



Appeal Decision

Site visit made on 3 May 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/K0235/W/22/3311978

Fairview, 7 Cleat Hill, Bedford MK41 8AL

- 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 Swales against the decision of Bedford Borough Council.
 - The application Ref 22/01845/FUL, dated 3 September 2022, was refused by notice dated 1 November 2022.
 - The development proposed is demolition of existing garage outbuilding and workshop for relocation to west boundary as shown, proposed new dwelling/bungalow with new cycle store to existing dwelling at No. 7.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing garage outbuilding and workshop for relocation to west boundary as shown, proposed new dwelling/bungalow with new cycle store to existing dwelling at Fairview, 7 Cleat Hill, Bedford MK41 8AL in accordance with the terms of the application, Ref 22/01845/FUL, dated 3 September 2022, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Swales against Bedford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The drawings were amended during the application process. For clarity the drawings I am considering as part of this appeal are: JJ22-007 001 Rev D Block and Location Plans, JJ22-007 001 Rev D Proposed Plans and Elevations and JJ22-007 003 Existing Garage Block to be Demolished, since I understand from the submissions before me that those are the versions on which the Council based its decision.
4. Since the determination of the application by the Council, the Ravensden Neighbourhood Development Plan 2030 (March 2023) (RNP) has been 'made'. Both parties have had the opportunity to comment on the RNP and I have taken it into account in reaching my decision.

Main Issue

5. The main issue is whether, having regard to the development plan policies, the appeal site is a suitable location for the proposed development.

Reasons

6. The surrounding area is suburban, characterised by 1 and 2 storey detached properties set back from the highway on spacious verdant plots. The appeal site comprises a detached two storey property, large garage/workshop and substantial mature garden, surrounded by residential properties. It has frontages to both Cleat Hill and Wagstaffe Close.
7. Policy 4S of the Bedford Borough Local Plan 2030 (January 2020) (BLP) outlines the amount and distribution of housing development within the Borough. Policy 6 relates to development within small settlements, as defined within the BLP, while Policy 7S relates to development within the countryside and provides criteria for appropriate development. Policy RNP1 of the recently made RNP defines Cleat Hill as a 'Special Character Area' within the Countryside and provides greater clarity on what development would be considered acceptable within the area, while retaining consistency with the BLP. The overall thrust of the Policies is to direct development to appropriate locations.
8. Despite its largely built-up character and proximity to services in Bedford, the appeal site is located outside of the defined settlement policy area boundaries referenced in Policy 4S. The parties dispute that the appeal site is within a small settlement, as defined by the BLP, and that the development should be considered in the context of Policy 6. The Council point to the Statement for the Examination regarding Matter 4 – Spatial Strategy and Location of New Development and the Site Allocation Selection Process (May 2019), which identifies Cleat Hill as a settlement of 25 dwellings. It does not, however, indicate which of the dwellings surrounding the appeal site this includes.
9. Nevertheless, having viewed the area surrounding the appeal site, I cannot agree with the Council, that the properties along Cleat Hill are physically separated from those along Glenclose Avenue and Wagstaff Close. These properties form a distinct group of buildings with those along Cleat Hill and together they are in an area with a definite built form. It is not disputed that this area, which is outlined in purple on the appellant's appendix 3 aerial photograph, is occupied by more than 30 dwellings.
10. I cannot agree that the preamble to RNP Policy RNP1 supports the Council's view that Cleat Hill is not a small settlement. Rather, it simply confirms that Cleat Hill is covered by policies relating to the countryside (i.e. Policy 7S of the BLP), finding this to be unusual, having regard to its largely built-up character.
11. For the reasons given above, I conclude that the appeal site is within a small settlement, as defined by the BLP, and that the development ought to be considered in the context of Policy 6 of the BLP.
12. The proposal would divide the existing curtilage of the host property replacing the existing large garage/workshop with a detached bungalow and detached garage. Both properties would benefit from large gardens and ample parking space in keeping with the surrounding spacious plots. The proposed buildings would be single storey in height and would utilise materials appropriate to the local area. Overall, the proposal would contribute positively to the character of the area, in accordance with Policy 6.

13. Notwithstanding the above, I note the Council's case with regard to Policy 7S. Even if I were to have concluded that the appeal site is not within a small settlement, I am not persuaded that the development would fail to accord with Policy 7S. The Policy informs that development outside defined Settlement Policy Areas and the built form of small settlements will be permitted if it is appropriate in the countryside in accordance with one of the policies listed.
14. There is no suggestion that the development would be permitted by any of the BLP policies listed. However, Policy RNP1 of the RNP has been brought to my attention. The RNP is a made plan, as referred to in criterion v. of Policy 7S, Policy RNP1 informs that development will be permitted in the defined Cleat Hill/Mowsbury Special Character Area, provided it complies with all of the criteria listed.
15. The Council considers that the proposal conflicts with Policy RNP1, in that it would involve backland development. However, while the proposal would be positioned to the rear of the host dwelling it would have a large, independent road frontage on Wagstaffe Close and would therefore not be backland development. Consequently, subject to suitably worded conditions, the proposal would meet the criteria set out in RNP1.
16. Despite the appeal site not being allocated within the RNP, the proposal would be in accordance with a neighbourhood development plan which has been made by Bedford Borough Council. Therefore, the proposal would be considered appropriate development in the countryside, in line with Policy 7S.
17. Given the above, I conclude that the proposal would be suitably located, with regard to the development plan policies. It would accord with Policies 4S and 6 of the BLP which collectively outline the spatial strategy for the area by identifying where growth and development should be focussed whilst seeking to ensure development contributes positively to the character of the settlement and would be appropriate to the structure, form, character, and size of the settlement as a whole.
18. Even if I concluded that the appeal site was not within a small settlement, the proposal would accord with Policy 7S of the BLP which controls development in the countryside as the development would be permitted by Policy RNP1 of the made RNP.

