



Appeal Decision

Site visit made on 16 June 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2020

Appeal Ref: APP/P0240/W/20/3247529

Frogmore, 45 The Ridgeway, Flitwick MK45 1DH

- 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 Raymond Buckingham against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/01937/FULL, dated 12 June 2019, was refused by notice dated 13 December 2019.
 - The development proposed is erection of two 3 Bed Chalet Bungalows.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two 3 Bed Chalet Bungalows at Frogmore, 45 The Ridgeway, Flitwick MK45 1DH in accordance with the terms of the application Ref CB/19/01937/FULL, dated 12 June 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on
 - (i) the character and appearance of the area; and
 - (ii) the living conditions of the occupiers of the neighbouring properties at Nos. 27b, 33, 35 and 37 Durham Close with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site comprises of a hardstanding area used for vehicle storage at the rear of No. 45 The Ridgeway (No. 45), a two storey detached dwelling setback from the road and accessed via a long driveway off The Ridgeway. The site is bounded by a veterinary clinic and residential properties, with a range of two storey dwellings and chalet style bungalows primarily fronting onto the highway but with some backland style development. This provides a diverse mix of house types and variety in the design, density and appearance of the dwellings that gives the area a mixed well-established residential character.
4. The proposal would involve the erection of two detached chalet style bungalows with integral garages and associated landscaping, gardens and parking. The proposed dwellings would be set back from the road with vehicular access via a shared access drive off The Ridgeway. The external finish of the dwellings

would be predominantly constructed from red brick with pitched tiled roofs and dormers on the front and rear roof elevations.

5. The appeal site is in a relatively large plot and as such the proposed development would not appear overlarge, relative to the overall plot size. Given the boundary treatment and mature landscaping along the front boundary of the site, the proposal would only be visible over short distances from the adjacent properties and along the accessway into the site when passing the site. Given this context, to my mind, the development would not be unsympathetic to the streetscene nor would it appear cramped when taking into account the overall character of the area.
6. Turning to the scale and layout of the development, the proposed dwellings would be seen in the context of the existing large two storey dwelling at No. 45, adjacent two storey properties along The Ridgeway to the south-west and east of the site and the chalet style bungalows along Durham Close to the north and west, including a detached bungalow with dormers on a backland development at No. 27b Durham Close immediately to the rear of the site.
7. Against this backdrop, the scale, form and layout of the proposed dwellings would not look significantly out of place or excessive in relation to the built form of the adjacent properties and the surrounding area. The design and layout of the proposed dwellings, set back, together with the use of materials, fenestrations, landscaping and boundary treatment would ensure the proposal would sit relatively unobtrusively against the built form of the adjacent properties and would ensure that the overall proposal would not have a significant impact on the character and appearance of the surrounding area.
8. Consequently, I conclude that the development would not adversely harm the character and appearance of the area. It would be consistent with Policies CS14 and DM3 of the Central Bedfordshire Core Strategy and Development Management Policies Development Plan Document 2009 (CSMP) and the Central Bedfordshire Design Guide 2014 (CBDG). These policies and guidance seek, amongst other things, to ensure all proposals for new development will be of the highest quality design that would be appropriate in scale and design to their setting, respects its local context and contributes positively to the local distinctiveness of the area.
9. In addition, it would accord with the aims of the National Planning Policy Framework (the Framework) that seeks to secure developments of a high quality of design (paragraph 124); that will add to the overall quality of the area and are sympathetic to the local character (paragraph 127).

Living conditions of the occupiers of the neighbouring properties

10. The proposed dwellings would set back from the rear elevations and the shared common boundaries of the neighbouring properties at Nos. 33, 35 and 37 Durham Close (Nos. 33, 35 and 37) to the west and No. 27b Durham Close (No. 27b) to the north of the site. The nearest proposed dwelling on Plot 1 would be set back and stepped down with a blank gabled end facing the nearest windows to the habitable rooms and the garden at the rear of No. 35. The rear elevations and small gardens at the rear of Nos. 27b, 33, 35 and 37 would be separated from the appeal site by a high closed boarded fence and some mature vegetation along the boundaries.

