



Appeal Decision

Site visit made on 20 October 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/P0240/D/21/3286780

7 Burton Close, Fairfield Park, Stotfold, 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/21/03786/VOL dated 16 August 2021, was refused by notice dated 11 October 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, Stotfold, SG5 4GP in accordance with the application Ref CB/21/03786/VOL dated 16 August 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, 29720/06C, 29720/05C and 29720/04B.

Preliminary Matters

2. The appellant's application form states the development is complete. At the time of my visit a side extension with a lantern style roof was constructed on

site. However, the built development did not reflect the plans submitted which I have considered as proposed for the purposes of this appeal.

3. I am aware from the evidence before me that the appeal site is subject to enforcement action by the Council. I am also aware there has been a subsequent appeal¹ determined at the site and further application² approved by the Council. Nevertheless, I've assessed the appeal scheme on its own merits.

Background and Main Issue

4. 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 for alterations to the approved roof structure and design of the roof lights to a single roof light. These works would also include increasing the height of the side extension by 0.1m to 3.1m.
5. 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

6. The appeal property is an end terrace dwellinghouse which is orientated such that it has a detached appearance when viewed from the junction of Burton Close and Hardy Way. The property has a tall height to the eaves and a relatively steep roof pitch which incorporates a central front roof dormer window. The surrounding area is characterised by modern residential development, which has significant variation in terms of layout whilst scale, materials and general design are consistent. Notwithstanding this, these variations are subtle and this residential neighbourhood has an attractive suburban appearance.
7. The appeal proposal would result in a very minor increase in roof height 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.
8. The upstand and plinth are modest additions which, along with the flat roof light, would be set back slightly from the edge of the roof. As a result, when viewed from the front of the property, the roof alterations would be partially obscured by the roof of the extension, reducing its visual impact from Burton Close. When viewed from the gated parking area/driveway off Burton Close to the side of the property, neither the roof alterations nor roof light would be particularly pronounced. This is because the first-floor windows would still be visible such that the roof alterations and roof light would be subservient to the urban form of the host property.
9. From the evidence before me and observations on site, there is nothing to suggest that the appeal scheme would appear unfinished or unsightly if completed in accordance with the details provided. Overall, the scale, positioning and height of the scheme are such that the proposed development would be in keeping with the varying designs prevalent within the surrounding

¹ Ref: APP/P0240/D/21/3282946

² Ref: CB/21/04700/VOC

area. As such, the proposed development would not be harmful to the character and appearance of the surrounding area.

10. The proposed development would therefore comply with Policy HQ1 of the Central Bedfordshire Local Plan and Policy 1 of the Fairfield Parish Council Neighbourhood Plan, which require in part that development is in keeping with local character. The proposed development would also comply with the Central Bedfordshire Design Guide (2014), which requires new development to be of a high-quality design which is consistent with local character. The proposed development would also comply with National Planning Policy Framework Paragraph 130, which states in part that new development should be sympathetic to local character.

Other Matters

11. Given the small-scale nature of the proposed change, which is located in the central roof area of the extension, there would be no unacceptable harm to neighbouring properties as a result of the scheme being overbearing or through a loss of light.

Conditions

12. 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.
13. I have re-imposed the time limit condition but amended this to reflect the date of the original permission.
14. A condition requiring matching materials is still necessary in the interest of the character and appearance of the surrounding area.
15. A condition requiring that the development is undertaken in accordance with the approved plans 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

16. 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.

A Hickey

INSPECTOR