



Appeal Decision

Site Visit made on 20 December 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2022

Appeal Ref: APP/P0240/D/21/3277643

Hill End House, Millers Lane, Lidlington, BEDFORD MK43 0SN

- 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 Sean Bennett against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/03307/FULL, dated 13 September 2020, was refused by notice dated 16 April 2021.
 - The development proposed is Single storey rear extension and front extension, glazing and dormers to main house, dormer to outbuilding and conversion of outbuilding to annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has stated that policies HQ1 and T3 of the recently adopted Central Bedfordshire Local Plan (LP) are now germane to this appeal. It has also stated that its Core Strategy, and therefore policies CS14 and DM3 referred to in its reasons for refusal, have now been superseded by the LP. Policy HQ1 relates to design and living conditions and has similar objectives to the previous policies. However, Policy T3 relates to parking standards. This matter is not relevant to the Council's reasons for refusal and is not raised as a point of dispute between parties. Furthermore, the Highway Authority has raised no objection to the parking provision, and I see no reason to disagree with this conclusion. As such this second policy is not relevant to the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, and
 - The effect of the proposal on the living conditions of the occupiers of Hillside with particular regard to privacy.

Reasons

Character and appearance

4. Bury Ware is a country lane that leads downhill into the village of Lidlington. The appeal dwelling is on the corner of this road and Millers Lane. The site is within a dispersed group of dwellings on the edge of this settlement within a

verdant and rural area. Buildings within the immediate group are two-storey and consist of traditional rural forms of various styles. The dwelling itself is of brick construction with several small dormers, it is a modern building of traditional style, that includes brick detailing to add interest, in keeping with the local built vernacular. Millers Lane is a short access road that serves the host dwelling, neighbouring properties and a public footpath. The appeal site slopes steeply up from its front to rear. Despite the presence of frontage trees and hedging, the dwelling is therefore comparatively prominent in views from the highway. For these reasons, the dwelling makes a positive contribution to the character and appearance of the area.

5. The proposed front extension would project out from the front of the dwelling with a large flat roofed feature. Although single-storey, it would be exposed at basement level due to the land level changes. Furthermore, the formation of the access would result in the removal of some side boundary hedging, further exposing the frontage to public views. This element of the scheme would result in obtrusive built form and extensive hardstanding that would be in conflict with the existing traditional form of the dwelling and its subtle verdant setting. Consequently, its form and scale would not relate well to the existing dwelling and would be a discordant feature.
6. The proposed dormer elements, on the front and rear of the main dwelling, would be both tall and broad. These would almost touch and would create the impression of a three-storey flat roofed form. These would be highly visible from both Millers Lane and Bury Ware, being only partially obscured by boundary planting. The dormers would poorly relate to the style and scale of the existing dwelling. These would be stark and unsympathetic additions, at odds with the existing dwelling. Consequently, these would unbalance the current proportions of the dwelling and have a significantly harmful impact on the site and its context within the streetscene.
7. The garage, to the rear of the plot, is at the highest part of the site and adjacent to open views from Millers Lane. It has direct access from Millers Lane and could therefore be accessed independently from the house. However, it is recognised that a condition, applied to the original planning permission for the dwelling, prevents the garage being used as a separate dwelling. Due to the imposed planning condition and the garages generally constrained nature, the alterations to the garage would not be tantamount to the creation of a separate dwelling. Nevertheless, the proposed large dormer on the front of this building would create the appearance of a two-storey structure. Consequently, the proposed alterations to this building would emphasise its presence despite its subordinate role within the plot. Its resultant dominant form, coupled with its prominent and exposed location, would result in development that would be out of character with surrounding development.
8. The effect of the proposed alterations to the dwelling and garage would create a significant juxtaposition of forms. The proposed development would not complement the existing traditional form of the dwelling and would instead result in a contrast of design concepts that fail to create a coherent form. Consequently, the proposed development would neither respect the existing traditional design of the dwelling, nor complement the character of local development.

9. The trees within the site's frontage make a positive contribution to the character and appearance of the area. Two groups of these are subject to a Tree Preservation Order. The proposed land level changes, necessary to create the access and driveway, would result in development within the root protection area (RPA) of a Yew Tree. The appellant's preliminary arboricultural impact assessment¹ (AIA) finds the Yew Tree to be in good condition, in moderate structural condition and within category B. Due to the scale of works proposed in close proximity of the group, I am unconvinced that excavation within its RPA can be avoided. Consequently, planning conditions for details of a 'no dig method', would be unlikely to ensure the protection of this tree. As such, it appears likely that the preservation of this protected tree would be incompatible with the proposal resulting in its loss to the detriment of the character of the area.
10. As such, the proposed extensions and alterations would not be in keeping with the character of the area and would therefore have a harmful impact on its character and appearance. Accordingly, the proposal would be contrary to policy HQ1 of the LP, the Central Bedfordshire Design Guide and the National Planning Policy Framework (The Framework). With respect to character, these policies require development to reinforce local distinctiveness, relate well to the existing local surroundings and be sympathetic to local character.

Living conditions

11. The front extension would include glazed areas that would face Hillside. Hillside is a large detached dwelling on lower land than the appeal site. It has a number of side windows, some of which can be seen from the raised front garden of the appeal dwelling, over the side boundary hedging of both plots. The creation of the access driveway would reduce the screening of the appeal site. Nevertheless, the large glass panel would provide no views towards Hillside being the top half of a double height space. The proposed stairs and windows around the proposed front door would provide some, albeit limited, overlooking towards the neighbouring property. However, the use of the front lobby area would be likely to be occasional. As a result, the use of this area of the site would be unlikely to be substantially greater than the use of the existing front garden, creating limited new overlooking opportunities. As such, this element of the scheme would be likely to result in only a negligible loss of privacy to neighbouring occupiers.
12. The rear terrace would provide opportunities to overlook parts of the neighbouring rear garden and some views towards side windows, although through boundary hedge planting. As a result, these views would be limited. Moreover, overlooking could be further reduced by the addition of a privacy screen placed on the northern most parapet wall of the proposed extension. Such a feature could be secured by condition had I been minded to allow the appeal.
13. Consequently, the proposed front and rear extensions would not adversely affect the living conditions of neighbouring occupiers through overlooking. Accordingly, the proposal would satisfy policy HQ1, the Central Bedfordshire Design Guide and the Framework in relation to matters concerning living conditions. These seek development to not have an adverse impact on nearby

¹ AIA by AT Coombes Associates Ltd

uses including with respect to privacy and to achieve a high standard of amenity for existing and future users.

Conclusion

14. The proposal would harm the character and appearance of the area and would conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty

INSPECTOR