a quarterly update in April 2017, the Council contends that it is now in a position to demonstrate an ability to meet the five year housing supply within the borough. However, I concur with the appellant that this position has yet to be tested through the Local Plan process. As such, and with the limited evidence before me, I am not satisfied that a five year supply has been clearly demonstrated.
17. Paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be considered to be up-to-date in situations where a local authority cannot demonstrate a five year housing land supply, and that housing applications should be considered in the context of the presumption in favour of sustainable development. In circumstances where relevant policies are out of date, paragraph 14 of the Framework advises that planning permission should be granted, unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
18. As previously identified, the proposal would not appear as an isolated development within the countryside, as the site is adjoined by an existing residential dwelling. Furthermore, the site is accessible in relation to local services and facilities required for daily living. It would also be accessible by sustainable modes of transport to the higher order services and facilities in larger towns such as Letchworth Garden, Hitchin and Stevenage.

19. The proposal complies with Policies CS14, CS16 and DM3 of the CS having regard to appropriate landscaping and high quality design which respects local context. It would however be contrary to DM4 of the CS in relation to development in the countryside. Nevertheless, it would not undermine the purposes of this policy which aims to maintain and sustain rural communities, ensure that development takes place in locations served by services, facilities and public transport and to protect the character and appearance of the countryside.
20. The policies relied on by the Council in its reasons for refusal are consistent with a core planning principle of the Framework, as they seek to ensure a well-designed development. I therefore attach significant weight to those development plan policies.
21. As such, despite the conflict identified in relation to DM4 of the CS, in this instance due to the specific characteristics of the site and the proposed design and siting, there would be very little harm by virtue of that conflict. As such, it is considered that the proposal would not have a detrimental effect on the character and appearance of the site and the surrounding area. The proposal would therefore not undermine the overall development strategy of the area.

Living conditions

22. The Council has raised concern in relation to the overall height of the proposed dwelling and the potential for an unacceptable level of overbearing impact. It is appreciated that minimal physical separation distance exists between the proposed dwelling and Capra. Furthermore, it is acknowledged that the height of the outbuilding would be increased by approximately 3.5 metres. However, the majority of the appeal site is set back behind the rear elevation of Capra and the existing footprint of the site would not be extended.
23. In relation to the potential for overlooking, from observations made during the site visits, it is evident that the main aspect of Capra is oriented away from the proposed dwelling. In addition, none of the proposed windows would overlook any habitable rooms or the outdoor amenity areas of the existing dwelling.
24. The existing outbuilding located to the rear of Capra would screen the opening of the door leading into the utility room. However, in the interests of residential amenity, if I were to allow the appeal, I consider it would be reasonable and necessary to impose a condition which requires the use of obscure glazing in both the utility room door and the first floor window to the ensuite on the southern elevation.
25. Given the siting and similar scale to that of Capra, it is not considered that the proposed dwelling would appear as an imposing or dominant feature. Accordingly, the proposal would not result in an overbearing presence that would lead to oppressive living conditions for existing residents of Capra. There would therefore be no conflict with Policy DM3 of the CS which, amongst other things, seeks to ensure that new development respects the amenity of surrounding properties. Nor would the proposal be at odds with one of the core planning principle of the Framework which seeks a good standard of amenity for all existing occupants of land and buildings.

Other Matters

26. The representations made by the neighbouring occupiers of 126 Norton Road regarding highway safety and noise concerns are noted. However, subject to planning conditions, the Council Highways Officer considers that the proposal is unlikely to result in any significant highway safety impact. No issues in relation to noise concerns have been raised by the Council or any statutory consultees. Given the separation distance from 126 Norton Road, there is nothing before me in this regard which would lead me to conclude the scheme should be resisted on this ground. Accordingly, I have not attached any weight to these matters and have considered the appeal before me on its individual merits. I have also taken the appellant's medical conditions into consideration. However, I have not found that the needs of the appellant are sufficient to refuse planning permission.

Conditions

27. I have considered the conditions suggested by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance (the PPG). I find most of them to be reasonable and necessary in the circumstances of this case; however some have been edited for precision and clarity.
28. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans in order to provide certainty. Conditions to secure appropriate external materials, refuse disposal facilities, fenestration, boundary enclosures and landscaping are necessary in the interests of the protection of both residential amenity and the character and appearance of the area.
29. A condition relating to car parking and turning spaces is necessary to ensure adequate arrangements to minimise on-street parking and avoid the reversing of vehicles onto the highway in the interests of highway safety. A condition regarding contamination is necessary to ensure that any risks to future users, neighbouring land and surrounding ecological systems are minimised.
30. The Council considers a condition to remove permitted development rights from the new dwelling in relation to any additional windows or opening in the first floor principal elevation is necessary to safeguard the privacy and amenities of neighbouring properties. Planning Practice Guidance states that conditions restricting all permitted development rights 'will rarely pass the test of necessity and should only be used in exceptional circumstances'. A clear justification for the removal of all permitted development rights has not been demonstrated and therefore such a condition is not necessary.

Conclusion

30. I have found that the proposed development would accord with the policies of the development plan in all but one respect. That matter relates to the principle of preventing development in the countryside rather than to the detail of the scheme or its impacts. Thus, considering the development plan as a whole I find the scheme broadly accords with it.
31. Moreover, in this case the Framework is an important material consideration. The Council cannot demonstrate a robust 5 year housing land supply and so paragraph 14 leads me to a tilted balance in favour of the development. Other than the very limited conflict with policy DM4 in terms of the principle of

development there are no other harms which weigh against the scheme. Thus, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of allowing this scheme albeit is only for a single dwelling. In these circumstances the material consideration before me in terms of the Framework is such that the development should be allowed contrary to policy DM4 of the CS.

32. For the reasons set out above, and taking account of all other matters raised, I conclude, subject to conditions, that the appeal should be allowed.

Helen Cassini,

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: Site Location Plan Rev A; Existing Plans and Elevations 001, 002, 003, 004 and 005; Proposed Site Plan DD919.
- 3) No development, other than demolition works, shall take place until details of the materials to be used for the external surfaces of the development hereby approved, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 4) No development, other than demolition works, shall take place until a hard and soft landscaping scheme, including all boundary treatments, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping. All planting within the approved scheme shall be carried out before the end of the first planting and seeding season, following occupation of any part of the buildings or completion of the development, whichever is sooner. The development shall be implemented in accordance with the approved details and retained as such thereafter.

If, within a period of 5 years from the date of planting, the trees (or any trees planted in replacement) or shrubs to be planted as part of the approved landscaping scheme is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
- 5) The development hereby permitted shall not be occupied until the utility room door and first floor window in the southern elevation has been fitted with obscured glazing, and no part of the windows which are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 6) Before the development hereby permitted is first occupied, details of enclosures and facilities for the storage of recycling containers and wheeled refuse bins, or other refuse storage containers where applicable, together with a satisfactory point of collection, shall be submitted to and approved in writing by the local planning authority. The refuse storage and collection areas shall be implemented in accordance with the details

as approved under this condition prior to the first occupation and retained as such thereafter.

- 7) In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person who conforms to Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced). A written report of the findings should be forwarded in writing for approval by the local planning authority. Following completion of remedial measures a verification report must be prepared, which demonstrates the effectiveness of the remediation carried out and submitted in writing to the local planning authority. No part of the development shall be occupied until all remedial and validation works are approved in writing by the local planning authority.
- 8) The development shall not be occupied and the use shall not commence until a scheme showing off-street car parking for 3 vehicles and details of a turning space for service/delivery vehicles at 6.25 metres in length has been submitted to and approved in writing by the local planning authority. The parking areas and turning space shall thereafter be retained and kept available for the parking and turning of vehicles associated with the development.