
Appeal Decisions

Site visit made on 4 January 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal A Ref: APP/K0235/W/20/3260326

Land to the East of 13 Trevor Drive, Bromham MK43 8PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Raj Narang on behalf of Avoko against the decision of Bedford Borough Council.
 - The application Ref 20/00918/AOC, dated 29 April 2020, sought approval of details pursuant to Condition No 3 of planning permission Ref 18/00340/FUL, granted on 28 September 2018.
 - The development granted planning permission is described as demolition of existing garages and erection of two x three bed detached dwellings and all ancillary works.
 - The application for approval of details was refused by notice dated 10 September 2020.
 - Condition No 3 states that: *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.*
 - The reason given for the condition is: *In the interests of visual amenity and in accordance with saved Policy BE30 of the Bedford Borough Local Plan 2002 and Policy CP21 of the Core Strategy and Rural Issues Plan 2008. The Local Planning Authority is satisfied that the timing of compliance is fundamental to the development permitted and that the permission ought to be refused unless the condition is imposed in this form.*
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Appeal B Ref: APP/K0235/W/20/3260327

Land to the East of 13 Trevor Drive, Bromham MK43 8PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Raj Narang on behalf of Avoko against the decision of Bedford Borough Council.
- The application Ref 20/00922/AOC, dated 29 April 2020, sought approval of details pursuant to Condition No 5 of planning permission Ref 18/00340/FUL, granted on 28 September 2018.
- The development granted planning permission is described as demolition of existing garages and erection of two x three bed detached dwellings and all ancillary works.
- The application for approval of details was refused by notice dated 10 September 2020.
- Condition No 5 states that: *No development shall take place until written details of all boundary treatments, screen walls and fences including a timetable for carrying out the works are submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and timetable.*
- The reason given for the condition is: *To ensure a satisfactory standard of development and in accordance with saved Policy BE30 of the Bedford Borough Local Plan 2002 and*

Policy CP21 of the Core Strategy and Rural Issues Plan 2008. The Local Planning Authority is satisfied that the timing of compliance is fundamental to the development permitted and that the permission ought to be refused unless the condition is imposed in this form.

Appeal C Ref: APP/K0235/W/20/3260330

Land to the East of 13 Trevor Drive, Bromham MK43 8PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Raj Narang on behalf of Avoko against the decision of Bedford Borough Council.
 - The application Ref 20/00923/AOC, dated 29 April 2020, sought approval of details pursuant to Condition No 6 of planning permission Ref 18/00340/FUL, granted on 28 September 2018.
 - The development granted planning permission is described as demolition of existing garages and erection of two x three bed detached dwellings and all ancillary works.
 - The application for approval of details was refused by notice dated 10 September 2020.
 - Condition No 6 states that: *No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscape works, which shall include details of the following:*
 - a) *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.*
 - b) *Planting proposals giving location, species, number, density and planting size.*
 - c) *The relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services.*
 - d) *Areas of grass turfing or seeding and other surface materials.*
 - e) *Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period.*
 - f) *Details of all hard works, paving materials, street furniture, bollards/bins etc.*
 - g) *Location and details of all play areas including equipment type, surfacing, fencing, seating etc.*
 - h) *Details of the long-term management and maintenance proposals for the new planting.*
 - The reason given for the condition is: *To enhance the appearance of the proposed development and in accordance with Policies BE30, BE38 and NE4 of the saved Bedford Borough Local Plan 2002 and Policies CP21 and CP24 of the Bedford Core Strategy and Rural Issues Plan 2008. The Local Planning Authority is satisfied that the timing of compliance is fundamental to the development permitted and that the permission ought to be refused unless the condition is imposed in this form.*
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Decisions

1. Appeal A is dismissed, Appeal B is dismissed, and Appeal C is dismissed.

Applications for costs

2. Applications for costs were made by Mr Raj Narang on behalf of Avoko against Bedford Borough Council. These applications are the subject of separate Decisions.

