



Appeal Decision

Site visit made on 24 October 2023

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th March 2024

Appeal Ref: APP/K0235/W/23/3319951 18-20 Woodfield Lane, Renhold MK41 0LH

- 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 Cedarwood Projects Ltd against the decision of Bedford Borough Council.
 - The application Ref is 23/00121/FUL.
 - The development proposed is demolition of existing 2 no. bungalows and outbuilding and the erection of 2 no. 3 bedroom dwellings and 1 no. 2 bedroom bungalow and the creation of new access from the highway.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing 2 no. bungalows and outbuilding and the erection of 2 no. 3 bedroom dwellings and 1 no. 2 bedroom bungalow and the creation of new access from the highway at 18-20 Woodfield Lane, Renhold MK41 0LH in accordance with the terms of the application, Ref 23/00121/FUL, dated 19 January 2023, subject to the conditions contained in the Schedule of Conditions at the end of this decision.

Application for Costs

2. An application for costs has been made by Cedarwood Projects Ltd against Bedford Borough Council and is the subject of a separate decision.

Preliminary Matters

3. I have removed '18-20 Woodfield Lane, Renhold' from the description of development as this is an address and not a description of development. As such I am satisfied that this would not prejudice the parties.
4. The application form identified the site as '18 Woodfield Lane' however, both the decision notice and the appeal form identify the address of the site as '18-20 Woodfield Lane'. Based on the information before me that would appear to be the most accurate address for the appeal site as it comprises those dwellings. Given that both parties have used this address, I have used it in my decision.
5. A discrepancy between the plans was identified during the determination of the appeal. There was a two-storey gable shown on the rear elevation on Drawing No. 03-03-30 P3 which was not shown on the other plans. Drawing No. 03-03-30 P4 was then submitted by the appellant which removed the two-storey projection from the rear of the building. The revised plan would remove a matter of ambiguity that would correct a mistake between the drawings. The

council were subsequently given the opportunity to comment on the revised drawing and did not object to the inclusion of it. I therefore accept the revised plan and determine the appeal with regard to Drawing No. 03-03-30 P4.

6. Since the council issued its decision the National Planning Policy Framework (the Framework) was updated. The parties were given the opportunity to provide comments on the updates to the Framework and I have taken them into account.

Main Issue

7. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

8. There are two semi-detached bungalows on the site that are setback from the roadside behind gardens and driveways. The relatively deep setback of the bungalows is consistent with the other houses in the immediate area which generally have low-level or no boundary treatment along the highway. The houses in the area themselves vary in design, scale and siting and this creates an attractive variety to the street scene. The site is located at the end of Woodfield Lane and beyond the site is open fields, as is the case opposite the site. The setback and siting of the houses as well as the limited boundary treatment contributes to the spacious and verdant character of the street scene. Within the wider area there are several houses that have been built to the rear of plots. These are visible within the street scene and form part of the pattern of development for the area.
9. The proposed development would involve the demolition of the existing bungalows and outbuilding and the construction of two, two storey dwellings located to the front of the site and a bungalow to the rear.
10. I have been directed to an appeal for 3 dwellings that was dismissed on this site (Ref: APP/K0235/W/22/3297062). That Inspector identified that the previous scheme would appear cramped and overdeveloped which would result in the loss of spaciousness when compared with the existing development.
11. The scale of the houses and the associated plot ratios were identified by the Inspector as issues with the previous scheme. By reducing the scale of the proposed houses, the depth of the rear gardens for Plots 1 and 2 would now be similar to other properties along Woodfield Lane and as such the size of these gardens would be appropriate relative to the size of the houses.
12. The houses would also have a larger gap between them than the dismissed scheme and this would be relatively consistent with those gaps between other dwellings along Woodfield Lane. Furthermore, either side of these two houses there would be spacious gaps to 16a Woodfield Lane and the open fields next to the site. This would generally be in accordance with the minimum distances between side boundaries as set out in N3 Residential Extensions, New Dwellings and Small Infill Developments Design Guidance (Design Guidance). The depth of the rear gardens would also be generally consistent with the N3 Design Guidance. Overall, these factors would ensure that an appropriate level of spaciousness would be maintained across the site.