11. The outlook at the rear of Nos. 27b, 33, 35 and 37 is already toward the boundary fence and the vehicle storage area at the rear of the existing property at No. 45. From my observations during my site visit, the appeal site contained various vans, cars, trailers, caravans and associated paraphernalia that were parked in various locations, some of which were parked close to the boundaries with the adjacent properties along Durham Close.
12. Whilst I accept that there would be some impact from the development, given the existing use of the site, the overall height and design of the proposed dwellings, set back and stepped down, together with the boundary treatment, the separation distance between the properties and the orientation of the buildings, I consider that the proposed dwellings would not result in significant loss of light and overshadowing of the main habitable rooms and gardens at the rear of Nos. 27b, 33, 35 and 37, nor dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of Nos. 27b, 33, 35 and 37.
13. Consequently, I conclude that the development would not result in significant harm to the living conditions of the occupiers of the neighbouring properties at Nos. 27b, 33, 35 and 37 Durham Close with particular regard to outlook and light. It would be consistent with CSMP Policies CS14 and DM3 and the CBDG. These policies and guidance seek, amongst other things, to ensure all proposals for new development will be of the highest quality design that respect and protect the amenities of the neighbouring and surrounding properties. In addition, it would accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).

Other Matters

14. I have noted the objections raised by third parties to the proposal. These include the impact on the amenities of local residents, noise and disturbance, air quality, character of the area, traffic, parking, highway safety, impact on trees, drainage, contamination and the impact during the construction works on neighbouring properties.
15. However, I have addressed the matters relating to the character and appearance of the area and the living conditions of the neighbouring properties in the main issues above. No objections were received from the Council's Highways Officer, Pollution Officer and the Trees and Landscape Officer, subject to appropriate planning conditions being applied to the proposal.
16. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

17. Having regard to the Framework, and in particular paragraph 55, I have considered the appellant's comments and the conditions suggested by the

Council but with some variation to the wording where necessary and in the interests of clarity.

18. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. Those conditions relating to the detailing of the external materials, hard and soft landscaping and boundary treatment are necessary in order to protect the character and appearance of the area and to safeguard the amenities of the nearby residents. A condition relating to the protection of the trees close to the entrance to the site, subject to a Tree Preservation Order, and the submission of an Arboricultural Method Statement is necessary in order to ensure their survival and to protect the visual amenity of the trees.
19. Those conditions relating to the access, junction arrangements, visibility splays, parking, vehicular turning facilities, cycle parking, surfacing materials and surface water drainage are necessary in the interests of highway safety and to promote sustainable transport. I agree that the condition relating to refuse collection facilities is necessary in the interests of amenity, highway safety and promoting sustainable waste management. A condition relating to the remediation proposals based on site investigation and risk assessment relating to contamination on the site is necessary in the interest of public safety.

Conclusion

20. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

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 and particulars: -
Location Plan 1:1250, EM089-01B (Proposed Site Plan), EM089-02A (Proposed Elevations and Plans).
- 3) No construction work on the walls and roofs of the development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external roofs and walls of the development hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before any of the dwellings are occupied and shall be retained thereafter.

- 5) No dwelling shall be occupied until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.
- 6) Prior to the commencement of development, an Arboricultural Method Statement relating to the proposed works to the access road at the entrance to the site in close proximity to the existing group Tree Preservation Order shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved Arboricultural Method Statement.
- 7) No building shall be occupied until the widened junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details.
- 8) The access shall be no less than 4.8m wide for at least 8.0m into the site measured from the nearside kerbline.
- 9) A visibility splay shall be provided at the junction of the vehicular access with the public highway before the development is brought into use. The splay shall extend to the limits of the site's highway frontage to the west from a point on the centre line of the access measured 2.4m back from the road channel. The required vision splays shall for the duration of the development remain free of any obstruction to visibility.
- 10) Any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway. The gates shall remain free of obstruction to opening to all traffic using the site and turning area.
- 11) Before the dwellings are occupied all on site vehicular areas shall be surfaced in stable and durable materials in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.
- 12) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the parking provision on the site as illustrated on the approved plan shall not be used for any purpose, other than as parking provision unless permission has been granted by the Local Planning Authority on an application made for that purpose.
- 13) The turning space for service/delivery sized vehicles (6.5m length) at the frontage of the proposed dwellings shall be constructed before the development is first brought into use and thereafter retained for the purpose of vehicle turning and free of obstruction.

- 14) A scheme for the secure and covered parking of cycles on the site in accordance with the Councils cycle parking annexes, and calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- 15) A refuse collection point located at the site frontage and outside of the public highway and any visibility splays and no more than 10.0m drag distance from the furthest bin to the waiting refuse vehicle shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.
- 16) The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
 - 1) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 - 2) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 - 3) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 - 4) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority.
 - 5) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.