Main Issue

3. The main issue in each appeal is the effect upon the character and appearance of the area.

Reasons

Appeal A – External Materials

4. The appeal site forms part of a modern residential estate, where properties can typically be observed to be similarly designed. Whilst some weatherboarding of varied type and colour as well as selected instances of render are in place local to the site, these are limited in their number and typical extent. The dominant external-facing material in the area is brick, which was also reflected in the composition of the garage blocks that previously occupied the site. It was also evident from my inspection that window frames in the locality are, almost without exception, coloured white.
5. I would not take issue with either a granite grey coloured render or a dark coloured composite/timber cladding product being used, if only in moderation and to selected parts of the dwellings' exteriors in order to articulate their finish. However, it is intended that development be brought forward without the use of any exterior brickwork. This approach would lead to development that would appear discordant with its surroundings. Indeed, the intended use of black-coloured window frames to external-facing elevations would further compound this finding.
6. I accept that it would be overly prescriptive to seek to mimic the precise composition of materials used when the residential estate was first constructed. Indeed, the National Design Guide indicates that well-designed proposals can add new character and differences to places. Even so, in the context of the site's immediate surroundings, fully rendered/clad elevations incorporating black coloured window frames would not offer subtle or acceptable differences. As a result, the character of the local area would not be suitably respected. The anticipated thermal performance of a rendered finish does not alter my assessments in character and appearance terms.
7. The intended use of grey coloured roof tiling, whilst not of interlocking concrete specification, does not raise undue concerns in a character and appearance context. Neither does the intended introduction of black-coloured rainwater goods and doors. Indeed, a variety of differently designed and coloured doors are already in situ local to the site.
8. However, for the above reasons, the proposed suite of external materials (considered in overall terms) would fail to satisfactorily respect the character and appearance of the area. The proposal conflicts with Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030 (adopted January 2020) (the Local Plan) in so far as these policies require development to have a positive relationship with the surrounding area, integrating well with and complementing the character of the area in which the development is located.

Appeals B and C – Boundary Treatments and Landscape Works

9. Properties in the area are typically characterised by being setback from the highway such that property frontages often have an open feel. Indeed, along Trevor Drive, front boundary treatments are often comprised of dwarf walling. Whilst examples of close boarded fences in the local area have been referenced (including at the appeal site itself), these are of limited number and tend not to have an immediate relationship to the highway. An open and spacious residential character and appearance is thus identifiable local to the site.

10. The proposed close boarded fencing would not be positioned in front of the approved dwellings themselves and would be acceptable where intended to depict the site's southern rear boundary. However, the fencing would run in proximity to the highway for notable stretches of the site's perimeter. Notwithstanding its fairly modest intended height (50cm taller than what could be installed under permitted development rights), the fencing would appear unacceptably stark and at odds with the area's open and spacious character. This would be particularly so alongside Trevor Drive's junction with Rosemary Drive, a prominent and readily visible corner location.
11. I see merit in the Council's suggested use of walling as an alternative to close boarded fencing, which would be anticipated to appear more in keeping with the character of the area and to provide a higher quality solution in the long-term. Nevertheless, it is my responsibility to determine the appeals in accordance with the details that are before me and, in the case of Appeal B, the absence of screen walls is not determinative.
12. The site is of constrained depth, such that it has been necessary to predominantly position private garden spaces to the side of dwellings as opposed to the rear. The consequences of this were noted by the Council at planning application stage, where it was indicated that a mix of landscaping and boundary treatments would be the most suitable means of allowing private garden spaces to be enclosed.
13. The scheme of soft landscaping works that is before me, whilst inclusive of planting inside enclosed areas and to the immediate frontages of the approved dwellings, does not incorporate any substantive planting to the outer side of the proposed fencing where it would address Trevor Drive. Indeed, merely a narrow grassed strip is indicated towards the eastern end of the site and no gap between the fencing and the adjacent pathway is intended towards the site's western end. The provision of robust planting to the outer side of the proposed fencing could have played an important role in softening its appearance and reducing its visual impact. Indeed, the absence of such an approach is an important factor in establishing that Appeals B and C should fail.
14. Condition 5 of the planning permission, which is the subject of Appeal B, specifically requires a timetable for carrying out the boundary treatment works to be submitted for approval. Confirmation has been provided at appeal stage that treatments would be installed during the first planting season following the completion of the development. To my mind, this provides sufficient certainty that any agreed scheme of boundary treatment would ultimately be installed in full and in a suitably expedient fashion.
15. Condition 6 of the permission, which is the subject of Appeal C, requires that long-term management and maintenance proposals for the new planting be submitted for approval. This requirement is read alongside Condition 7 of the same permission, which secures the implementation of all planting, seeding and turfing works and replacement planting (if necessary) within a subsequent 5-year period. The appellant has confirmed that future occupants of the dwellings would manage and maintain their gardens, to which the Council has confirmed acceptance. I have no clear reason to consider that any further management/maintenance details would be required in the context of the planting proposals that are before me.

16. Nevertheless, for the above reasons, the proposed details of boundary treatment and landscape works would fail to satisfactorily respect the character and appearance of the area. The proposals conflict with Policies 28S, 29, 30 and 38 of the Local Plan in so far as these policies require development to have a positive relationship with the surrounding area and that proposed landscaping schemes should consider the character of the site.

Conclusion

17. For the above reasons, each of the appeals is dismissed. Conditions 3, 5 and 6 attached to planning permission Ref 18/00340/FUL are thus not discharged.

Andrew Smith

INSPECTOR