



Appeal Decision

Site visit made on 9 December 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/K0235/W/19/3237737

Land to the rear of 6 Ravensden Road, Renhold, Bedfordshire MK41 0LA

- 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 James/Jennifer Harrison/Newlands List on behalf of Vision Property Holdings Ltd against the decision of Bedford Borough Council.
 - The application Ref 18/02565/FUL, dated 5 October 2018, was refused by notice dated 22 August 2019.
 - The development proposed is erection of new dwelling with detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling with detached garage at Land to the rear of 6 Ravensden Road, Renhold, Bedfordshire MK41 0LA, in accordance with the terms of the application, 18/02565/FUL, dated 5 October 2018, subject to the conditions set out at the end of this decision.

Procedural Matter

2. The Bedford Borough Local Plan 2030 Draft Plan for Submission (September 2018) (the emerging BBLP) has been submitted for examination and hearings have occurred. Nonetheless, it is my understanding that the examination/review process has yet to conclude. The emerging BBLP is at a stage that attracts limited weight. This is because the content of its policies may yet change prior to it being formally adopted. I shall consider the appeal on this basis.

Main Issue

3. The main issue is the effect upon the living conditions of neighbouring occupiers at Wentworth House and Home Close, with particular regard to outlook.

Reasons

4. The appeal site is comprised of a roughly rectangular shaped parcel of undeveloped land situated to the rear (west) of Wentworth House, a detached dwelling. The site's western and southern sides are bound by the grounds of neighbouring residential properties located in Home Close. The proposal is to erect a two-storey dwelling in an approximate central position within the appeal site. In addition, the dwelling would be served by a detached garage situated towards the site's southern side. It was apparent from inspection that a varied array of fenced/planted treatments were in place to the site's western,

southern and eastern boundaries. In some places, these features provided only a limited barrier to views in and out of the site.

5. Whilst the proposed dwelling would cover a considerable footprint area and be taller in height when compared to Wentworth House and nearby Home Close properties, it would be situated in a setback position relative to the site's various boundaries and would make up part of a large residential plot that would remain clear of built development in the most part. These are important factors when considering the proposal's effect upon the outlook of neighbouring occupiers. The dwelling would not appear overbearing by virtue of the separation distances that would be achieved and the openness of the large plot within which it would sit.
6. The detached garage, whilst proposed to be located towards the southern side of the site, would consist of a modest single storey structure served by a pitched roof. It would not have an undue impact upon the outlook available from neighbouring properties, including those positioned closest in Home Close.
7. Personal circumstances have been raised by a neighbouring occupier with respect to long term health problems and I have had regard to the equalities implications and associated duties arising. Nevertheless, whilst I accept that the proposal would influence outward views to the rear from neighbouring properties and associated private garden areas, this is not a reason in itself to refuse planning permission. I also note that schemes of boundary treatment and soft landscaping could be secured via planning condition should the appeal be allowed. Such schemes would be expected to assist further in ensuring that the proposed buildings would not appear unduly prominent when viewed from neighbouring vantage points. Furthermore, any soft landscaping scheme would secure full details of the measures to be put in place to protect, during the construction phase, existing perimeter landscaping of value.
8. I have had regard to the Council's Residential Extensions, New Dwellings and Small Infill Developments Supplementary Design Guidance (January 2000) (RENSID). This outlines various standards for new dwellings and the proposal conforms with distance requirements that are set out with respect to space around buildings and in the interests of safeguarding neighbouring privacy.
9. For the above reasons, the proposal would not cause harm to the living conditions of neighbouring occupiers at Wentworth House and Home Close, with particular regard to outlook, in accordance in that regard with saved Policy B30 (the impact of new development) of the Bedford Borough Local Plan (2002) (the Local Plan). I am also satisfied that the proposal, again by virtue of the proposed setback placement of the dwelling, would not result in neighbouring living conditions being adversely affected due to any undue loss of privacy or loss of sunlight/daylight.

Other Matters

10. It is my understanding that the site is located outside of the Renhold Salph End Settlement Policy Area and is thus defined as countryside in local planning policy terms. Saved Policy H26 of the Local Plan and Policies CP13 and CP14 of the Core Strategy & Rural Issues Plan (April 2008) (the Core Strategy) sets out that planning permission will not normally be granted for development in the countryside. Indeed, Policy CP14 states that, in rural settlements not

designated as Key Service Centres, development will be restricted to that which is required to meet local business and community needs.

