



Appeal Decisions

Site visit made on 07 May 2019

by Michael Wood RIBA

an Inspector appointed by the Secretary of State

Decision date: 26th June 2019

Appeal Ref: APP/P0240/W/19/3221796

38 Newbury Lane, Silsoe, Bedford MK45 4EX

- 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 & Mrs Neil and Clare Newton against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/03847/FULL, dated 12 October 2018, was refused by notice dated 10 December 2018.
 - The development proposed is the erection of a detached bungalow to be constructed at the rear of 38 Newbury Lane, Silsoe, Bedford MK45 4EX.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached bungalow to be constructed at the rear of 38 Newbury Lane, Silsoe, Bedford MK45 4EX in accordance with the terms of the application Ref CB/18/03847/FULL dated 12 October 2018, subject to the conditions contained in the attached Schedule.

Main Issues

2. The main issues are the effect of the development; firstly, on the character and appearance of the area; and secondly, on the living conditions of future occupants.

Reasons

Character and appearance of the area

3. The appeal is in respect of a detached bungalow which would be constructed on the back garden of a house in a residential area of Silsoe. Silsoe is a large village where back garden developments have been permitted over a number of years. The development would be accessed from an existing driveway which would serve both existing and proposed properties as well as 2 further houses beyond the appeal site. The site is fenced and there are a number of perimeter trees. There is a feeling of enclosure and seclusion which is partly due to an awareness that nearby houses have been developed with comfortable separation distances on all four sides of the appeal site. None of these nearby properties dominate the site.

4. Whilst the proposed bungalow would be constructed relatively close to the boundaries in the north east corner of the site, as a single storey development with a low pitched roof, it would have limited impact on properties outside the boundaries. The Officer's report confirms that the standards required for both internal and external spaces would be achieved. The Highways Officer has confirmed that the existing driveway, subject to conditions, would be suitable to serve the development and that parking and manoeuvring standards can be achieved on site. I find that the scale, form and appearance of the development, as a hipped roofed bungalow, would respect the proximity of surrounding properties and gardens; and, that the design and materials proposed would be in keeping with the distinctive black boarded design of immediate neighbouring houses. The layout proposed would contribute to a character of spaciousness when viewed from the access drive. Development of the bungalow would have no adverse effect the character or appearance of the area and would be an efficient use of the land in accordance with saved policy DM3 of the Core Strategy and Development Management Policies - North 2009 (the Core Strategy).

Living Conditions of future occupants

5. The Officer's report states that backland development appears to be characteristic of Newbury Lane, with a number of examples within close proximity of the site. There are two other houses on land immediately to the rear of the site. The Council indicate that the property would be a cramped development. The spaces within the bungalow are of a reasonable size. The layout would provide the principle bedroom, the study and the living areas with windows facing the principle open space which measures approximately 12m x 13m. The approach to the front door would be across this space and there would be a perception of spaciousness between dwellings, which I found would not be cramped and would be in keeping with other properties in the area. Occupants of the proposed dwelling would have adequate living conditions in accordance with saved policy DM3 of the Core Strategy.

Other Matters

6. The host house has gardens both at the front and rear. The Parish Council have commented on the extent of hard surfacing to these spaces. The private spaces retained are of a suitable size and the surfacing materials are a matter for the owner and have no bearing on the appeal.

Conditions

7. The conditions reflect those suggested by the Council which have been amended in the interests of clarity and precision. I have not included a condition relating to refuse bins since this fails the test of necessity contained in Planning Practice Guidance.
Conditions 1), 2), 8), 9) and 10) are for the avoidance of doubt.
Condition 3), 4), 5) and 6) are to ensure the satisfactory appearance of the development.
Condition 7) is in the interests of highway safety.
Condition 11) is to provide for sustainable means of transport.

Conclusion

8. For the above reasons the appeal is allowed.

Michael Wood

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall be begun 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 numbered K1306-01A, K1306-02 and K1306-03.
- 3) No development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out using the approved materials.
- 4) Notwithstanding the provisions of Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building hereby permitted shall be carried out without the grant of further specific planning permission from the LPA.
- 5) Notwithstanding the provisions of Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific planning permission from the LPA.
- 6) Prior to the first occupation of the development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details. Hard landscape works shall be completed before the dwelling is occupied and soft landscape works shall be carried out in the first planting season after occupation.
- 7) Before the access is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the existing access from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the existing access into the site along the centre line of the anticipated vehicle path. The vision splay shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

- 8) Prior to the first occupation of the development, details of 3 parking spaces which measure 2.5m x 5.0m each with 6.0m in front, to allow vehicles to manoeuvre, shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.
- 9) Prior to the first occupation of the development, details of the surface materials for the vehicular areas and arrangements for the surface water to soak away within the site shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details and arrangements.
- 10) Prior to first occupation of the development, details of a turning space for service/delivery/emergency vehicles shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.
- 11) Prior to first occupation of the development, details of covered and secure cycle parking shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.