13. The smaller scale of the houses would reduce the footprint coverage of the plot ratios compared to the dismissed scheme and even when taking into consideration parking and manoeuvring spaces, these would be consistent with other dwellings in the area. The modest scale of the houses and the gaps retained between them would contribute to ensuring that the proposal would not overdevelop the site.
14. It was identified by the Inspector that the previously designed dwellings due to their bulk would appear visually prominent. The two houses proposed as part of this scheme have been reduced in scale and set back further within the site. In comparison to the dismissed scheme this would reduce their visual prominence. Due to their scale the houses would enclose the site to a greater degree than the existing bungalows. However, the dwellings themselves would not appear imposing given their modest scale compared to the surrounding houses as well as the proposed setback from the highway and location at the end of the road. The detailed design of the houses would utilise some architectural features from the street scene without simply replicating any of the houses. This would contribute to the attractive variety in the street scene.
15. The two storey houses would be setback further from the road than the existing bungalows which would contribute to ensuring the front gardens and driveway would remain the dominant element in the street scene. The siting of the parking spaces could result in up to two cars being parked in front of each house which would detract from the openness in front of the houses. However, the vehicles would be transient and would not permanently erode the spaciousness in front of the houses. Furthermore, the associated landscaping proposed around the parking spaces would soften the frontage of the properties. This would contribute to maintaining the verdant character of the street scene.
16. The bungalow would have a relatively simple linear design, not dissimilar to the existing outbuilding on the site. Alongside the appropriate use of materials, the design and siting of the bungalow would appear consistent with other bungalows in the area. Whilst the plot associated with the bungalow would be relatively narrow, the size of it would be consistent with other development at depth in the area.
17. Overall, the proposed development would not harm the character or appearance of the area. Therefore, the proposal would not conflict with Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030 (BBLP) or the N1 & N3 Design Guidance. These seek, amongst other matters, to ensure that development contributes positively to the character of the settlement, be of suitable form and high-quality design, and integrate with the character of the locality.

Other Matters

18. The window on the flank wall of Plot 1 would look towards 16a Woodfield Lane and would serve a bedroom. This room would have two windows and as such, a condition to ensure the window that faces towards No. 16a is a non-opening or restricted opening window that has obscured glazing would preserve the privacy of the occupiers of No. 16a. From the rear first floor windows of Plot 1 there would be limited opportunities for overlooking the rear garden at No. 16a, however this would be from an oblique angle and as such, this would not result in a harmful loss of privacy for the occupants. Additionally, the

orientation of the houses as well as the depth of the rear gardens would ensure that the occupiers of Plot 1 would not harmfully overlook the occupants of the proposed bungalow.

19. Given the distance from the surrounding houses, the proposed dwellings would not harmfully erode the outlook enjoyed by the surrounding occupiers.
20. No substantive evidence has been provided to identify that Woodfield Lane is at 'capacity.' Additionally, the Highways Officer did not object to the application, subject to conditions. The proposal seeks one additional dwelling over and above the existing situation. Based on the evidence before me it is not evident that the traffic movements connected to the proposed development would have an unacceptable impact on highway safety.
21. Matters related to covenants are dealt with under separate legislation and are not relevant to the determination of this appeal.

Conditions

22. I have considered the planning conditions suggested by the council and the appellant, having regard to the tests set out in the Framework and the Planning Practice Guidance. Where appropriate, I have amended the wording to ensure they are reasonable given the scale of the development and site context and to ensure that they meet all other Framework tests for conditions.
23. Further to the statutory commencement condition [1], a condition requiring that the development is carried out in accordance with the approved plans is necessary in the interest of certainty [2].
24. A condition requiring the submission of a detailed design of the junction of the access with the highway is necessary in the interest of highway safety [3]. However, there is already a surfaced vehicular access to the site. As such I have amended the timing of the condition as a pre-commencement provision does not meet the test of necessity in this instance. Conditions requiring that parking spaces, turning areas and accesses are properly surfaced is necessary in the interest of highway safety [4 and 5].
25. Conditions requiring that landscaping works [6] and boundary treatments [8] are approved is necessary in the interest of the character and appearance of the area. However, I have amended the timing of condition 6 as a pre-commencement provision does not meet the test of necessity in this instance. I have also removed from condition 6 the requirement to provide details of any trees and hedges to be retained or removed as this is already provided in the Tree Protection Plan which has been included in the approved plans condition [2].
26. Whilst several arboricultural and ecological documents were prepared in support of the proposal these identified several ecological enhancements that were generalised opportunities that could be incorporated. As such, a condition which ensures these enhancements are secured via a Biodiversity Enhancement Scheme is necessary in the interest of securing and encouraging biodiversity enhancements as well as the character and appearance of the area [7]. However, I have amended the timing of this condition as a pre-commencement provision does not meet the test of necessity in this instance.

27. Air source heat pumps are proposed; however, these are a potential source of noise which may affect the neighbouring occupants' living conditions. Given that a noise assessment was not submitted, in order to avoid adverse impacts upon the neighbouring occupants' living conditions a condition requiring a noise impact assessment is necessary [9]. I have revised the wording of this condition to ensure the details are approved in writing by the local planning authority and to ensure it has a specific timeframe for implementation to ensure the condition is precise.
28. A condition ensuring the first-floor window on the south elevation of Plot 1 is obscured glazed is necessary in the interest of preserving the privacy of the occupiers of the neighbouring property [10]. I have redrafted this condition as it previously required the window to be installed in accordance with a specific range of windows provided by a private company that could be subject to change or withdrawal. If this occurred, the condition as previously worded would be unenforceable.
29. The refuse collection points are proposed to be sited next to the highway and if the bins were permanently stored there this would detract from the character and appearance of the area. Whilst a bin store for Plot 3 has been identified on the plans it is necessary for refuse enclosures to be provided for all the properties and for the design and siting of them to be approved in writing by the local planning authority in the interest of the character and appearance of the area as well as in the interest of providing suitable refuse arrangements for the future occupants [11]. Given that the council did not suggest this condition, in the interest of fairness, the parties were given the opportunity to comment on this condition and no objections were raised.
30. A condition requiring higher water efficiency measures is necessary in the interest of protecting scarce resources [12].
31. A condition to provide a fibre optic connection is necessary to allow the future upgrade and maintenance of fibre optic broadband technology [13].
32. A condition requiring M4(2) accessible dwellings of the Building Regulations is necessary to provide suitable homes for the use and dignity of both occupiers and their visitors [14]. This would ensure a suitable degree of accessibility for future occupiers.
33. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Given the layout of the proposed dwellings sited relatively close to each other with the bungalow to the rear, if they were to be extended, they could have an overbearing effect as well as result in a loss of privacy for the neighbouring occupiers. This could harm the living conditions of those neighbouring occupants. Additionally, extensions built either side of the proposed properties could erode the gaps between the dwellings which could create a cramped development. This could harm the character and appearance of the area. Accordingly, this provides clear justification to restrict permitted development rights to enlarge or extend the dwellings as well as make alterations to the roof [15].