11. However, saved Policy H26 and Policies CP13 and CP14 are inconsistent with the National Planning Policy Framework (February 2019) (the Framework) in terms of their approach to rural housing. Indeed, the Framework is less restrictive and sets out that housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
12. The appeal site is not isolated in the sense it is neighboured by other development and relates well to Renhold Salph End. It is also important to note that the settlement contains facilities and services, including a post office/convenience store and public house that are both within realistic walking distance of the site. These are local facilities that would be supported by the development in line with the Framework's approach to rural housing development. I thus apportion only limited weight to the proposal's conflicts with saved Policy H26 and Policies CP13 and CP14.
13. Objections have been raised by interested parties with respect to the site's 'backland' position behind Wentworth House and the potential for its development to set a precedent for other similar forms of development in the locality. However, any proposal must be considered on its own individual merits. In this case a large single dwelling is proposed on a spacious individual plot in a location where the development pattern is influenced by other large plots and by development setback from Ravensden Road.
14. Whilst it has been commented by interested parties that the development would be of excessive scale and of poor design and visual appearance, it is apparent that various detailing and features of architectural interest would be incorporated across the proposed dwelling's elevations. Particularly when noting the mixed and varied residential character and appearance of the site's surroundings and the varied heights of different buildings, I am satisfied that a suitably scaled and designed dwelling is proposed.
15. I am aware that there are historic buildings located in proximity to the site. These include the Grade II listed Abbey Farmhouse to the north. The significance of this designated asset is drawn, in part, from its relevance to the historic evolution and rural history of the area. It is apparent that the scheme was amended during the progression of the planning application that is now the subject of this appeal by lowering the intended ground level in the location where the dwelling would be positioned in the interests of seeking to ensure that it would not unduly compete with Abbey Farmhouse.
16. I note that the latest comments of the Council's Conservation Officer indicate that minor less than substantial harm would be caused to Abbey Farmhouse. However, when considering the separation distance, the presence of other nearby developments and the various intervening planting that is in place, I consider that the proposal could be implemented whilst satisfying the statutory duty to have special regard to the desirability of preserving a listed building's setting. The proposal would thus not cause harm to the setting of Abbey Farmhouse, which would remain semi-rural in its makeup, nor lead to a loss of heritage significance. Indeed, I am satisfied that the same conclusions would

apply to other heritage assets in the locality, most specifically the Grade II listed Salph End Farmhouse situated to the southeast.

17. The scheme is supported by a Preliminary Ecological Appraisal (March 2019) (the PEA), which included a Phase 1 habitat survey and sets out a full evaluation of the site's potential to support a wide range of species, including some which are protected. This work, whilst noting past records of great crested newts in the general area and the presence of badgers (including the undertaking of a separate earlier report in their regard), identified that the overall value of the site is low and that the overall impact of the proposal would be negligible. Whilst I have considered the various representations made by interested parties with respect to wildlife and the value of the habitat provided by the site, I observed little evidence during inspection to suggest that the findings of the PEA are unreasonable or inaccurate. Subject to appropriate conditions being applied with respect to badgers and great crested newts, I am satisfied that the scheme would not cause undue harm to local wildlife.
18. The scheme involves reference to the intended diversion of an existing public right of way that runs the southern and western edges of the site. This suggested diversion would provide a more direct route from Ravensden Road to the rear (west) of the site and has raised no objection from the Ramblers Association. Its formal diversion would be the subject of a separate process outside of this appeal. Whilst I do not dispute that the current route is likely used on a frequent basis, I am satisfied that the intended diverted route could be provided to a suitable standard, would be suitably respectful of the character of the area, and would not pose an unacceptable threat to either local wildlife or the privacy of neighbouring residential occupiers.
19. Any associated noise or pollution resulting from the future occupation of the proposed dwelling would be anticipated to be negligible and thus acceptable. Indeed, a low number of associated vehicle movements would be associated with the occupation of a single dwelling and the proposed use of the site would complement its residential surroundings.
20. It has been stated by interested parties that there is a legal covenant in place that restricts housing being constructed on the appeal site. However, this is a civil matter that does not affect the planning merits of this case and would need to be progressed outside of this planning appeal.

