



Appeal Decision

Site visit made on 7 July 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2022

Appeal Ref: APP/K0235/W/22/3291120

Land between 60 And 64 Bromham Road, Biddenham MK40 4AQ

- 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 Philip Fenton against the decision of Bedford Borough Council.
 - The application Ref 21/00641/FUL, dated 5 March 2021, was refused by notice dated 25 October 2021.
 - The development proposed is the erection of a 2.5 storey detached dwelling with integral garage, external works and a front boundary wall with gates.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2.5 storey detached dwelling with integral garage, external works and a front boundary wall with gates at land between 60 and 64 Bromham Road, Biddenham, MK40 4AQ in accordance with the terms of the application, Ref 21/00641/FUL, dated 5 March 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 vacant plot of land which fronts onto Bromham Road in Biddenham. The site forms a gap in a cluster of individually-designed, large, detached dwellings which are set within large plots fronting Bromham Road. Properties are set back from the highway with mature vegetation to property frontages and within front gardens. The area therefore has a spacious character and lively architectural variety.
4. The appeal proposal comprises a substantial 2.5 storey detached dwelling. The proposed dwelling would be set back within the plot, roughly in line with the neighbouring dwellings. The proposed dwelling would be of a similar height to other dwellings within the road. Whilst the proposed dwelling would be wider and deeper than the neighbouring properties, it would be set within a large plot and the amount of separation between the proposed dwelling and the site boundary would appear to be generally consistent with neighbouring plots.
5. The number of window openings would be proportionate to the scale of the dwelling and the design, proportions and positions of these openings would be consistent with those found on nearby dwellings and standard building types. Dormer windows to the front elevation of the main dwelling would be

proportionate to the scale of the dwelling. These windows would be consistent with the position, scale and design of dormer windows found on nearby dwellings and standard building types. The proposed dormer window above the garage would be larger than those on the main dwelling. However, I note that nearby property 52 Bromham Road has a large dormer window above a double garage. Due to the set back from the highway and the variety of fenestration within the surrounding area I find that the proposed dormer window over the garage would not dominate the dwelling or harm the character and appearance of the surrounding area. Similarly, the crown roof, which would have the appearance of a hipped roof in views from the street, would not appear out of keeping with the varied street scene. I therefore find that the design of the dwelling would integrate successfully into the surrounding area.

6. Statute requires that I pay special regard to the desirability of preserving a listed building or its setting¹. 66 Bromham Road is grade II listed. Intervening development at 64 Bromham Road visually and spatially separates the site from the listed building and intervisibility between the appeal site and 66 Bromham Road is limited. There is no indication that the site has any form of historic significance in association with No 66, noting that the listed building was consciously created in a romantic rural aesthetic rather than representing a rural vernacular intrinsically linked with surrounding land. Consequently, the proposed development would preserve the setting of this listed building.
7. This appeal follows the grant of planning permission for the erection of a dwelling of a differing design (references 17/03472/FUL and 19/02179/S73). The Council, and a neighbour, considers that the current proposal is of an inferior design to the previous permissions. Whilst the appeal proposal is larger than that approved under the previous permissions, I find that the site has the capacity to satisfactorily accommodate a dwelling of the scale proposed without harm to the character of the area. Furthermore, as reasoned above, the design before me would not have a harmful effect on the character and appearance of the surrounding area. Therefore, the proposed development would accord with the expectations of statute and relevant provisions of policies 28, 29 and 30 of the Bedford Borough Local Plan (2020), which among other things seek to ensure development integrates well with and complements the character and identity of the area.

Other Matters

8. I have taken careful account of the representations of those nearby, including in respect of privacy at No 60. However, I have set out above that dwellings here are set in spacious plots with mature gardens. Subject to conditions which require obscure glazing in openings facing neighbouring properties and which restrict the use of the first floor flat roof area, I am not of the view that the proposal would materially reduce privacy compared to prevailing levels.

Conditions

9. I have had regard to the conditions suggested by the Council in their statement of case, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and PPG, without altering their fundamental aims.