Other Matters

19. Due to the intervening distances, the proposal would not result in loss of privacy for the occupiers of surrounding properties. A suitably worded condition would ensure that appropriate landscape treatments are provided on site and that the verdant outlook from neighbouring properties is maintained. Further, I have been given no reason to conclude that a proposal of this scale would result in a significant increase in traffic, such that it would affect highway safety to an unacceptable degree.

Conditions

20. I have considered the conditions put forward by the Council and comments from the appellant, against the National Planning Policy Framework (Framework) and the Planning Practice Guidance (PPG). For clarity, precision and to ensure compliance with the PPG, I have undertaken some minor editing and rationalisation.

21. A condition specifying the time limit [1] and approved plans [2] is necessary to provide certainty. I have imposed a condition specifying materials are to be agreed, in order to safeguard the character and appearance of the area [3]. A landscape condition is necessary to ensure the proposal assimilates into the surrounding area without significant losses to mature trees [4]. I have imposed a condition requiring a biodiversity enhancement scheme to preserve and enhance the biodiversity of the area [5].
22. To ensure adequate drainage, access and parking, a condition is necessary to ensure schemes show compliance with best practice guidance [6,7], in addition, to ensure pedestrian safety, visibility splays must be provided and maintained [8]. Electric car charging points are necessary to promote sustainable transport [9]. I am satisfied that a condition requiring adequate infrastructure for high-speed broadband services is reasonable and necessary [10]. In response to the challenging local circumstances on water supply in the area, a condition on water efficiency is necessary and reasonable [11].
23. While Planning Practice Guidance states that conditions restricting the future use of permitted development rights often do not pass the test of reasonableness or necessity, given the close proximity of the proposal to the neighbouring boundary, in this instance, I am satisfied that it is necessary to prevent future extensions upwards (additional storeys or dormer extensions) to safeguard the living conditions of the occupiers of No 9 Cleat Hill [12].
24. I have not imposed the Council's suggested conditions regarding existing and proposed ground levels, as the appeal site is reasonably flat and there is no evidence to suggest an issue with proximity or overlooking. A noise impact assessment is not necessary, as I am satisfied that, due to the large plot size and significant intervening distances, heat pumps could be adequately positioned so as not to affect the occupiers of neighbouring properties. Further, details regarding bin storage have been provided and I am satisfied collection would be kerbside in accordance with the rest of the street.

Conclusion

25. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

K Allen

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 plans:
 - JJ22-007 001 Rev D Block and Location Plans
 - JJ22-007 001 Rev D Proposed Plans and Elevations
 - JJ22-007 003 Existing Garage Block to be Demolished
- 3) Prior to any development above ground works, details of all materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme of landscape works has been submitted to and approved in writing by the local planning authority, which shall include details of the following:
 - a) Details of any trees and hedges to be retained or removed;
 - b) New planting proposals giving location, species, number, density and planting size;
 - c) Areas of grass turfing or seeding and other surface materials;
 - d) Depth of topsoil to be provided where necessary;
 - e) Measures to be taken to maintain the new planting for the required period;
 - f) Boundary treatments, screen walls and fences;
 - g) Implementation plan.

Development shall be carried out in accordance with the approved details and the agreed implementation plan. Any trees or plants (existing retained or proposed) that, within a period of five years after planting (or replanting if previously failed), are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives written consent to any variation.
- 5) No development shall take place 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. Prior to occupation, development shall be carried out in accordance with the approved details.
- 6) No development shall take place until a surface water drainage scheme for the site which accords with the Council's adopted Sustainable Drainage Systems (SuDS) SPD 2018, has been submitted to and approved in writing by the local planning authority. Prior to occupation, development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a scheme for car parking (with access thereto) in accordance with Bedford Borough Council's Parking Standards for Sustainable Communities: Design and Good Practice 2014 has been submitted

and approved in writing by the local planning authority. Prior to occupation, development shall be carried out in accordance with the approved details. The car parking areas shall not thereafter be used for any other purpose.

- 8) Prior to the occupation of the dwelling hereby permitted, a triangular pedestrian visibility splay of 1.8 metres X 1.8 metres shall be provided on each side of the vehicular access. All parts of the splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above ground level.
- 9) Prior to the occupation of the dwelling hereby permitted, a scheme of electric vehicle charging points shall be implemented on site in accordance with details that shall first be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall thereafter be retained in accordance with the approved details.
- 10) Prior to the occupation of the dwelling hereby permitted, an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection shall be provided, unless the local planning authority gives written consent to any variation.
- 11) The dwelling hereby permitted 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).
- 12) Notwithstanding the provisions of Classes A, AA, B and C of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the building hereby permitted shall not be extended upwards through the construction of additional storeys or by any enlargement consisting of an addition or alteration to its roof.

*****End of Conditions*****