



Appeal Decision

Site visit made on 19 January 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/K0235/W/21/3278481

123 Willington Road, Cople MK44 3TN

- 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 Mrs Dawn Mabbott against the decision of Bedford Borough Council.
 - The application Ref 21/00167/FUL, dated 21 January 2021, was refused by notice dated 17 March 2021.
 - The development proposed is erection of a new single storey dwelling on garden land.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new single storey dwelling on garden land at 123 Willington Road, Cople, MK44 3TN in accordance with the terms of the application, Ref 21/00167/FUL, dated 21 January 2021, subject to the conditions in the attached Schedule.

Main Issue

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

Reasons

3. The appeal site comprises a large plot of land on the corner of Bedford Road and Willington Road, and currently accommodates a compact detached bungalow. The dwelling is at the northern end of a line of houses which are within the Settlement Policy Area (SPA) of Cople. Most of the houses in the row are two-storey, semi-detached and sit on modest plots. However, the two neighbouring houses at Nos. 121 and 119 are detached bungalows on wider plots, and the appeal site is wider still. This progressive decrease in density and built form and increase in openness, is a positive characteristic of this area at the edge of the village and the start of the countryside. The appeal site is a key contributor to that character.
4. The existing bungalow is set roughly centrally in the plot and is angled to face the junction of Willington Road with Bedford Road, rather than directly facing Willington Road as its neighbours to the south do. This creates a sense of built form wrapping around the corner rather than being in a firm linear form with a hard edge to Bedford Road.
5. The proposed dwelling would be sited at the rear of the appeal site and would face Bedford Road. It would therefore continue the line of development wrapping around the corner to a logical conclusion before the undeveloped land to the west. The development would increase the amount of built form on the

site, but due to the significant gap that would be retained between the existing and proposed bungalows and the modest scale of the building, the sense of decreasing density and built form and increasing openness at the edge of the SPA would be sustained.

6. Moreover, by addressing Bedford Road, it would not appear as backland development set behind No. 123. Indeed, views from Willington Road would be minimal and limited mainly to being from a point near the junction with Bedford Road, from where it would appear as part of the Bedford Road street scene. There are a number of large trees along the Bedford Road boundary which may obscure some views of the bungalow, especially in summer when in leaf. But it is likely that even then views of the dwelling would be possible underneath the canopies, and hence the dwelling would contribute actively and positively to the Bedford Road street scene.
7. When seen from the road junction the side elevation of the proposal would be visible above an acoustic fence. Nonetheless, the large front garden of No. 123 which would remain in front of the fence would continue to provide a sense of openness, and the side elevation of the building would be punctuated by three windows to reduce its massing.
8. Its vehicular access would come from Willington Road, but the access would be shared with the host dwelling so in this respect too the new development would not be apparent in, or detract from, the Willington Road street scene. Furthermore, the amount of hardstanding proposed would be comparable to the amount there is currently on site as the position and size of the proposed parking spaces roughly corresponds to an existing garage. Similarly, the manoeuvring of cars in this corner of the site could already occur and so would not be introduced by the proposal.
9. In summary, the proposed bungalow would not detract from the character and appearance of the area. It therefore would accord with policies 28S, 29 and 30 of the Bedford Borough Local Plan (2020) which all aim to ensure development is of high quality design, including in terms of its density, and integrates well with the character of the area. It would also comply with parts N1 and N2 of the Residential Extensions, New Dwellings and Small Infill Developments Design Guidance (2000) which also advises that development reflects the character of its setting.

Conditions

10. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance (PPG).
11. I have attached the standard conditions relating to the commencement of the development and the approved plans in the interests of certainty. To maintain the character and appearance of the area, I have imposed conditions requiring samples of finishing materials and details of a landscaping scheme are submitted to the Council, as well as a condition relating to the bin storage area.
12. Three conditions are necessary in the interests of ensuring great crested newts are protected, and five conditions relate to the access and parking arrangements and are necessary to ensure highway safety is maintained.

