



Appeal Decision

Site visit made on 18 November 2021

by R W Allen B.Sc PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2021

Appeal Ref: APP/K0235/D/21/3282348

The Manor, Whitwick Green Road, Thurleigh MK44 2DE

- 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 and Mrs Simon Petrides against the decision of Bedford Borough Council.
 - The application ref 21/00353/FUL, dated 5 February 2021, was refused by notice dated 15 June 2021.
 - The development proposed is construction of a timber boarded garage and storage building with gravelled access drive to service the building.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a timber weather boarded garage and storage building with gravelled access drive to service the building at The Manor, Whitwick Green Road, Bedford, MK44 2DE in accordance with the terms of the application, Ref 21/00353/FUL, dated 9 February 2021, subject to the following conditions set out the Schedule at the end of this decision.

Preliminary Matter

2. The host property is referred differently throughout the appeal documentation; using such names as "The Manor" and "Manor House" while the listing description describes the building as "Manor Farmhouse". I am satisfied all refer to the same building and I will use the former in my decision as this is how the building is identified on the planning application form and in the Council's decision notice.
3. The appellant submitted a Tree Survey report¹ in response to a written request I made to both parties asking whether a tree condition could be imposed, and if so, the suggested wording I might use if I were minded to allow the appeal. The report constitutes late evidence; not being part of the original appeal or the application. However, because it seeks to address the Council's concern in respect to the second main issue, I decided to accept it and I allowed the Council additional time to consider and respond to it. I have taken all comments by both main parties into consideration in reaching my decision.

Main Issues

4. The main issues are:

¹ Document entitled "Tree Survey Report Pre-Development (August 2021)"

- Whether the proposed development would preserve or enhance the character or appearance of The Manor and The Waggon House and Stable, both of which are listed buildings; and
- whether the proposed development would result in damage or loss to trees.

Reasons

Effect on listed buildings

5. Section 66(1) of the 1990 Act² requires special regard should be given to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance must be given to any harm caused to the designated heritage assets in the planning balance, and this includes any harm to the setting of listed buildings.
6. The Manor is a two-storey double fronted detached dwelling within large and spacious grounds. Access is via a long and narrow driveway located adjacent to its southern boundary; and which runs alongside its largely well-screened garden. The dwelling lies at the eastern end of the site. Its principal elevation displays a typically Georgian façade and fenestration proportioning of aligned ground and first floor windows either side of the centrally placed entrance doorway. It faces towards the south and across open fields. The property is Grade II listed, which the appellant states is because of its special architectural and historic interest as an early nineteenth century farmhouse. I concur and find that the building displays a charming and attractive character.
7. Attached to the host dwelling to the rear is a single-storey L-shaped structure which I note from the listing description was a service wing. To the rear of that lies a small and enclosed garden area, separate from the main garden, which contains two additional buildings: The Waggon House and Stable; and the Water Tower. The Waggon House and Stable is a single-storey timber framed and weatherboarded building which is also Grade II listed. The Water Tower, a tall and slender brick build structure is not listed but is nonetheless striking and architecturally pleasing.
8. I observed and appreciated the architectural and historical importance of The Manor and The Waggon House and Stable building, and I concur with the main parties that both positively contribute to the significance of the heritage assets. Additionally, in the case for The Manor, I find its setting also contributes to its significance owing to the buildings positioning within the countryside, set amongst well established trees, and which can be observed and appreciated from within the site but also from views to the south.
9. I acknowledge that the design, size and materials of the proposed building differs sharply from that of the heritage assets and the Water Tower. However, I do not share the Council's view that its presence within the grounds of the property would inevitably cause harm. The proposed building would be located at a sufficient distance from the host property, and I am satisfied that it would be of an acceptable scale and size such that it would not compete with or detract from its character and appearance. Moreover, the proposed development would be largely surrounded by established and dense planting such that it would not harm the significance of the dwelling as a heritage asset,

² The Planning (Listed Building and Conservation Areas) Act 1990

which when viewed from within the grounds and wider locality would retain its splendour and importance. The proposed building would for similar reasons have no harmful effect on the significance of The Waggon House and Stable or on the character and appearance of the Water Tower.

