



Appeal Decision

Site visit made on 15 December 2022

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023.

Appeal Ref: APP/P0240/D/22/3309724

Long Acre 128 Hitchin Road, Upper Caldecote, Bedfordshire SG18 9BU

- 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 Peter Cook against the decision of Central Bedfordshire Council.
 - The application Ref CB/221/02513/FULL, dated 13 June 2022, was refused by notice dated 30 August 2022.
 - The development proposed is double garage with first floor home office.
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Decision

1. The appeal is allowed and planning permission is granted for double garage with first floor home office at Long Acre 128 Hitchin Road, Upper Caldecote, Bedfordshire SG18 9BU in accordance with the terms of the application, Ref CB/221/02513/FULL, dated 13 June 2022 and 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 submitted documents and the following approved plans: 9282-PL-01; 9282-PL-02; 9282-PL-03; and 9282-PL-04.
 - 3) The garage building hereby permitted must not be occupied other than in association with the main dwelling at No 128 Hitchin Road nor disposed of separately to the main dwelling. It may only be used as a home office or other use ancillary and incidental to the enjoyment of the main dwelling.
 - 4) No development shall take place until a scheme for the protection during construction of the trees on the southern site boundary, in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and

backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Main Issues

2. The main issues are whether the proposed development would have a detrimental impact on the:
 - character and appearance of the surroundings on Hitchin Road and the
 - living conditions of present and future occupants in neighbouring properties at Nos 126 and 130 Hitchin Road in terms of proximity and outlook.

Reasons

3. The appeal site is located on the west side of Hitchin Road and No 128 is the penultimate house on that side of the road. The house is a modern, detached, two storey dwelling built in brick and tile and is set back from the road with a parking and turning area to the front. Nos 126, 128 and 130 benefit from exceptionally deep plots about four times deeper than the gardens to the north. No 128 has side gates on the south side of the house leading through to this garden area. No 128 has a large outbuilding/shed reasonably close to the house and a large outbuilding/garden room approximately halfway down the plot.
4. The property benefits from planning permission already granted for a double garage of the same footprint to that now proposed but 28 metres from the house rather than 35 metres as now proposed (Ref CB/19/02281/FULL). The main difference between the two proposals is that the appeal proposal would be slightly deeper into the plot and would accommodate a home office within the roof space of the garage necessitating a slight increase in height from 4.2 metres to just under 5.8 metres.

Character and Appearance

5. It has been put to me that the proposed garage would be at odds with the character of the area as it would be located in the backland, beyond what is the normal limits of rear garden land along Hitchin Road and as such contrary to the *Northill Parish Neighbourhood Plan* (NPNP) Policy NP5 controlling backland development.
6. I am not persuaded by this argument for a number of reasons. First, although the rear gardens to properties north of No 126 are significantly shorter, the change of use to garden land at No 128 was established in a Lawful Development Certificate. The garden has therefore been accepted as residential curtilage. Secondly, the proposed location for the garage is not significantly beyond the other rear gardens and in terms of the relationship to the house would still be considered an outbuilding closely associated with the house. Thirdly, in any event, the previous permission granted was for a garage of identical footprint to the appeal proposal beyond the garden boundary line north of No 126 which the Council considers should be the limit of development. Finally, although the NPNP Policy NP5 does not expressly state the type of development it is intended to apply to, as it is a housing policy of the plan the principal intention is likely to be to control backland residential development such as that at Little's Close (which I have been referred to) rather than householder-type developments. Any risk of the garage being converted to a dwelling can be satisfactorily controlled by condition.

7. The character of the surroundings does feature other domestic outbuildings in the backland to properties along Hitchin Road. Whilst I acknowledge the double garage would be large compared to these, a similar building has already been deemed to be acceptable in granting the previous permission. It is only the increase in height that would be different. It has been put to me that the design is such that it would not appear as a domestic outbuilding and would be out of keeping with the residential character of the area. However, whilst I acknowledge the building would be large, the floor area has already been approved, there is nothing about the design that would be in any way different to a domestic outbuilding in its appearance and it would be finished in matching materials to the main dwelling. Even at 5.8 metres high the garage building would remain subservient to the main house which is a large two storey pitched roof building.
8. There would be a glimpsed view of the garage through the side passage but this entrance is narrow and has close boarded gates to it, so the building would not impact on the streetscape at close quarters. The roof to the building would be visible from Hitchin Road further south on the approach heading north but in the angle of view from the road the building would appear in the context of the main dwellings. In any event the permitted garage roof would also have been visible in this view, albeit slightly lower.
9. The *National Planning Policy Framework* sets out, at Section 12, policies to ensure high quality in design and the Central Bedfordshire Local Plan at Policy HQ1 is consistent with the Framework in similarly setting out the principles of good design. For the reasons above, and given the permission already granted for the same floor area of double garage, which is a material consideration in this case, the additional impact of an increase in height and slight change in location would not conflict with the requirements of Policy HQ1. The Council has produced design guidance in relation to householder extensions. This does advise that double garages can be bulky structures to accommodate but in this case, for the reasons above and being set to the rear of the house, the garage would not dominate the house and would not be intrusive in the street scene the two relevant criteria in the guidance in this case.

