



Appeal Decision

Site visit made on 29 January 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2024

Appeal Ref: APP/K0235/W/23/3328099

10 Blenheim Road, Shortstown, BEDFORD MK42 0UY

- 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 Haider Ghazala against the decision of Bedford Borough Council.
 - The application Ref 23/00449/FUL, dated 28 February 2023, was refused by notice dated 3 July 2023.
 - The development proposed is the erection of a 3 bedroom detached dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a 3 bedroom detached dwelling at 10 Blenheim Road, Bedford, MK42 0UY in accordance with the terms of the application, Ref 23/00449/FUL, dated 28 February 2023, and the plans submitted with it, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - The effect of the proposed dwelling on the character and appearance of the area, and
 - The effect of the proposal on the living conditions of future occupiers, with particular regard to noise and vibration.

Reasons

Character and appearance

3. Blenheim Road is a street within a residential area. Housing predominantly comprises brick, two-storey pitched roof dwellings of traditional form. Housing is arranged in a grid-like arrangement with roads and built form creating a distinctive regimented pattern of development. Houses are close together, creating a relatively close-knit form of development. Housing found on corner plots often project beyond the front elevations of buildings of neighbouring development, demonstrating that the estate has non-uniform building lines. The appeal site is the side garden of a corner plot. This space is enclosed by low fencing and limited landscaping and is relatively nondescript, making a limited contribution to the character and appearance of the area.
4. The proposed dwelling would be set slightly ahead of the host dwelling and would project beyond the front elevation of 1 Wellington Road (No 1). However, the proposal would retain a generous space to its side respecting the

open character of frontages along Wellington Road. This set back would be a greater distance than several dwellings in the area, such as 17 Canberra Road and 2 Blenheim Road, and would not therefore be uncharacteristically close to the highway. Although the Council identifies that some dwellings, approved on corner plots, precede the adoption of the most recent Local Plan, these form part of the area's character, nonetheless.

5. Due to its recessed nature, the proposal would stand comfortably within the plot. The substation to the rear would reduce the size of the rear garden, but the absence of a large rear garden would not be perceived from the street due to the presence of extensive landscaping around the substation. Moreover, the substation site would create a sense of separation between the rear elevation of the proposed dwelling and the side of No 1 of around 10 metres. This would compare well with existing corner plots in the area and maintain the existing pattern of development within the estate. Also, a side garden would be provided of reasonable size to provide a family with sufficient space for recreation and day-to-day use. As a result, the property would not appear cramped within its plot.
6. Accordingly, the proposed dwelling would complement the character and appearance of the area. As a result, the proposal would comply with policies 28S, 29 and 30 of the Bedford Borough Local Plan [2020] (LP). These seek, among other matters, for development to have a positive relationship with the surrounding area and to respect its context.

Living conditions

7. The proposed dwelling would be close to a substation to its rear, which is not enclosed by a GRP surround. UK Power Networks has advised that the distance between a dwelling with living or bedroom windows, that would overlook a distribution substation should be a minimum of 10 metres, if the transformer is outside. The proposed dwelling would have no rear facing windows at ground floor. Moreover, it would have only two non-habitable room windows that would overlook the substation at first-floor. This configuration would satisfy the overlooking requirement of UK Power Networks.
8. A noise assessment has not been submitted in evidence. Nonetheless, during my site visit I noted that the substation emits a barely perceptible low-level hum. Although this could cause annoyance to some residents, it seems unlikely that this would cause material disturbance to the living conditions of future occupiers. Also, neighbouring dwellings are set closer to the substation than the proposed dwelling would be, meaning that this proximity already exists within the local context. It is therefore unconvincing that the noise levels from the substation would result in an adverse noise impact, a conclusion shared by the Council's Environmental Health Officer.
9. UK Power Networks also advised that due to the substation's proximity, vibrations could be transferred through the ground and into the dwelling's foundations causing disturbance to future occupiers. It advises, to avoid this, development should have a separation distance of at least seven metres or be as far away as practically possible. It also advises that care should be taken to separate footings from the substation's substructure. The substation equipment is set away from the shared boundary, within the compound and the proposed dwelling would not seem to connect to the substation's substructure.

Accordingly, the substation would be unlikely to be capable of causing vibration disturbance for occupiers of the dwelling.

