



Appeal Decision

Site visit made on 25 July 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/K0235/W/22/3307704

8 Cross End, Thurleigh, Bedford MK44 2EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs L Cook against Bedford Borough Council.
 - The application Ref 22/00261/FUL, is dated 4 February 2022.
 - The development proposed is a replacement dwelling, garage and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was made against the failure of the Council to reach a decision on the application within the relevant statutory timeframe. The Council has explained at appeal that had it been in a position to do so it would have refused the application. I have been provided with what would have been their reasons for refusal as part of their statement of case and the appellant has had the opportunity to comment upon them. These reasons will therefore form the basis of the main issue.

Main Issue

3. The main issue is whether the proposal would be a suitable replacement dwelling in the countryside, having regard to its effect on the character and appearance of the area, and the development plan's spatial strategy in relation to replacement dwellings.

Reasons

4. The existing property is a two-bedroom, mid-19th century, modestly scaled 1.5 storey brick dwelling with a tiled roof. It is positioned facing the roadside and has a linear form with narrow gables. It has a distinctive historic character and appearance with vernacular detailing including patterned brickwork, brickwork arches over some openings, narrow dormer windows and chimneys set on the ridge.
5. The building is located in the countryside beyond the settlement of Thurleigh. It is within a scattering of loosely dispersed dwellings along the roadside and set within an expansive, open agricultural landscape. Several traditionally designed buildings in the immediate area exhibit a similar form and massing, and mostly face the roadside, although they show variety in their overall design. Despite the presence of the occasional more modern building of different siting and

appearance, it is the presence of these traditional buildings and the open agricultural landscape, which strongly influences the rural character and appearance of the area.

6. The Council suggests that the appeal property is entered on the Historic Environment Record. However, they have concluded that the property does not meet the criteria to be classed as a non-designated heritage asset. Although it meets the tests of age and integrity, they consider that it is not a sufficiently rare example of a late vernacular cottage to be designated. Although I have no evidence before me to suggest that these criteria form part of an adopted plan, and although I consider that the building exhibits a degree of historic interest and contributes positively to the historic character and appearance of the area, I have no reason to disagree with the Council's findings on this matter.
7. The proposed four-bedroom house incorporating ground and first floor levels would constitute a substantial step up in scale and massing of the house on the site. The relative modesty of the historic building's scale and appearance would be lost. Despite retaining the overall linear form of the existing dwelling, the combination of its bulky mass, combined with the hipped roof would greatly increase the presence of the building on the site.
8. Furthermore, the proposed rather blank frontage to the roadside would contrast with the existing building which positively addresses the road frontage. Also, the prominent side steps and high-level doorways with canopies would be noticeably different to nearby buildings and have a cluttered appearance. In addition, the expanse of rendered walls to the ground floor and composite timber cladding above would be noticeably different to the use of these materials on surrounding buildings. To the rear the extensive glazed gables and covered balcony would provide far reaching views for the occupants but would be noticeably dominant and draw the eye in more distant views.
9. The combination of the above factors would result in a substantial house of a bold and conspicuous appearance. It would be a visually jarring intrusion within the area and would fail to respond positively to the overriding traditional character, distinctiveness and appearance of surrounding buildings and their rural setting. These adverse impacts would be noticeable from the roadside and from viewpoints on farmland. As such, the proposal would have a harmful effect on the character and appearance of the area.
10. Plans showing the comparative height between the proposed and adjoining dwelling are limited in their extent. Whilst there may be similarities in ridge height and footprint, they do not demonstrate to me that the proposed scale, form and massing would in any way be similar to these buildings. Similarly, the photos showing local materials does not clearly illustrate the combination of materials proposed. Furthermore, a condition attached to a permission to address materials and architectural features would not adequately address the harm.
11. The appellant considers that there is no overriding character to the area, that there is no continuity of design or materials, and that design and character are open to personal preference. However, whilst there is often flexibility to introduce different design interpretations, they must be respectful of the areas overall character and appearance. I have carried out my own assessment of the area and reached a different conclusion on these matters. I also note that Policy HS4 of the Thurleigh Neighbourhood Development Plan (2021) draws

- particular attention to design being appropriate to its location and in keeping with the scale and character of the immediate surroundings.
12. The Council's spatial strategy for delivering sustainable development is outlined in Policy 3S of the Bedford Local Plan 2030 (2020) (LP). There is no dispute between the parties that the appeal site lies in the open countryside and in this regard, LP Policy 7S sets out the Council's policy for development in the countryside and this refers to Policy 66 which relates to replacement dwellings. Under LP Policy 66 a proposal for a replacement dwelling would need to meet four criteria: (i) lead to a clear enhancement of the immediate setting, (ii) is within the curtilage of the original building, (iii) it is positioned where it would result in no adverse impact, including on the local landscape and (iv) is of a similar size and scale to the original building. The criteria in dispute are criteria (i), (iii) and (iv).
 13. I have concluded above that the proposed building would be harmful to the character and appearance of the area. Therefore, the combination of the loss of a building which contributes positively to the character and appearance of the area combined with the above design shortcomings of the proposal means that the proposed replacement building would not comply with criteria (i) and (iii).
 14. There is agreement between the parties that the footprint of the proposed dwelling would extend from 56m² to over 111m². Furthermore, the evidence before me suggests that the Gross Internal Area would increase from approximately 80m² to 214m², facts not disputed by the appellant. Although the appellant refers to additional extensions that could be achieved under permitted development rights and prior notification, these are not relevant. The criterion is clear that the replacement dwelling should be of a similar size and scale to the original dwelling, not including potential extensions. Therefore, the proposal would very clearly result in a replacement dwelling in the countryside that would substantially exceed the size and scale of the original dwelling. It would therefore fail to meet criterion (iv).
 15. The second part of LP Policy 7S also makes provision for development proposals on sites well-related to the built form of settlements, as an exception. This is provided that a list of criteria are all met: there must be an identified community need and identifiable community support; the scale should be appropriate to serve local needs or to support local facilities; and the development should contribute positively to the character of the settlement and be appropriate to the structure, form, character and size of that settlement. Paragraphs 6.21 and 6.22 in support of LP Policy 7S explains that overly restrictive policies should not prevent opportunities for communities to achieve their local development aspirations, and flexibility is provided to allow new homes to maintain the vitality of rural communities and identified needs.
 16. I note that the Parish Council has resolved to support the proposal and several nearby residents acknowledge the appellant's reasons for replacing the dwelling, including some letters of support. However, this proposal to replace a single dwelling does not in my view equate to a clearly identified need of the community nor is it evidenced how it would support local facilities. Also, irrespective of whether or not the site is well related to the built form of a settlement, I have found that the proposal would not contribute positively to the character of the buildings around it. Therefore, taking all the above factors into account, there is no support for the proposal under LP Policy 7S.

17. I therefore conclude that the proposal would not be a suitable replacement dwelling in the countryside, in terms of its effect on the character and appearance of the area, and the development plan's spatial strategy in relation to replacement dwellings. It would conflict with LP Policies 3S, 66, 7S, 3S, 28S, and 29 of the Bedford Local Plan 2030 (2020) (LP), the Councils Design Guidance: Residential Extensions, New Dwellings and Small Infill Developments (2000) and Policy HS4 of the Thurleigh Neighbourhood Development Plan (2030). Together, these seek to ensure that development integrates well and compliments the character of the surrounding area and promotes local distinctiveness. It would also conflict with paragraph 130 of the National Planning Policy Framework which states that development should add to the overall quality of the area and be sympathetic to local character.

Other Matters

18. The dwelling appears to be in generally well-kept condition, but I note that the property experiences damp, water splashes from the road and is poorly insulated. I also recognise the proposal would provide a new dwelling which would probably need to be repaired less often.

19. The proposal would provide more spacious accommodation, a modern design and layout and the appellant wishes the building to be an accessible, highly insulated structure and designed for a more sustainable future. Furthermore, salvage bricks and tiles from the dwelling would be used to build the garage. It is also suggested that the building would be better spaced on the site and set back from the roadside slightly to minimise flooding. However, it has not been demonstrated that the appeal proposal is the only way of addressing these issues and therefore these matters do not justify the harm to the area's character and appearance and the conflict with the development plan. Addressing the concerns regarding highway access issues could more than likely be addressed independently of this appeal proposal.

20. It has been suggested that the existing dwelling could be extended using permitted development rights and prior notification. However, there is little evidence exactly as to what form this would take or to demonstrate that the fallback option would achieve the accommodation required through this appeal proposal. Also, there is an insufficient level of detail to demonstrate that the fallback scheme would be significantly more harmful. There is, therefore, insufficient evidence before me to demonstrate that the extensions suggested would be a realistic or possible fallback option.

Conclusion

21. I therefore conclude that the proposal would be contrary to the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR