



Appeal Decision

Site visit made on 11 May 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2022

Appeal Ref: APP/K0235/D/22/3293661

35 The Embankment, Bedford, Bedfordshire MK40 3PE

- 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 Carvell against the decision of Bedford Borough Council.
 - The application Ref 21/02942/FUL, dated 27 October 2021, was refused by notice dated 26 January 2022.
 - The development proposed is described as a new pitched roof to the existing flat roofed area and alterations to the elevations (revised scheme).
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Decision

1. The appeal is allowed and planning permission is granted for a new pitched roof to the existing flat roofed area and alterations to the elevations at 35 The Embankment, Bedford, Bedfordshire MK40 3PE in accordance with the terms of the application, Ref 21/02942/FUL, dated 27 October 2021, subject to the following 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: 3521/P2, 3521/P3, 3521/P4A and 3521/P5A.
 - 3) Unless otherwise set out in the approved plans, the materials to be used in the construction of the external surfaces of the development hereby permitted, including the new first floor windows and roof, shall match those used in the existing building.

Procedural Matter

2. I have taken the description of the proposal from the application form, other than the reference to the 'revised scheme' as that is not an act of development.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the area, including whether it would preserve or enhance the character or appearance of the Bedford Conservation Area.

Reasons

4. The National Planning Policy Framework ('Framework') sets out that harm to the significance of a designated heritage asset, such as a conservation area,

- should require clear and convincing justification. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing their character or appearance.
5. Policies 29 and 41S of the Bedford Local Plan 2030 (adopted 2020) ('BLP') require development to protect and where appropriate enhance heritage assets, and set out features and aspects which may contribute to their significance. These policies therefore reflect the statutory test and are consistent with the Framework's approach.
 6. The site falls within the extensive Bedford Conservation Area ('BCA'). This part of it comprises of substantial detached buildings, with tall roofs, and which are set back from the highway. Many include detailing typical of their era, such as ornate brickwork, stonework around windows, full height bays to the front façade, and prominent decorative chimney stacks. The buildings' architecture and their setting overlooking open green space and the River Great Ouse make a significant contribution to the BCA's character.
 7. The property at 35 The Embankment exhibits many of the above characteristics, and I agree that it is a non-designated heritage asset, as defined by the Framework. However, to the rear it has an anomalous two storey, flat roofed extension, which I understand dates from around 1970, and whose form, style, detailing, fenestration and facing materials are markedly at odds with the remainder of this historic building.
 8. The proposal includes raising the eaves of that extension to match the host's adjoining eaves height, and replacing the flat roof with a hipped roof whose pitch would match the existing roof. The new roof would be finished with matching plain tiles, and the extension would be provided with crittall windows and doors at ground floor, and windows to match those existing elsewhere on the host in the floor above. The Council sets out that those alterations would be beneficial, and in my view, given the inappropriate features they would replace, they would result in a marked improvement to the building's appearance and its cohesion.
 9. However, to facilitate those works, a large and characteristically ornate chimney stack would be removed. That said, the main dwelling has four other similar chimney stacks which would be retained, three of which are prominent in its principal elevation facing The Embankment. In contrast, this chimney stack is located well to the rear and, other than glimpsed views between buildings and vegetation from Bushmead Avenue, it is barely seen from public vantage points.
 10. As a result, and taking the scheme as a whole, I am satisfied that the significance of this non-designated heritage asset would not be harmed, and that the character and appearance of the BCA would be preserved. Thus, the scheme would not conflict with BLP Policies 29 and 41S, nor with the Framework. The appeal will therefore be allowed.
 11. Turning to the matter of conditions, and having regard to the Framework's tests, I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.

12. The Council has also suggested a pre-commencement condition requiring details to be submitted of the external materials to be used on the walls, roof, doors, windows, gutters and pipework. However, whilst the appellants have indicated that they may 'look into' refacing the extension with brick slips, neither that, nor the provision of new guttering and pipework, is clearly part of this scheme.
13. It is proposed that the roof tiles would match the existing roof; and that other than the proposed ground floor windows and doors which would be white painted 'crittall' style features, other new windows would match the existing dwelling. In the interests of the character and appearance of the host property and the area, I have therefore applied a condition requiring matching materials unless otherwise stipulated on the approved drawings.
14. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR