



Appeal Decision

Site visit made on 10 August 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2022

Appeal Ref: APP/P0240/W/22/3291311

4 The Gardens, Stotfold, Hitchin SG5 4HD

- 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 Jim Phillipson against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03388/FULL, dated 19 July 2021, was refused by notice dated 30 September 2021.
 - The development proposed is the erection of a single storey one bedroom detached bungalow, car parking and landscaping after demolition of the existing garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey one bedroom detached bungalow, car parking and landscaping after demolition of the existing garage at 4 The Gardens, Stotfold, Hitchin, SG5 4HD in accordance with the terms of the application, Ref CB/21/03388/FULL, dated 19 July 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has submitted a drawing (Drawing No. IHL/21TG/01 Rev A) which shows an alternative layout which makes provision for 3 car parking spaces for the host dwelling. This represents a minor alteration to the original scheme. I note that the Council commented within their statement of case that, if the appeal is allowed, amended plans should be submitted to make provision for these 3 car parking spaces as shown in this plan. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to this drawing in determining this appeal.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - i) Character and appearance of the surrounding area; and
 - ii) Living conditions of the occupants of 4 The Gardens with particular regard to light levels and outlook.

Reasons

Character and Appearance

4. The appeal site comprises garden space to the side of 4 The Gardens. The site is in a residential area formed predominantly of bungalows with small front gardens, with parking accommodated to the front and sides. Plot and dwelling

sizes within The Gardens vary and many dwellings have limited separation to site boundaries and neighbouring properties. Consequently, the character and appearance of the area is modest and compact. No 4 differs somewhat to other properties on The Gardens due to its corner plot position and prominent siting of garden space to the side elevation. However, I saw on my site visit that the plan form of the dwelling is similar to neighbouring properties and generally consistent with the modest and compact character of the area.

5. The proposed hipped roof bungalow would be similar in design and height with the other dwellings in the street. The dwelling would be set back roughly in line with the neighbouring properties and the tandem car parking spaces to the side would be consistent with the layout of other dwellings in the street. Its position adjacent to the new shared boundary with No 4 does not lead me to a different conclusion.
6. Garden depths for the host and proposed dwellings would fall below recommended minimum depths but would meet the recommended minimum garden areas, as set out in the Central Bedfordshire Council Design Guide (2014) (CBCDG). The CBCDG recognises that in certain circumstances it may not be possible to meet both the minimum area and depth, and in these cases, one of the standards should be met as a minimum. I note that both dwellings would be provided with adequate private outdoor space which would not be overlooked from the street. Whilst the dwelling would be positioned on the site boundary, this, and the amount of garden, would not be entirely inconsistent with other dwellings in the surrounding area. Consequently, I find that the proposal would not appear cramped in form or detract from the modest and compact character and appearance of the area.
7. Accordingly, I find no conflict with those aims of Policy HQ1 of the Central Bedfordshire Council Local Plan (2021) (Local Plan) which, amongst other things, require proposals to be of a high quality design and to respond to the site and its context. I also find no conflict with the CBCDG which has similar objectives and the provisions in National Planning Policy Framework (Framework) in relation to achieving well-designed places.

Living conditions

8. The proposed dwelling would be taller than and positioned closer to No 4 than the existing outbuilding. Boundary treatment would be located approximately 4.5 metres from the side elevation of No 4. However, window openings in that elevation would have outlook towards amenity space associated with the existing and proposed dwellings and, despite the garden depth of No 4 being less than that advised by the CBCDG, would have adequate separation from the proposed dwelling and boundary treatment. The hipped roof would also reduce the bulk and the visual impact of the proposed dwelling when viewed from No 4. Consequently, I find that the outlook for occupants of No 4 would not be compromised and the proposed dwelling would not appear overbearing in nature.
9. Any loss of light to openings and the garden of No 4 would be limited due to the height and orientation of the proposed dwelling and restricted to the evenings in spring and summer. Consequently, the proposal would not result in significant shading effects which would harm the living conditions of the occupants of No 4.

10. In light of the above I conclude that the proposed development would not have an unacceptable effect on the living conditions of the occupants of 4 The Gardens with regards to levels of light or outlook. The proposal does not therefore conflict with those aims of Policy HQ1 of the Local Plan which seek to ensure that development does not result in unacceptable adverse impacts upon nearby existing or permitted uses. I also find no conflict with the Framework's provision in relation to providing a high standard of amenity for existing and future users.

Conditions

11. 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 Planning Practice Guidance (PPG), without altering their fundamental aims.
12. In addition to the standard time limit condition, 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. However, I have amended the condition's trigger points as I see no reason why such details cannot be submitted prior to development above foundation level. Covering 3 of the Council's suggested conditions, I have imposed a condition relating to the construction and retention of the vehicular and parking areas in the interests of highway and pedestrian safety. However, given the submitted amended plan, it is not necessary to secure the submission of a parking plan as suggested by the Council.
13. 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 cycle storage and electric car charging to support more sustainable living, in accordance with policies T2 and T5 of the Local Plan.
14. The Framework and PPG state that removing Permitted Development (PD) rights should only be done in exceptional circumstances. However, if a proposed development would only be acceptable if certain PD rights are not exercised in the future, it may be necessary and reasonable to impose a condition to withdraw those rights. I have split the Council's suggested condition requiring the installation of obscure glazing to a specified window and a restriction to PD rights for further windows into two because it covers two matters. Given the limited nature of boundary treatment, in the interests of safeguarding the privacy of the occupants of No 2a it is necessary to control the installation of obscure glazing. I have amended the wording to the latter part of the Council's suggested condition so that the restriction to openings relates only to the side elevations of the proposed dwelling rather than all elevations. This is necessary in the interests of safeguarding the privacy of the occupants of Nos 2a and 4.
15. I have not included the Council's suggested condition relating to the approval of boundary treatment as the relevant details are shown on the plans of development and this is already secured by the plans condition.

Conclusion

16. 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 approved drawings Nos IHL/21TG/01 Rev A, IHL/21TG/02, IHL/21TG/03 and site location plan.
- 3) No development shall take place above foundation level until full details of all external facing materials (to include walls and roof) 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 details.
- 4) Prior to first occupation of the dwelling hereby approved, details of refuse storage and collection areas shall be submitted to, and approved in writing by, the Local Planning Authority. The refuse collection area shall be located at the site frontage and outside the public highway. The approved refuse storage and collection areas shall be implemented and made available for use prior to first occupation of the dwelling and shall be retained thereafter.
- 5) Prior to first occupation of the dwelling hereby approved, all on site vehicular and parking areas shall be fully implemented as shown on Drawing No. IHL/21TG/01 Rev A and made available for use. These areas shall be surfaced in stable and durable materials and arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system. The approved parking areas shall be free from obstruction and available for use at all times.
- 6) Prior to first occupation of the dwelling hereby approved, provision for secure and covered parking of cycles on the site shall be made. This provision shall include one cycle parking space per bedroom and 2 short stay spaces per unit. The cycle storage shall thereafter be retained for this purpose.
- 7) Prior to the construction of vehicular parking areas associated with the approved dwelling, a scheme for the charging of electric and ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - Details of active charging posts or passive provision such as cabling and electricity supply
 - Timescales / triggers for implementation of the scheme.

The development shall be completed in accordance with these approved details including the agreed timescales / triggers.

- 8) Notwithstanding the plans hereby approved, the ground floor bathroom window in the western elevation of the development 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 1.7 metres 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.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or any other openings (other than those expressly authorised by this permission) shall be constructed on the side elevations of the dwelling hereby approved.