Living Conditions

10. The starting point for a consideration of the impact on living conditions is that there is already an extant permission for a large double garage sited closer to No 128 and its neighbours than is now proposed. The appeal proposal would retain the same footprint as previously proposed but would increase the roof pitch to provide sufficient height for the home office accommodation.
11. The location slightly further from the house would mean the majority of the building, although admittedly not the roof, would be screened from No 130's garden in part by the tall close-boarded boundary fence and by the tall mature hedge and tree screen along the plot boundary where the garage would be located. Moreover, the garage would at least in part back onto sheds and greenhouse in No 130's garden rather than be sited adjacent to any sitting out area. The distance from the main house at No 130 would be such that even with the slight increase in height over that previously permitted the garage would not be overbearing on the property or any main sitting out area. The walls up to eaves level would be no higher than those already permitted and would be more effectively screened given the revised position of the garage. Only the roof pitch sloping away from the boundary would be visible.

12. The objections also refer to overshadowing as a result of the development. However, as the garage would sit on the north side of No 130's garden any overshadowing would be minimal.
13. With regard to potential impact on living conditions for the occupants of No 126, again the increased distance of the garage from the house over the previous permitted scheme would mean that the slight increase in height would not be overbearing. I acknowledge that the boundary between Nos 126 and 128 is more open but the garage would be sited away from this boundary along the boundary with No 130 and therefore there would be a separation distance between the garage and the garden to No 126 such that the garage would not be overbearing on the garden. Although the garage would be to the south of No 126's garden this separation distance would mean that, for the most part, any overshadowing would be limited.
14. As such the additional impact of the increased height of the garage over the already permitted scheme would be acceptable in terms of living conditions and would not conflict with Policy HQ1 of the CBLP which seeks, amongst other things, to ensure there is no unacceptable adverse impact on amenity.

Other Matters

15. A number of matters not discussed above have been raised by third parties in objections relating to - the use of the garage building, flooding, potential damage to trees and noise and disturbance.
16. With regard to the use of the outbuilding the stated purpose would be as a home office which would be a use ancillary to the main dwelling. It would be necessary in the event that the appeal is allowed and permission granted to attach a condition controlling the use of the building and that it remains linked to the main dwelling as an independent dwelling would be inappropriate in this setting. I am satisfied that this would allow sufficient control over the building's use.
17. In respect of flooding the proposal is that surface water would be dealt with by crate soakaways into porous substrate. The Sustainable Drainage Officer was consulted on the proposal and concluded it was satisfactory. No evidence is before me that would lead me to a different conclusion.
18. In terms of damage to trees the proposal is close to the boundary line on which trees are planted and it would be appropriate to impose a condition requiring submission of a tree protection plan for the trees' root plates to ensure none are adversely affected by the development.
19. I accept that there would be some temporary noise and disturbance whilst the building of the garage was ongoing but this would be short term. I am not persuaded that the use of the building as a garage and home office would give rise to any regular or excessive noise and disturbance and indeed if it did control would be available through other legislation.

Conditions and Conclusion

20. The Council suggested a number of conditions. I have considered these in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.

21. In order to ensure the garage is not used separately or independently to the main dwelling or sold on as a separate unit or used for purposes other than those which are ancillary to the main dwelling it is important that a controlling condition is attached.
22. As discussed above because of the important role played by the hedge and tree screen on the southern boundary of the application site it would be necessary to put in place a condition requiring a tree protection plan to ensure the boundary planting is not damaged by the construction of the garage.
23. As this would be an additional condition to those suggested by the Council and would have to be a pre-commencement condition I have consulted with the parties as to whether they would be in agreement with the condition and it being discharged prior to commencement. Both parties have indicated that this would be acceptable.
24. In reaching my decision I have had regard to the matters before me. For the reasons above and, in particular, the already permitted scheme for a double garage of the same floor area, the appeal should be allowed and planning permission granted for the garage and home office on the appeal site subject to the above conditions.

P. D. Biggers

INSPECTOR