Planning Balance

21. The Council has stated that it can only currently demonstrate a 3.01 year supply of housing land. The proposal, which is for a large family sized dwelling, would contribute towards reducing the housing shortfall and comply with the Framework in terms of boosting the supply of homes.
22. It is acknowledged that the scheme would conflict with development plan policies that seek to direct development away from the countryside. However, these policies act to restrict the supply of housing and are not wholly consistent with the Framework's approach to rural housing. In the case of the proposal before me, the benefit of the additional dwelling is a matter of overriding importance that outweighs the identified policy conflict therewith. Indeed, there are material considerations that indicate that the proposal should be determined other than in accordance with the development plan in this case.

Conditions

23. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes and omitted one related to cycle parking details. Pre-commencement conditions have only been applied where agreed to by the appellant in writing (in this case at planning application stage, as confirmed in the Council's committee report) and where necessary to guide initial works on site.
24. In the interests of certainty, a condition specifying the approved plans is required. To ensure that any potential archaeological assets are properly safeguarded, a condition is required to secure evaluation as well as subsequent fieldwork/mitigation if necessary. In the interests of ensuring an energy-efficient development, a condition is reasonable and necessary to secure the submission of an Energy Statement securing compliance with a previously undertaken Energy Audit. It is not necessary for this Statement to secure details of how the layout, orientation and design of the dwelling has been influenced because these details are already set out on the approved plans.
25. In the interests of highway safety, conditions are reasonable and necessary to secure full details of the intended vehicular access and that it is surfaced in a stable and durable material. I am satisfied that the intended access drive is suitable and of sufficient width to accommodate construction traffic. It is not necessary for a condition to be imposed to secure cycle parking details. The site is large and intended to accommodate only a single dwelling. There would evidently be opportunities for future occupiers to store cycles securely.
26. In the interests of safeguarding the character and appearance of the site and its surroundings, conditions are reasonable and necessary to secure full details of external-facing materials, of bin storage, of boundary treatment and of soft landscaping (including details of vegetation to be retained and how it would be protected during construction) as well as its implementation and maintenance. The provision of boundary treatment details is to be linked to first occupation, rather than the development's commencement, as such treatments would only need to be erected prior to first occupation.
27. Furthermore, in the interests of ensuring that no harm is caused to the setting of nearby heritage assets, it is reasonable and necessary for a condition to be imposed that secures, before above-ground works commence, full details of various intended architectural elements/detailing. As set out in the Framework, conditions restricting the future use of permitted development rights should only be used where there is clear justification to do so. In this instance, again in the interests of ensuring that no harm is caused to the setting of nearby heritages assets, I see clear justification for such a condition to be applied that pertains to the erection of future boundary treatments, enlargements/extensions, outbuildings and to the construction of hardstandings.
28. In the interests of ensuring that protected species are properly protected during the implementation of development, a condition is reasonable and necessary to secure a method statement for protective badger fencing. The carrying out of measures to ensure that badgers do not become trapped during the intended works is also reasonable and necessary to secure. Indeed, these

conditions are recommended to be imposed by a Badger Impact Assessment (the BIA) that was carried out in November 2018.

29. Whilst I acknowledge the presence of badger setts at the site, I am suitably satisfied that the BIA is robust and that its finding that the proposal would have a neutral impact upon foraging and the long-term survival of badgers in their setts is accurate. Furthermore, a license from Natural England would be required to permit disturbance to badgers, which offers further assurances that the proposal would not lead to harm to protected species.
30. With respect to great crested newts, I am content that conditions are reasonable and necessary to be applied to ensure that the development is delivered in accordance with the Council's organisational licence and that the appropriate certification is provided before development proceeds.