10. Given that the principal elevation of The Manor faces south, it seems to me that the proposed building would lie to its side and not the front as the Council sees it, and in so doing would not have the effect of cutting off views of the building. Indeed, from the closest point between the location of the proposed development and the road, which is to the west, I find the proposed building would not be prominent or incongruous and would have little bearing on the appreciation of the host dwelling, which cannot in any event be readily viewed from this location.
11. I do, however, have some sympathies with the Council in respect to the hardstanding area. While it is large in area, perhaps confusingly so given the size of the proposed building it is intended to serve, I nevertheless find that it is the choice of surfacing material, as opposed its size, on which the appeal turns, and in which has the potential to cause harm. I do hold some reservations that the choice of gravel material may be better suited to a built up or suburban locality as opposed to this location. However, I am satisfied that this aspect could be controlled by planning condition, ensuring that the Council could regulate and agree with the appellant the best and most suitable surfacing material(s) to be used, either in part or for all this area.
12. Taking all matters into consideration, I am satisfied that the proposed development would not cause harm to the significance of the heritage assets or upon the character and appearance of the Water Tower. The proposed development would accord with Local Plan³ policies 28S (i and ii), 29 (i, ii and iii), 41S(iv) and 66(viii and ix). Collectively, these state that development, including the replacement and extension of dwelling in the countryside, will be expected to contribute to good place-making and be of the highest design quality which would promote a positive relationship and would have no adverse effect on the character and appearance of the surrounding area; and would protect the historic environment and heritage assets.
13. Because I have found the proposed development would not harm the heritage assets, it is not necessary for me to engage the balancing exercise as required by paragraph 202 of the Framework⁴.

Effect on trees

14. As noted above, the garden area is well screened with a mixture of shrubs and trees. From my observations, it appears that the footprint of the proposed building and the hardstanding area would potentially affect several trees; one of which particularly caught my eye which appeared to be in the path of the approach driveway linking the proposed development area with the existing access. At this point in the proceedings, I held reservations that the proposed development before me lacked some understanding of its potential effect on trees.
15. However, the late emergence of the Tree Survey report has largely answered these concerns. The report confirms that the tree in question, identified as "T2

³ Bedford Borough Local Plan 2030 (January 2020)

⁴ The National Planning Policy Framework (July 2021)

Purple Beach” is in good to fair condition, with a moderate to high amenity value, but with no works planned for this tree. Of the trees identified as needing to be removed, which are “T3 (False Acacia), T8 (Holly), T9 (Purple Beech) and G1 (comprising two Horse Chestnuts and a Lime)”; two (T3 and T9) are considered to be Category B moderate quality trees with a moderate to low amenity value, whereas the others (T8 and G1) of Category C low quality trees with a low amenity value.

16. The Tree Survey report further identifies that the principal effect would be from the potential root damage from the preparatory excavation works and recommends a no-dig method of construction as being essential. It further states that three-dimensional load spreading material and permeable infill and wearing surface would need to be completed before work commences on the garage/outbuilding. Further, a tree protection strategy will need to be implemented; this will include temporary barriers, protective fencing and ground protection. The Council’s final comments concur with these findings and recommendations, as do I.
17. I am therefore satisfied that the Tree Survey report satisfactorily identifies the trees on site and the works necessary to ensure their protection and health during construction. The proposed development would accord with Local Plan policy 39, which requires development to protect and retain trees.

Conditions

18. I have considered the conditions as suggested by the Council against paragraph 56 of the Framework and I have made changes necessary to comply with those requirements. The appellant has not specifically commented on the conditions advanced by the Council. Those that are conditions precedent I consider are necessary as such details will need to be known and approved before development commences.
19. For the reasons given above, I am satisfied that a condition requiring the submission of materials of the proposed building and the hard surfacing materials are necessary to ensure that the character and appearance of the area is maintained, and to allow the Council to ensure the selected material is appropriate to its surroundings.
20. I am also satisfied that a condition requiring the development to be carried out in accordance with the Tree Survey report is necessary to ensure existing trees are protected during construction. Because of the history of the site, on which the parties inform me that The Manor replaced a dwelling known as Thurleigh Hall and in which the existing pond close to the entrance to the site was once part of a moat surrounding it, I am satisfied that an archaeological condition is necessary to ensure any historical artefacts that may be found are properly recorded.

Conclusion

21. For the reasons give above, I conclude that the appeal is allowed.

R Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: P1 Location Plan; 3287-(L)-03 Proposed Elevation and Floor Plans; Design and Access Statement by Juliet Colman dated February 2021; Great Crested Newt Habitat Assessment by windrushecolgy.com dated 12 October 2020.
- 3) No development shall take place until full details of the external materials to be used in the development, (to include the provision of samples on site where possible) have been submitted to the Local Planning Authority for approval in writing. The works shall thereafter be implemented in accordance with the approved details and thereafter retained.
- 4) No development shall take place until full details of the proposed surfacing materials have been submitted to the Local Planning Authority for approval in writing. The works shall thereafter be implemented in accordance with the approved details.
- 5) The proposed development hereby approved shall be carried out in accordance with identified Recommendations/Tree Protection Strategy as set out in Section 6.0 of the Tree Survey Report Pre-Development by RGS Aboricultural Consultants dated August 2021.
- 6) 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 the Local Planning Authority for approval in writing. The archaeological mitigation strategy shall include a timetable for those works and a process for the approval of each of the following components:
 - a) Fieldwork and/ or preservation "in situ" of archaeological remains;
 - b) a post-excavation assessment report (to be submitted within six months of the completion of fieldwork); and
 - c) 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.