



Appeal Decision

Site visit made on 8 July 2020

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2020

Appeal Ref: APP/K0235/W/19/3242733

4 Little Townsend Close, Elstow, Bedford, MK42 9YZ

- 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 Paul Bricknell against the decision of Bedford Borough Council.
 - The application Ref 19/01098/FUL, dated 20 May 2019, was refused by notice dated 28 November 2019.
 - The development proposed is demolition of existing garages and erection of a two-storey detached three bedroom house.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garages and erection of a two-storey detached three bedroom house at 4 Little Townsend Close, Elstow, Bedford, MK42 9YZ in accordance with the terms of the application, Ref 19/01098/FUL, dated 20 May 2019, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. After the Council issued its decision it adopted the Bedford Borough Local Plan 2030 (January 2020) (LP) which replaced relevant policies of the Local Plan (2002) and the Core Strategy & Rural Issues Plan (2008). The adoption also established a deliverable five-year housing land supply. I have determined the appeal on this basis.
3. The appellant refers to the submission of a revised site plan during the course of the planning application and this has been included as an appendix to the appeal statement. However, the Council appears to have made its decision on the basis of the original proposals and the remainder of the submitted plans (floor plans and elevations) have not been updated to reflect any alternative building on the site. As such, and for the avoidance of doubt, I have determined the appeal on the basis of the original site plan, as considered by the Council and other interested parties.

Main Issue

4. The main issue is the effect on the character and appearance of the area.

Reasons

5. The appeal site is garden land in the corner of a cul-de-sac comprising residential properties of a similar character and appearance. There is variation

in the size of properties, some of which have been significantly extended. Buildings are located relatively close together with little greenery of open space besides some modest front gardens.

6. The appeal site is a side garden to No.4 which is surrounded by a close boarded fence behind a driveway and double garage. The sizeable garden to the side of the property is not characteristic of the surrounding area. To the contrary, the residential properties on the other side of the cul-de-sac are densely developed, accessed from a hard-paved shared driveway with little landscaping or open space.
7. Given the nature of the appeal site, it contributes little to the street scene in its current form. The site is capable of accommodating a dwelling similar in proportions to those surrounding and with similar spacing from other dwellings in the vicinity. The proposal would follow the alignment of properties around the turning head, consistent with the existing arrangement. The resulting density and appearance of the development would be entirely in keeping with the prevailing character and appearance of the area.
8. As such, I find no conflict with Policies 28S, 29 or 30 of the LP, which require high quality development that is appropriate to its context. Although the development would not achieve the 13m garden depth sought by design code N3 of the Council's Design Guidance (2000), it would achieve the 9m minimum privacy distance sought by design code N5. I have determined that the proposed garden size and space around the building would be comparable with surrounding properties and therefore attach little weight to the divergence from this element of the guidance.

Other Matters

9. The proposed dwelling would be orientated away from the most private parts of neighbouring gardens and would be sufficiently removed as to avoid any material harm in terms of overlooking, overbearing impact of loss of light. There will inevitably be some noise, dust, disturbance and inconvenience during the course of construction, but this will last for a limited period of time and will not give rise to any long-term harm to neighbouring living conditions.
10. I have had regard to concerns about parking and vehicle movements in the area but the development of a single house would not generate large amounts of traffic. The development would provide sufficient parking for both the existing and proposed property in accordance with Council and Local Highway Authority requirements. There is no reason to believe that this will prove insufficient but, in any case, I noted ample opportunity for on-street parking during my visit that should not lead to highway safety issues or inconvenience.
11. The frontage of the appeal site is already covered with hardstanding and a double garage, along with outbuildings on the existing garden area. A rear garden would be retained as part of the scheme and there is no reason to believe that drainage cannot be appropriately dealt with in the manner specified within the application and in accordance with Building Regulations.
12. I note concerns that No.4 is currently being used as an HMO but that does not form part of the proposals before me and does not alter my conclusions on the main issue in this case. The appeal seeks planning permission for a dwelling and would not extend to use of the new property as an HMO.

Conditions

13. The Council has suggested a number of conditions in the event that the appeal succeeds and planning permission is granted. I have attached the standard time period for commencement of development and a requirement for the development to be constructed in accordance with the approved plans in the interests of certainty.
14. The Council notes that there are no trees of significance within the appeal site and so the proposed landscaping conditions are unduly onerous and unnecessary. I have attached alternative conditions that will ensure appropriate landscaping of the site.
15. It is necessary to secure details of the materials to be used in the proposed development to ensure an appropriate appearance. Again, I have reworded the suggested condition to ensure precision and to reflect the scale and nature of the proposal.
16. Given the proximity of the appeal site to the railway line it is necessary to ensure safe construction. In lieu of the condition suggested by the Council I have attached a requirement for a Construction Method Statement that will require details and ensure that the necessary requirements of Network Rail are met.
17. In accordance with the Council's recently adopted LP policy 29, I have attached a requirement for an Energy Statement that will ensure energy efficient and sustainable construction.
18. I have not found it necessary to attach a condition removing permitted development rights from the property. Such conditions should only be imposed in exceptional circumstances. No such circumstances have been identified by the Council and I see no reason why minor development should be harmful to amenity in the future or warrant additional control in this case.

Conclusion

19. I have determined that the appeal proposal would not harm the character and appearance of the area and have identified no other conflict with the development plan.
20. In light of the above, the appeal is allowed.

Michael Boniface

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 (unnumbered) approved plans: Site Plan, Front Elevation, Rear Elevation, Right Elevation, Left Elevation, Ground and First Floor Plan.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include 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.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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 shall be replaced in the next planting season with others of similar size and species.
- 5) No development shall commence 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. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for safe construction having regard to the adjacent railway line. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) The dwelling hereby approved shall not be occupied until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority relating to that building. The energy statement shall include:
 - a) An assessment of the actual effect on carbon dioxide emissions demonstrating the measures previously set out in the approved Sustainability Statement have achieved a reduction of at least 10% in carbon emissions below the normal requirement set by the Building Regulations.
 - b) A statement of how the layout, orientation, design and materials used in the development have actually been influenced by the approved Sustainability Statement.

End of Schedule