Conclusion

31. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans and documents, unless required otherwise by a separate planning condition of this permission: P01; P02; P03; P04B; P04B (sheet 2); P05 (proposed garage plan and elevations); P05 (proposed elevations in context); P06; P07; P08; 17917-Topo; Sustainability Statement (including Energy Audit, October 2018); Preliminary Ecological Appraisal (March 2019); Badger Impact Assessment (November 2018).
- 3) Notwithstanding the submitted details, no development shall take place until details of the junction of the proposed vehicular access with the highway have been submitted to and approved in writing by the Local Planning Authority. The junction shown on the approved plans shall be constructed to base course level prior to the commencement of any other development on the site. The development shall not be occupied until the junction has been constructed in accordance with the approved details.
- 4) No building hereby approved shall be occupied until the access has been surfaced in a stable and durable manner with a bonded material across the entire width of the access for a distance of 10 metres measured back from the Highway boundary. Surface water from the access shall not drain to the public highway.
- 5) No development shall take place until an archaeological strategy for evaluation and, if necessary, a further mitigation strategy based on the

outcome of the evaluation has been submitted to and approved in writing by the Local Planning Authority. The archaeological mitigation strategy shall include a timetable and the following components (the completion of each to the satisfaction of the Local Planning Authority will result in a separate confirmation of compliance for each component): (i) fieldwork and/or preservation 'In situ' of archaeological remains; (ii) a post-excavation assessment report (to be submitted within six months of the completion of fieldwork); (iii) a post-excavation analysis report, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork). The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

- 6) No development shall take place (including any demolition, ground works or site clearance) until a method statement for badger protection fencing has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the: (i) purpose and objectives for the proposed works; (ii) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); (iii) extent and location of proposed works shown on appropriate scaled maps and plans; (iv) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; (v) persons responsible for implementing the works; (vi) initial after-care and long-term maintenance (where relevant); (vii) disposal of any wastes arising from works. The development shall be implemented in accordance with the approved details.
- 7) No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipes and culverts are implemented. The measures may include: (i) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day, and (ii) open pipework greater than 150mm in outside diameter being blanked off at the end of each working day.
- 8) The development shall be delivered in accordance with the terms and conditions of this Council's Great Crested Newt organisational licence (WML-OR23) and with the proposals detailed on an informative plan 'Impact Map – Land rear of Wentworth House' submitted to the Council and dated May 2019.
- 9) No development (including ground investigations, site preparatory works or ground clearance) shall take place until a certificate from the Delivery Partner (as set out in the Great Crested Newt District Licence WML-OR23), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved in writing by the Local Planning Authority and the Local Planning Authority has provided authorisation for the development to proceed under the District Newt Licence.

- 10) No development shall take place until full particulars of the external materials to be used (to include walls, roof, doors, windows and external gutters and pipework) have been provided for inspection (on site where possible) and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details or particulars.
- 11) Prior to the commencement of any works above new ground level, precise details of the following shall be submitted to and approved in writing by the Local Planning Authority: (i) roof eaves and verges (1:5 scale sections); (ii) windows and doors, (1:20 scale elevations of typical types and 1:5 scale sections through head, jambs, cills); (iii) quoins (1:20 scale elevations of typical area). The development shall thereafter be implemented in accordance with the approved details.
- 12) No development shall take place until a scheme of landscape works has been submitted to and approved in writing by the Local Planning Authority, which shall include details of the following: (i) a survey of existing trees, shrubs and hedges giving their species, location, height, spread and condition and indicating those which are to be retained and those to be removed; (ii) planting proposals giving location, species, number, density and planting size; (iii) the relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services; (iv) areas of grass turfing or seeding and other surface materials and the measures to be taken to maintain the new planting for the required period referenced in Condition 10 below; (v) details of all hard works including paving materials; (vi) details of how trees and hedges which are to be retained will be protected during construction works.
- 13) All planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purposes of this condition a planting season shall mean the period from November to February inclusive.
- 14) No building shall be occupied until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The energy statement shall include: (i) an assessment of the actual effect on carbon dioxide emissions demonstrating the measures previously agreed as part of an Energy Audit (October 2018) have achieved a reduction of at least 10% in carbon emissions below the normal requirement set by the Building Regulations; (ii) a statement of how the materials used in the development have been influenced by the Energy Audit.
- 15) Prior to the first occupation of the development hereby permitted, a scheme of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the dwelling, the scheme shall be installed in accordance with the approved details and retained thereafter.

- 16) No building shall be occupied until details of bin storage have been submitted to and approved in writing by the Local Planning Authority. The storage of bins shall be provided in accordance with the approved scheme prior to the development's first occupation and thereafter retained.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order), other than where authorised by this permission, no fences, gates, walls, extensions, outbuildings or hardstandings shall be erected or constructed within the curtilage of the dwellinghouse hereby permitted without the specific grant of planning permission by the Local Planning Authority.