
Appeal Decision

Site visit made on 15 March 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2022

Appeal Ref: APP/P0240/D/21/3282946

7 Burton Close, Fairfield Park, Stotford, SG5 4GP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Adam Knight against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/02642/VOC, dated 04 June 2021, was refused by notice dated 2 August 2021.
 - The application sought planning permission for Proposed single storey side extension without complying with a condition attached to planning permission Ref CB/20/03325/FULL, dated 03 November 2020.
 - The condition in dispute is No 3 which states that: 'The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC-001, CBC-002, 29720-01, 29720-02, 29720-03, 29720-04, 29720-05, 29720-06.'
 - The reason given for the condition is: 'To identify the approved plan/s and to avoid doubt.'
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Decision

1. The appeal is allowed and planning permission is granted for Proposed single storey side extension at 7 Burton Close, Fairfield Park, Stotford, SG5 4GP in accordance with the application Ref CB/21/02642/VOC dated 04 June 2021, without compliance with condition number 3 previously imposed on planning permission Ref CB/20/03325/FULL, dated 03 November 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of planning permission reference CB/20/03325/FULL (Granted 03 November 2020).
 - 2) All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building in compliance with the Fairfield Neighbourhood Plan Design Guides.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: CBC-001, CBC-002, 29720-01, 29720-02, 29720-03, 29720-04 A, 29720-05 B, 29720-06 B.

Background and Main Issue

2. The original planning permission was for the erection of a single storey side extension. The appellant seeks to vary condition 3 of the original permission to

allow an increase in the ridge height of the extension and to incorporate a dome light as opposed to the two previously approved roof lights. The development has commenced, such that the dome light has been erected. Nonetheless, the evidence before me indicates that the submitted plans differ from the development carried out, namely incorporating a reduction in the roof height (from the development as-built) to approximately 3.1 metres (which is a small increase in height compared to the development previously approved). As such, I have based my decision on the plans submitted to the Council and the application is only partially retrospective.

3. The main issue is whether the variation of condition 3 would be acceptable, having regard to the effect upon the character and appearance of the host property and the surrounding area.

Reasons

4. The host property is a two-storey property which forms the bookend of a terrace of dwellings. It is orientated such that it has a detached appearance when viewed from Hardy Way. The property has a relatively tall height to the eaves and a relatively steep roof pitch. The surrounding area is characterised by fairly modern residential development which has some variation in terms of layout, scale, materials and general design. Notwithstanding this, these variations are subtle and this residential neighbourhood has an attractive appearance.
5. There would be a very minor increase in roof height (approximately 0.1m) over that approved under the original planning permission. As a result, the overall scale of the proposed development would be subservient to the host property and would not appear as incongruous when viewed from the surrounding area. The dome roof light (also referred to by the parties as a roof lantern) is currently in situ, having been erected without the benefit of planning permission. The roof light has a height to the apex of approximately 1m. However, it is set back slightly from the edge of the roof such that, when viewed from the front of the property, it is partially obscured by the roof of the extension, reducing its visual impact. This would remain the case even with the proposed reduction in roof height (from as-built).
6. When viewed from the parking area/driveway to the side of the property, whilst the roof light does partially obscure the bottom of the first floor windows, the visual impact of this is not particularly pronounced. This is because the windows are still primarily visible and the height of the existing dwelling (and indeed attached neighbouring dwellings) is such that the roof light blends into the urban form of the host property.
7. Overall, the scale, positioning and height of the dome roof light are such that the proposed development would be in keeping with the subtle variations in design prevalent within the surrounding area. As such, the proposed development would not be harmful to the character and appearance of the surrounding area. The proposed development therefore complies with Local Plan¹ Policy HQ1 and Fairfield Neighbourhood Plan² Policy 1, which require in part that development is in keeping with local character.

¹ Central Bedfordshire Local Plan 2015-2035

² Neighbourhood Plan 2016-2026 – Fairfield Parish Council

8. The proposed development also complies with the Central Bedfordshire Design Guide (2014), which requires new development to be of a high-quality design which is consistent with local character.
9. The proposed development would also comply with Framework Paragraph 130, which states in part that new development should be sympathetic to local character.

Conditions

10. The Planning Practice Guidance (the Guidance) makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. I have considered the conditions attached to the original planning permission in this vein and in light of relevant tests set out within the Framework.
11. I have re-imposed the time limit condition [1] but amended this to reflect the date of the original permission.
12. A condition requiring matching materials [2] is still necessary in the interest of the character and appearance of the surrounding area.
13. A condition requiring that the development is undertaken in accordance with the approved plans [3] is necessary in the interest of certainty. This condition has been varied such that it includes the revised plans which are the subject of this appeal, replacing the equivalent plans from the original permission.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed. I grant a new planning permission substituting disputed condition 3 and restating those undisputed conditions that are still subsisting and capable of taking effect.

Luke Simpson

INSPECTOR