



Appeal Decision

Site visit made on 20 December 2021

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 4 January 2022

Appeal Ref: APP/P0240/D/21/3283449

2 Arundel Close, Flitwick, Bedford MK45 1RR

- 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 Adam Cassell against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/02951/FULL, dated 22 June 2021, was refused by notice dated 2 September 2021.
 - The development proposed is two storey and single storey rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for two storey and single storey rear extensions at 2 Arundel Close, Flitwick, Bedford MK45 1RR in accordance with the terms of the application, Ref CB/21/02951/FULL, dated 22 June 2021, and the plans submitted with it, subject to the conditions set out in Appendix A.

Preliminary Matters

2. During the determination of the application, the council made a minor change to the description of development to make it clearer. I have therefore used the description of development as shown on the decision notice.

Reasons

3. I consider the main issue to be the effect of the proposed development on the living conditions of neighbouring occupiers at 1 Arundel Close.
4. Arundel Close is a small modern development comprising 2no. two storey detached houses and a single detached bungalow, accessed off Manor Way. The close sits within a much larger housing development of similar properties and it backs on to open space and footpath which winds past a number of significant mature trees. No's 1 and 2 have principal elevations that face south and No 2 is set further back into the close.
5. Policy HQ1 (High Quality Development) of the Central Bedfordshire Local Plan (2021) (LP) seeks development (including domestic extensions) which (amongst other things) does not have an adverse impact on neighbouring amenity or privacy.
6. Section 12 of the National Planning Policy Framework (the Framework) sets out that in order to achieve well-designed places developments should (amongst other things) offer a high standard of amenity for existing and future users through the use of good design.

7. No 1 Arundel Close has an open aspect to its rear garden and is not currently overlooked by any neighbouring properties other than by a small first floor obscure glazed window serving an ensuite bathroom at No 2. Whilst a second obscure glazed window would be added as part of the proposals (to serve a new ensuite) I do not consider this would significantly add to the level of overlooking. However, given the proposed two storey element of No 2 would border part of the rear garden to No 1 there would be a change in their aspect.
8. I note the council's statement that the extension would not result in excessive overshadowing to No 1. I concur with this, as both rear gardens are north facing. There would be no direct overlooking from No 2 as the proposed extension would not have any windows within the western elevation which runs along the boundary to No 1.
9. The appellant has made me aware of a Lawful Development Certificate (ref CB/21/04205/LDCP), issued by the council on 11 November 2021 for a similar scheme to that of the appeal as falling within the permitted development limits under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. I have been mindful of this as a 'fallback position' that would, on the balance of probabilities, be implemented by the appellant if this appeal were to be dismissed.
10. The proposed scheme is different to that of the permitted development (PD) scheme because it would result in the direct extension of the side wall of the property. The PD scheme would be set back from the existing side wall in order to allow for a 2m offset to the side boundary fence between No's 1 and 2. The depth of the PD extension at first floor level would be no more than 3m at the boundary with No 1, where the proposed extension would be 0.865m deeper. I consider the PD scheme to be smaller, albeit the differences between the two scheme are not, in my view significant.
11. Para 4.89 of the appellant's statement sets out that 'No.1 has the benefit of expansive openness westwards, which balances any built form eastwards' and I agree. Coupled with the overall sizes of the gardens to both No 1 and 2 Arundel Close and the setback I have described, I do not consider the outlook of No 1 would be particularly harmed by the proposed extension to No 2.
12. To that end, I do not consider the proposals would offend policy HQ1 of the LP or the relevant parts of the Framework at section 12.

Other Matters

13. I have considered the submissions of the neighbour at No 1 Arundel Close, and in particular the issues raised about trees. I also note similar comments from the council's tree officer.
14. I have therefore proposed a pre-commencement planning condition requiring the submission of an Arboricultural Impact Assessment and tree plan to ensure the protection of any existing trees that would be affected by the proposals.

Conditions

15. For the purposes of certainty and in the interests of proper planning, I have imposed planning conditions requiring the development to be carried out within a set timescale (1) and to the approved plans (2), as well as exceptionally a pre-commencement condition requiring an arboricultural impact assessment

and tree plan (3) to be submitted in order to ensure the existing trees on the boundary are properly identified protected during the construction phase, in accordance with policy HQ1 of the LP.

Conclusions

16. For the reasons given and having regard to all other matters raised, the appeal is allowed, subject to the conditions set out.

Sian Griffiths

INSPECTOR

Appendix A – Planning 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: Plan 01 and Plan 02.
- 3) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of an Arboricultural Impact Assessment and Tree Protection Plan containing information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees (in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and details of:
 - (i) any proposed pruning, felling or other work; and
 - (ii) in relation to every existing tree identified to be retained on the plan referred to in i) above, details of:
 - (a) any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and,
 - (b) all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced); and
 - (c) areas of existing landscaping to be protected from construction operations and the method of protection.