13. To minimise flood risk, a condition is imposed to ensure the development is undertaken in accordance with the conclusions of the submitted flood risk assessment, and to maintain acceptable living conditions for occupiers of the proposal a condition is attached to require details are submitted in accordance with the submitted noise report.
14. I have imposed the suggested conditions relating to energy and water efficiency and electric car charging points in order to support more sustainable living, and the provision of broadband to support social well-being.
15. The PPG notes that conditions restricting the future use of permitted development rights may not pass the test of necessity. I have not, therefore, attached the suggested condition restricting permitted development rights as I see no reason why it would be necessary to do so.
16. Two of the conditions relating to highway works and the condition relating to noise mitigation were originally drafted by the Council to require submission of details prior to the commencement of the development. However, I see no reason why such details could not be submitted prior to occupation and still satisfactorily mitigate any harm. However, the conditions relating to great crested newts, finishing materials and landscaping do require action before the development is commenced. This is to ensure the effects of the proposal are properly mitigated.

Conclusion

17. The development accords with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is allowed.

Andrew Owen

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 following approved plans: P01 A, P02, P03, P04 A and P05 A.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place 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 identifying those to be retained; schedules of plants noting species, plant supply sizes and proposed numbers and densities; areas of grass turfing or seeding; depth of topsoil to be provided where necessary; and the measures to be taken to maintain the new planting for the required period. 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 building 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 hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR23-2020-1) and with the proposals detailed on NatureSpace Partnership Limited plan "123 Willington Road: Impact plan for great crested newt district licensing", dated 16th December 2020.
- 6) No development hereby permitted shall take place until a certificate from the Delivery Partner (as set out in the District Licence WML-OR23-2020-1), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved in writing by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.
- 7) No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR23-2020-1 and in addition in compliance with the following:
 - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
- 8) Notwithstanding the submitted details, the development shall not be occupied until details of the junction of the proposed vehicular access with the highway have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the junction has been constructed in accordance with the approved details.
- 9) The development shall not be occupied until a scheme for car parking with access thereto in accordance with Bedford Borough Council's Parking Standards for Sustainable Communities: Design and Good Practice 2014 has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and made available for use before the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.
- 10) The new dwelling shall not be occupied until the access has been surfaced with a bonded material across its entire width for a distance of 5m measured back from the carriageway edge. Surface water from the access must not drain to the public highway.
- 11) The access shall have a minimum width of 4.1m from the edge of the carriageway up to the car parking area for the existing dwelling and then a minimum width of 3.7m from the car parking area for the existing dwelling to the west.
- 12) Any vehicular access gates provided shall open away from the highway and be set back a distance of at least 5m from the nearside edge of the carriageway of the adjoining highway.
- 13) The new dwelling shall not be occupied until the bin storage and collection points have been provided in accordance with the approved drawing no. P03. They shall be retained as such thereafter.
- 14) The development shall not be occupied until a scheme for protecting the proposed dwelling from road noise, incorporating the measures outlined in the approved noise report (Ref MDR/J4311a dated 13 June 2020) has been submitted to and approved in writing by the local planning authority. The scheme shall thereafter be implemented in accordance with the approved details and the new dwelling shall not be occupied until the works are completed.
- 15) The development shall be carried out in accordance with the recommendations as set out in the approved, 'Flood Risk Assessment - RAB: 2444B' dated 8th April 2020.
- 16) The new dwelling shall not be occupied until an energy statement relating to the new dwelling has been submitted to and approved in writing by the local planning authority. The energy statement shall include:
 - An assessment of the actual effect on carbon dioxide emissions demonstrating the measures previously agreed as part of the energy assessment have achieved a reduction of at least 10% in carbon emissions below the normal requirement set by the Building Regulations.
 - A statement of how the layout, orientation, design and materials used in the development have actually been influenced by the energy assessment.

- 17) The new dwelling shall not be occupied until a scheme of electric car charging points has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out and operated in accordance with the approved scheme.
- 18) The new dwelling shall achieve and maintain the higher water efficiency standard in the Building Regulations as set out in Approved Document G: Sanitation, hot water safety and water efficiency, 2015 edition, DCLG October 2015 (or similar replacement standard).
- 19) The new dwelling shall be served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection unless evidence is submitted to the local planning authority which demonstrates that providing the required infrastructure is not feasible or economically viable.