



Appeal Decision

Site visit made on 6 November 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 20th December 2017

Appeal Ref: APP/P0240/W/17/3180518

Lynmore House, Sharpenhoe Road, Central Bedfordshire, Sharpenhoe, MK45 4SH

- 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 John Dawkins against the decision of Central Bedfordshire Council.
 - The application Ref CB/17/00183/FULL, dated 13 January 2017, was refused by notice dated 3 March 2017.
 - The development proposed is formation of hardstanding and landscaping in front of Lynmore House, including removal of short section of footpath which served former phone box.
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Decision

1. The appeal is allowed and planning permission is granted for formation of hardstanding and landscaping in front of Lynmore House, including removal of short section of footpath which served former phone box at Lynmore House, Sharpenhoe Road, Central Bedfordshire, Sharpenhoe, MK45 4SH in accordance with the terms of the application, Ref CB/17/00183/FULL, dated 13 January 2017 subject to the conditions in Annex A.

Background and Main Issue

2. The appeal site is located in the Green Belt and the issue of whether the proposal is inappropriate development has not been raised by either party. I have considered *The South Bedfordshire Local Plan Review* (LP) policy. The officer report sets out that the site lies in the built up area of the village of Sharpenhoe and in the Green Belt where there are no objections in principle to carrying out extensions and alterations to properties provided that they are proportional to the size of the development in accordance with policies in the LP. Having considered the above there is no reason to dispute the position of the parties that the development proposed is not inappropriate development.
3. Accordingly the main issue is:
 - The effect of the proposal on the character and appearance of the area which is within the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

4. The site is within the Chilterns AONB and Area of Great Landscape Value (AGLV). The National Planning Policy Framework (The Framework) refers to great weight being given to conserving landscape and scenic beauty of AONBs.

Policy NE3 of the South Bedfordshire Local Plan Review (LP) seeks to resist development that would adversely affect the landscape character and setting of the AGLV.

5. Lynmore House sits within a cluster of dwellings located at the junction of Sharpenhoe Road and Harlington Road. The dwellings are a mixed in design, appearance and layout. A number have access points from the roads with frontage paving interspersed amongst the grassed areas. Domestic frontage treatments are typical with on plot parking to the front of dwellings. The group of dwellings have a typically residential character and appearance to the frontage with Harlington Road.
6. The scheme would alter the area to the front of the existing dwelling with a change in the material finish to the front of the dwelling from tarmac to block paving. It would include the provision of a grass area in place of an existing pathway and new planting along the edge of the hardstanding.
7. The extent of hardstanding would not increase. The use of the area within the red line would be for access and parking which the plans show as currently being an access and tarmac area. Therefore the overall view of the frontage of the dwelling when viewed from the road would remain open and the change in materials would not be intrusive. Furthermore, whilst I accept it may take time to establish, the provision of additional planting would provide relief to and lessen the impact of the change in material. Overall, in my judgement, the development would not be incongruous. Therefore it would conserve the character of this area of the AONB and AGLV.
8. I therefore conclude that the development would not have an adverse effect on the character and appearance of the area which is within the Chilterns AONB. As such it would not be in conflict with LP policies BE8 and NE3 which amongst other things seek to ensure that new development would enhance or reinforce the local distinctiveness of an area and not have an adverse effect on landscape character and setting or the Framework.

Other matters

9. Whilst not reasons for refusal I have carefully considered the matters raised by interested parties. In particular, matters of land ownership, the location of the footpath and the nomination for an asset of community value.
10. From the information before me it appears that a 'stopping up' order has been made to the Highway Authority. This is the subject of other legislation. Private civil matters would not be determinative in my consideration. Nevertheless, the information before me demonstrates that the appellant has undertaken the appropriate advertisement and consultation as part of the application submission.
11. A footpath would remain across the front of Harlington Road that would be logical and useable. A grass area and bench shown on the plans sit outside the red line site. However, the appellant confirms that the majority of the grassed area would remain available for public use. Therefore whilst I appreciate that some interested parties want to create a village green, to allow the appeal scheme would not restrict future use of the area remaining outside the of the appeal site.

Conditions

12. The Council has suggested a number of conditions which it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the relevant tests at paragraph 206 of the Framework. Conditions relating to the time limits and need to accord with the approved plans are necessary. In the interests of the character and appearance a condition requiring submission of hard and soft landscaping, including means of enclosure is also necessary. In the interests of highway safety conditions are necessary to ensure the detail of the parking layout, pedestrian visibility and the footpath link are provided.
13. The Council sought the removal of permitted development rights for Class E and for means of enclosure. The reason given in both cases is to control development to protect the rural character of the area. Paragraph 200 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights or changes of use '*will rarely pass the test of necessity and should only be used in exceptional circumstances*'. In this case I am not satisfied that I have been presented with exceptional circumstances or a clear justification. Therefore these conditions are not necessary.

Conclusion

14. For the reasons given and having regard to all other matters raised the appeal is allowed.

D J Board

INSPECTOR

Annex A – 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: 2015/847/01; 2015/847/20C; 2015/847/31B.
- 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) means of enclosure and retaining structures;
 - ii) boundary treatments;
 - iii) vehicle parking layouts, including detail of the spaces and any enclosure;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme.

- 4) No development shall take place until details of the pedestrian visibility splays for both sides of the double parking spaces have been submitted to and approved in writing by the local planning authority. The scheme shall be constructed in accordance with the approved details.
- 5) No development shall take place until details of the new footpath link to be constructed have been submitted to and approved in writing by the local planning authority. The footpath shall be constructed in accordance with the approved details.