¹ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

10. Planning permission is granted subject to the standard three year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. In the interest of the character and appearance of the street scene, a condition is necessary to control the external materials of the development (which need not delay any development). Conditions relating to the provision of the junction and visibility splays and the construction of the access, parking and turning areas are necessary in the interests of highway and pedestrian safety.
11. In the interests of character and appearance and biodiversity, conditions are necessary for landscaping and biodiversity enhancement. A condition relating to the provision of bin storage facilities is necessary to ensure the provision of this facility. I have imposed the suggested conditions relating to energy and water efficiency and electric car charging points in order to support more sustainable living, in accordance with those aims of Bedford Borough Local Plan (2020) Policies 52, 54, and 89. I have also imposed the suggested condition relating to the provision of broadband to support social well-being in accordance with those aims of Bedford Borough Local Plan (2020) Policy 94. In the interests of safeguarding the privacy of the occupants of neighbouring dwellings I have attached the suggested condition relating to the installation of obscure glazing to a specified window and rooflights and a condition restricting the use of the first floor flat roof area.
12. I have not included a suggested condition relating to the submission of an energy audit as this detail is covered by the suggested energy statement condition. A separate condition relating to the approval of boundary treatment details is not necessary as the relevant details are shown on the plans of development and this is already secured by the condition relating to approved plans.
13. I have amended the trigger points of conditions put to me relating to the approval of materials, the landscaping scheme, the biodiversity enhancement scheme, the energy statement and details of the access and visibility splays as I see no reason why such details cannot be submitted prior to occupation or development above foundation level.

Conclusion

13. For the above reasons, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Nichola Robinson

INSPECTOR

SCHEDULE OF 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 drawings: Nos 20794:07, 20794:08 Rev A, 20794:09A, 20794:10, 20794:11A, 20794:12A and 20794:13A.

- 3) No development hereby permitted shall take place above foundation level until full details of all external facing materials (to include walls, roof, doors, windows and external gutters and pipework) have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the details thus approved, which shall thereafter be retained.
- 4) No development hereby permitted shall take place above foundation level until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include details 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) Notwithstanding the submitted details, the development hereby permitted 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, to include details of white lining either side of the vehicular access. The development shall not be occupied until the junction has been constructed in accordance with the approved details and the existing vehicular access has been removed and reinstated to match the highway verge/footway/kerbing on either side of the access junction.
- 6) The new dwelling shall not be occupied until visibility splays of 2.4m x 14m are provided at the junction with Bromham Road as shown on plan 20794:11A. The visibility splays shall be retained thereafter for the life of the development and all parts of the splays shall thereafter be kept free of all obstructions above the adjacent carriageway level above a height of 0.6m.
- 7) The new dwelling shall not be occupied until the means of access, parking and turning areas have been constructed in accordance with the approved plans. The access shall be surfaced with a bonded material across its entire width for a distance of 14m measured back from the carriageway edge. Surface water from the access must not drain to the public highway. These areas shall be retained thereafter for the life of the development.
- 8) No development shall take place above foundation level until a Biodiversity Enhancement Scheme (to include details of protection and management of habitats and species and incorporating opportunities for the enhancement of existing and the creation of new habitats on site) 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.
- 9) The new dwelling shall not be occupied until the bin storage/collection point has been provided in accordance with the approved plans. The storage/collection point shall thereafter be retained.

- 10) The new dwelling shall not be occupied until an energy statement has been submitted to and approved in writing by the Local Planning Authority relating to that building. 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 audit 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.
- 11) 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.
- 12) 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).
- 13) 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 which demonstrates that providing the required infrastructure is not feasible or economically viable.
- 14) Notwithstanding the plans hereby approved, the window at first floor level to the west elevation and the rooflights in the east elevation shall be obscure glazed to a level equivalent to Pilkington Level 3 or above and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.
- 15.) The flat roof area on the hereby approved first floor rear elevation as shown on drawing number 20794:09A shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair or escape in case of emergency.