10. Moreover, if the dwelling were relocated further forward it would not accommodate the required parking and may also create an adverse impact on the streetscene. As such, the position of the dwelling is as far away from the substation as is practically possible.
11. As a result, the proposal would not affect the living conditions of future occupiers with respect to noise and vibration. Accordingly, the proposal would comply with LP policies 32 and 47S. These seek, *inter alia*, for development to reduce impacts from vibration and consider the effects of noise.

Other Matters

12. The appeal site would include parking for two vehicles within its frontage. This level of parking would align with the Council's parking standards and LP policy 31. As such, the scheme would include a suitable level of parking without requiring on-street provision. Moreover, the host dwelling would retain sufficient space within its frontage to accommodate on plot parking if required by its occupiers. Furthermore, due to the amount of off-street parking available in the area, unrestricted on street parking, would appear to be available if required by visitors to the proposed dwelling.
13. The Forest of Marston Vale Trust has requested new tree planting off-site to contribute towards the Government's objective to create 30% new woodland cover by 2031 in accordance with LP policy 36S. However, it appears that most, if not all, of the required provision can be accommodated on site, which is preferred by the Council. This can be secured by the imposition of a planting condition if deemed necessary.
14. Several appeal decisions have been submitted by both main parties with respect to other Inspector's views on character, separation distances and garden sizes in the area. Although recognising the conclusions drawn, the full details of each case are not before me, and I am unable to draw any clear comparisons from them. Furthermore, and in any event, it is necessary to consider each case on its own merits.

Conditions

15. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose these with some amendments and adjustments for clarity.
16. I have altered the trigger date for the submission of several details as these would not be required to be agreed prior to the commencement of development.
17. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [conditions 1 and 2]. Conditions are necessary with respect to the provision of materials, planting and boundary treatment in the interests of the character and appearance of the area [3, 4 and 6]. A condition is required to ensure the delivery of a net gain to Biodiversity [5]. It is also necessary for the access, on-site hardstanding and cycle provision to be laid out in the interests of highway

safety [7, 8 and 9]. Furthermore, conditions are necessary to secure water efficiency measures and secure a good broadband connection to satisfy the requirements of LP policies 52 and 94, respectively [10 and 11].

18. The Council has suggested that permitted development (PD) rights, conveyed by Schedule 2, Part 1, Classes A-E and Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, are removed. The National Planning Policy Framework advises that conditions should not be used to restrict PD rights unless there is clear justification to do so. However, the effect of PD works could result in adverse privacy and outlook impacts for neighbouring occupiers due to the orientation and boundary proximity of the proposed dwelling. Consequently, I am satisfied that these rights should be removed in the interests of the protection of living conditions of neighbours [12].

Conclusion

19. The proposal would accord with the development plan, when taken as a whole, and there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. As such, the appeal is allowed, and planning permission granted subject to the attached conditions.

Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1358, Proposed site plan 1358.02.01RevB, Proposed floorplans 1358.02.02RevB and proposed elevations and section 1358.02.03.
- 3) Before above groundworks commence, details of the external materials to be used (to include walls, roof, doors, windows and external gutters and pipework) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details or particulars.
- 4) Before above groundworks commence, a scheme of landscape works shall be 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 and the measures to be taken to maintain the new planting for the required period.

All planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.
- 5) Prior to the commencement of development, 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) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details or particulars.
- 6) Before above groundworks commence, details of all boundary treatments, screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme.

- 7) The approved dwelling shall not be occupied until the access has been surfaced in a stable and durable manner with a bonded material across the entire width of the access for a distance of 5.0m measured back from the carriageway edge. Surface water from the access must not drain to the public highway.
- 8) The approved dwelling shall not be occupied until the storage and collection points for bins have been provided in accordance with the approved scheme and shall thereafter be retained.
- 9) The approved dwelling shall not be occupied until the scheme for car parking and cycle parking has been provided in accordance with the approved plans. The space shall thereafter be always kept available for parking.
- 10) The approved dwelling 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).
- 11) The approved dwelling shall be served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no walls, gates, extensions, additions, alterations or enlargements to the roof, or outbuildings (Classes A - E of Part 1 and Class A of Part 2, Schedule 2 of the GPDO) shall be erected or constructed within the curtilage of the new dwellinghouse without the specific grant of planning permission by the Local Planning Authority.

End of conditions