



Appeal Decision

Site visit made on 13 August 2019

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/K0235/W/19/3228659

14 Wilden Road, Renhold MK41 0JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R P Gray against Bedford Borough Council.
 - The application Ref 18/02181/FUL, is dated 17 August 2018.
 - The development proposed is erection of a detached bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached bungalow with detached single garage at 14 Wilden Road, Renhold MK41 0JP in accordance with the terms of the application, Ref 18/02181/FUL, dated 17 August 2018, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The Council altered the description of the development to include a detached single garage. This is a more accurate description of the appeal proposals and I have therefore considered the appeal on this basis.
3. The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission. The Council's concerns are set out in their statement, and they relate to impact on the character and appearance of the area, impact on the adjacent neighbour's amenity, and impact on the highway.
4. Amended plans were submitted with the appeal in response to the comments raised by the Highway Officer during the consideration of the planning application. I have dealt with the appeal on the basis of the original plans submitted to the Council given that third parties may not have had an opportunity to comment on them, but I note that the Council's case indicates that the highway issues could be overcome by the imposition of conditions.

Main Issues

5. The main issues in this case are:
 - Whether the proposed dwelling would be in a suitable location having regard to local policies concerned with housing in rural areas and;

- The effect of the proposed development on the character and appearance of the appeal site and the surrounding area; and
- The effect of the proposed development on the living conditions of the neighbouring occupier at no. 16 Wilden Road with particular reference to overlooking, enclosure, loss of light and additional disturbance.

Reasons

Location of Development

6. The site lies in the countryside, outside of the Settlement Policy Area (SPA) boundary of Renhold (Salph End) as set out in the Bedford Borough Core Strategy and Rural Issues Plan 2008 (CSRIP). Policy CP13 defines all land outside of the SPA boundary as countryside, and states that development will only be permitted if it would be consistent with national policy. Policy CP14 seeks for development in the Rural Policy Area (RPA) to be restricted to that which is required to meet local business and community needs and to maintain the vitality of those communities. The proposed development of a dwelling is contrary to these policies.
7. The site is not 'isolated' for the purposes of paragraph 79 of the National Planning Policy Framework (the Framework), it is well related to the existing settlement and a reasonable range of services would be accessible to the occupiers of the dwelling. Nevertheless, section 38(6) of the Act requires that planning proposals are determined in accordance with the development plan unless material considerations indicate otherwise.

Character and Appearance

8. This area of Renhold comprises primarily frontage 'ribbon' residential development along Wilden Road and Hookhams Lane, leading to the edge of the town of Bedford. Due to the presence of dwellings on all sides the site is not isolated and appears as part of the village. Being close to the town, it is semi-rural in character. The immediate locality predominately comprises modern bungalows, with the exception being the older thatched properties grouped around the nearby public house. The host dwelling at no. 14 is a dormer bungalow set back uphill from the site in substantial grounds.
9. Its immediate neighbour is a detached red brick bungalow at no. 16 Wilden Road, which is located immediately adjacent to the large front garden of no. 14. To the other side, no. 10 comprises a two storey dwelling largely screened by mature vegetation. It also sits within substantial grounds, in clear contrast to the modern bungalows in the immediate vicinity which have small front gardens set behind low brick walls or hedges.
10. The appeal site makes a positive contribution to the street scene, providing an attractive grassed setting leading up to no. 14. By virtue of the low height of the proposed bungalow, the intervening distances between buildings, and its elevated position, the host dwelling would not be dominated by the proposed bungalow and would retain a good amount of garden space to the front. A condition could control inappropriate boundaries and hard surface treatments. The semi-rural character and appearance of the appeal site and the setting of the host dwelling would therefore not be unduly harmed.

11. The proposed bungalow would be situated slightly forwards of its neighbour at no. 16. A staggered building line is not unusual in the surrounding area; the nearby thatched cottage at no. 22 Wilden Road sits forwards of the intervening three dwellings. Moreover, the bungalows opposite vary in their siting in relation to the road.
12. The dwelling would have spacious front and rear gardens, which appear to be larger than the gardens of most of the modern bungalows in the nearby area. The openness of the site would be retained to an acceptable extent by the presence of the front garden and wide highway verge. Notwithstanding its position slightly forwards of no. 16, the proposed development would therefore not appear unduly dominant or cramped in the street scene.
13. Taking into account the above, the proposed development would have an acceptable effect on the character and appearance of the appeal site and the surrounding area. It would comply with saved Policies BE29 and BE30(i) of the Bedford Borough Local Plan 2002 (BBLP) and Policy CP21(iii) of the CSRIP which, amongst other things, seek to promote good design, and to ensure development responds to its context and reflects local distinctiveness. The proposals would also comply with design code N3 of the Council's design guidance Residential Extensions, New Dwellings and Small Infill Developments 2000 (RENSID), in relation to space around the building. The policies align with the objectives of the Framework for well-designed developments which are sympathetic to local character, as set out in paragraph 127.

Living Conditions

14. Only no. 16 Wilden Road would be directly affected by the proposed development, due to its proximity to the side boundary. It has a side window and a part glazed door which face the site. The appellant has attempted to reduce the impact of the proposed bungalow on no. 16 by situating it slightly forwards and as a result the side window would be facing the garden and boundary fence rather than the side wall of the bungalow. Siting the proposed bungalow in this manner would limit any potential overshadowing, overlooking and overbearing effects to this window. As the site which the dwelling would be situated on is sloping, a condition can ensure that finished levels do not compromise the neighbour's privacy.
15. The proposed garage would be situated adjacent to the boundary with no. 16, and whilst some additional enclosure and loss of afternoon sunlight would arise, it would not be significant due to the scale of the single garage and the position of its roofslope.
16. Noise and disturbance resulting from additional activity in the garden and parking area of the proposed dwelling would be limited in view of the small scale of the development, the boundary features and the screening which would be provided by the proposed detached garage.
17. Taking into account the above, the proposed development would not have an unduly harmful effect on the living conditions of the neighbouring occupier at no. 16 Wilden Road. It would comply with saved Policies BE30(ii and ix), BE37 and H38 (i and iv) of the BBLP and Policy CP21(iii) of the CSRIP which, amongst other things, require proposals to have regard to any factors which might give rise to disturbance to neighbours, to the site's context and to the standard of amenity/privacy currently enjoyed by adjoining occupiers. The

proposals would also be consistent with design code N7 of RENSID. In turn, the development would also be in accordance with paragraph 127(f) of the Framework in terms of amenity for existing and future users.

Other Matters

18. Lack of visibility, a substandard access, inadequate parking provision and lack of cycle parking provision were previously raised by the Council's Highway Officer. In response to this, the appellant has subsequently provided plans to include an increase in the size of the existing access drive and the scale of car parking space, and provision of cycle parking. The Council now consider that such matters can be addressed through suitably worded planning conditions and there is no other evidence before me to dispute this.
19. There is no evidence before me that the negligible increase in traffic from only one dwelling would result in an unacceptable effect on highway safety. There is ample space within the curtilage of the proposed dwelling to provide cycle and car parking, together with turning space. This would prevent vehicles parking and turning on the highway. Conditions can ensure that full details are provided for agreement by the Highways Officer and that the parking spaces, visibility splays and access width are retained.
20. The Parish Council suggest additional parking space to the front of the dwelling. This is unnecessary as sufficient spaces would be provided to the rear, and frontage parking would result in some harm to the character and appearance of the site.
21. The development is in accordance with Policy BE30 (iv, v and vi) of the BBLP insofar as new development should have regard to additional traffic, and provision for car parking and cycles, amongst other matters.
22. Reference has been made to a previously rejected application for two dwellings on the site. However this application, which appears to be for an additional dwelling, was refused some time ago (1998) and I have reached my conclusions on the proposed development on its own merits and based on the current evidence before me.
23. The neighbour at no. 16 raises concerns regarding the safety of their side access door however there is no evidence that a 2 metre high domestic fence may lead to an increase in crime. Concerns regarding possible damage to their property are noted however this would be a private matter between the parties involved.
24. The Parish Council have concerns that the development will set a precedent of front garden development. This appeal is determined on its own merits, and no directly comparable sites to which this might apply have been put forward.
25. The Council are currently unable to demonstrate a five year supply of land for housing. In my view, CS RIP Policy P14 in relation to location of development is out of date as a result. Because of this, paragraph 11(d) of the Framework is engaged and is an important material consideration. Applying paragraph 11(d) in the circumstances of this case means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

26. In terms of benefits, the construction of an additional dwelling makes a modest contribution to housing supply. The proposals would represent sustainable development as I have not found any adverse impacts which would significantly and demonstrably outweigh the benefits.