Conclusion

34. For the reasons given above I conclude that the proposed development would accord with the development plan as a whole and the other material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

G Sibley

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: Location Plan 03-02-001; Proposed Site Plan 03-02-100 P3; Proposed Site Plan Level 01 03-02-101 P3; Proposed Site Plan – Roof Level 03-02-102 P3; Proposed Floor Plan Plot 02 03-03-31 P2; Proposed Floor Plan Plot 03 03-03-32 P1; Proposed Floor Plan Plot 01 03-03-30 P2; Proposed Elevations Plot 01 03-03-30 P4; Proposed Elevations Plot 02 03-05-31 P2; Proposed Elevations Plot 03 03-05-32 P2; Estate Car Parking Sheet 1/2 SP03 A; Estate Car Parking Sheet 2/2 SP04 A; and Tree Protection Plan DWG No. Arbtech TPP 01a.
- 3) Details of the junction of the proposed vehicular access with the highway and the means of preventing surface water from the site entering the highway shall be submitted to and approved in writing by the local planning authority prior to development above base course level taking place. The development shall not be occupied until the junction has been constructed in accordance with the approved details and retained thereafter.
- 4) Prior to the first occupation of the dwellings hereby approved the accesses shall be surfaced in a stable and durable manner with a bonded material across the entire width of the access for a distance of 5.0 metres measured back from the carriageway edge and retained thereafter. Surface water from the accesses must not drain to the public highway.
- 5) Prior to the first occupation of the dwellings hereby approved the vehicle parking spaces and turning areas shall be properly surfaced and marked out and / or provided in accordance with the approved plans. The spaces shall thereafter be kept available for parking at all times.
- 6) Prior to development above base course level taking place 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) New planting proposals giving location, species, number, density and planting size.
 - b) Areas of grass turfing or seeding and other surface materials.
 - c) 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 season 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.

- 7) Prior to development above base course level taking place a Biodiversity Enhancement Scheme (to include details of protection and management of habitats and species incorporating opportunities for the enhancement

- of existing and creation of new habitats on site) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved Biodiversity Enhancement Scheme and retained thereafter.
- 8) Prior to the first occupation of the dwellings hereby approved written details of all boundary treatments, screen walls and fences including a timetable for carrying out the works shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
 - 9) Prior to the first occupation of the dwellings hereby approved a Noise Impact Assessment for any Air Source Heat Pumps shall be submitted to the local planning authority and approved in writing. The Air Source Heat Pump Noise Impact Assessment shall detail the noise levels associated with the use of the air source heat pumps and include an analysis of whether any noise mitigation measures are required to control the noise (and if so full details of these mitigation measures). Prior to the occupation of the dwellings any required mitigation measures shall be implemented in accordance with the approved Air Source Heat Pump Noise Impact Assessment and retained thereafter.
 - 10) Plot 1 as identified on drawing number 03-02-101 P3 of the buildings hereby permitted shall not be occupied until the window in the south facing side elevation of Plot 1 at first floor level has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 11) The dwellings shall not be occupied until details of the refuse enclosures for the approved dwellings has been submitted to and approved in writing by the local planning authority. The dwellings shall not be occupied until the refuse enclosures have been built in accordance with the approved details.
 - 12) The dwellings hereby approved shall not be occupied until the optional requirement for water efficiency of 110 litres per person per day as set out in regulations 36 and 37 of the Building Regulations 2010 as amended, shall have been complied with.
 - 13) The new dwellings shall be served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection unless evidence is submitted which demonstrates that providing the required infrastructure is not feasible or economically viable.
 - 14) 49% of the total number of dwellings hereby approved across the site shall be built in accordance with the Building Regulations 2010, Volume 1, M4(2) (accessible and adaptable dwellings) or such replacement document or policy which exists at the time of the development commencing. The relevant dwelling(s) shall be built and retained in accordance with these standards.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension to the dwellings hereby permitted, including any additions or alterations to the roof (Classes A – C Schedule 2, Part 1 of the GPDO).