Conditions

27. In the interests of precision and clarity I have undertaken some minor editing of the conditions proposed by the Council. I have attached conditions specifying a time limit and the relevant plans to provide certainty.
28. In order to ensure a satisfactory appearance I have included a condition requiring details of external materials. A landscape condition is necessary given the location of the site and presence of existing vegetation. I have reworded the Council's suggested condition to the criteria necessary and reasonable for a single dwelling, and the trigger has been amended to pre-occupation rather than pre-commencement. In the interests of protecting the living conditions of neighbouring occupiers and the character of the area I have included details of boundary treatments in this condition.
29. To further assist in minimising the effect on the living conditions of the neighbour at no. 16, given the sloping nature of the site and proximity to the boundary, I have also included an additional condition relating to submission of finished floor levels.
30. I have included conditions in the interests of highway safety, with some minor amendments for clarity and enforceability. The first relates to the provision of vehicle parking spaces. I have made this condition more specific in that a minimum of 2 car parking spaces should be provided together with manoeuvring space, and that it should be retained for the intended purpose. Another condition seeks confirmation of the details for appropriate visibility splays and access width together with their retention. The appellant has confirmed cycle parking can be provided and I do not consider it necessary to impose a further condition in this respect, given that there is ample space within the site and a garage which is suitable for cycle parking.
31. Details of a surface water drainage scheme are required to ensure satisfactory drainage of the site. I note that the site has archaeological potential therefore I have imposed a condition requiring an archaeological evaluation.
32. The Council's condition regarding a further energy statement is unnecessary as a suitable Sustainability Statement (including Energy Audit) has been submitted in accordance with policies CP21 and CP26 of the CSRIP which relate to reductions in carbon emissions.

Conclusion

33. Whilst the proposed development of a dwelling is contrary to the Council's development plan policies which restrict development in the countryside, the site lies in an accessible location and is well related to the existing village. There is benefit in providing a new home in such a location. The proposals would not result in any significant harm to the character and appearance of the appeal site or surrounding area, nor to the living conditions of the neighbouring occupier. In my judgement any adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole. I therefore conclude that, subject to conditions, the appeal should be allowed.

S Hunt

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 approved plans listed below:
 - 17-01 Rev A – Site Location Plan
 - 17-04 Rev B – Proposed Site Plan
 - 17-02 Rev A – Proposed Plan and Elevations
 - 17-05 – Garage Plan and Elevations
- 3) No construction of the development above damp proof course level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No part of the development shall be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - i) indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - ii) planting proposals giving location, species, number, density and planting size;
 - iii) boundary treatments;
 - iv) hard surfacing materials; and
 - v) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme.
- 5) If any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species.
- 6) No development shall take place site until details of the proposed floor levels of the buildings, above ordnance datum, in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

- 7) No development above damp proof course level shall take place until details have been submitted to and approved by the Local Planning Authority to demonstrate that 2 or more cars can be parked within the curtilage of the site and for vehicles to turn so that they may enter and leave the site in forward gear. The parking and turning facilities shall be laid out in accordance with the approved details prior to occupation of any part of the development and shall thereafter be kept available at all times for those purposes.
- 8) No development above damp proof course level shall take place until full details of visibility splays and access drive width have been submitted to and approved in writing by the local planning authority. All parts of the splays shall thereafter be kept free of all obstructions 1.05m above the adjacent carriageway level, and the access shall thereafter be retained in accordance with the approved details.
- 9) No occupation of any part of the development shall take place until surface water drainage works have been carried out in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority.
- 10) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

End of Schedule of Conditions.