

Appeal Decision

Site visit made on 20 August 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2024

Appeal Ref: APP/P0240/D/24/3344871

26 Ivel Gardens, Biggleswade, Central Bedfordshire, SG18 0AN

- 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 A Sohota Badhan against the decision of Central Bedfordshire Council.
 - The application reference is CB/24/00472/FULL.
 - The development proposed is erection of part single and part two storey front extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issues

3. The main issues are the impact of the proposal upon i) the character and appearance of the area and ii) the adjacent Lime tree protected by a Tree Preservation Order.

Reasons

Character and appearance of the area

4. The appeal site is a 1970s detached two-storey dwelling with a staggered two storey front elevation and a single storey flat roofed front double garage projection. At the time of my site visit, I found that the mono-pitched/cat slide roof elements within the vicinity are a strong design characteristic that is generally located forward of the remainder of the front elevation. I find that this contributes to the prominence on such a feature in the context of the host dwelling itself as well as being a strong visual characteristic shared by properties in the immediate vicinity of the appeal site within which proposals would be viewed on a day to day basis within the street scene.
5. Whilst I note that the proposal has sought to follow design cues based upon such features the proposal would result in two-storey built form forward of the existing two-storey elevation which I find would be visually uncharacteristic for the area. The proposal would project forward of the existing main staggered front elevation and would result in a dominant appearance as well as resulting in intercepting roof pitches and an overall overcomplicated and awkward design

- between existing and proposed elements which I find would fail to respect the character and appearance of the host dwelling itself.
6. The appellant's statement of case places weight upon an extension which is stated to have been approved at 5 Ivel Gardens (no. 5) and has included two photographs of the extension stated to be under construction. Whilst I did pass no. 5 at the time of my site visit, I do not have any further evidence or information before me (despite reference being made to the site by both parties) as to the previous appearance of the site in question or a copy of the approved plans to be able to appropriately take the site into consideration. This would be key, for example, to support the Council's commentary as to the proposals not interfering with the original design.
 7. In addition to this I note, from the Council's report, that the permission at no. 5 was granted in 2020. This permission was, therefore, granted prior to the current Local Plan documents, the Central Bedfordshire Design Guide 2023 (the Design Guide) as well as current version of the National Planning Policy Framework 2023 (the Framework) which, within its latest version, places stronger emphasis on well designed and beautiful places. The proposal was, therefore, determined in against a differently policy setting to that which I must determine upon on the scheme's own merits.
 8. Each case should be considered on its own merits, and, in this case, I have very limited evidence before me relating to no. 5 to understand the decision and reasoning for the permission which is stated to have been granted. Notwithstanding this, whilst the property is within the vicinity of the appeal site, I do not find that it is visually linked. The appeal proposal, before me, would be viewed within the context of the immediate street scene which, as outlined above is characterised by cat slide roof elements generally located forward of the remainder of the front elevation.
 9. I note that the dwellings within the locality have a slightly quirky, unconventional appearance and that the Framework outlines that decisions should not discourage appropriate innovation or change, however, for the reasons I have set out above, I find that the proposal would dominate and result in an awkward addition to the host dwelling as well as create an alien form of development when viewed within the street scene.
 10. I note that the design seeks to respond to the character of the existing dwelling, however, I do not find that the variety of development in the locality is sufficient enough to prevent the proposal being viewed as an alien feature as a result of bringing two-storey built form forward of the existing two storey elevation. The proposal would not preserve the character or the appearance of the area. Whilst the proposal is not, evidently, comparable to the extracts from the Design Guide, which the appellant has included within their statement of case, the guidance is clear in that it seeks to avoid front extensions that would result in a significant impact on the street scene as is the case before me.
 11. The proposal would be inconsistent with Central Bedfordshire Local Plan 2021 (LP) Policy HQ1 which seeks to ensure that developments are of the highest possible quality and respond positively to their context with size, scale, massing, and appearance relating well to the existing local surroundings. The proposal would also be contrary to Biggleswade Neighbourhood Plan 2022 (NP) Policy BPD3 which seeks to ensure that house extensions do not dominate the

original building in terms of height or massing and the overarching objectives of the Design Guide which outlines and advises that large extensions on the front of properties are generally not acceptable as they can have a significant impact upon the street scene. The proposal would also be contrary to paragraph 135 of the Framework, which confirms that developments should function well and add to the overall quality of the area as well as being sympathetic to local character including the surrounding built environment.

Adjacent Lime tree protected by a Tree Preservation Order

12. The single-storey element of the proposed front extension is, according to the floorplans, to be utilised as a gym and would be sited under the canopy of Lime Tree which is protected under a Tree Preservation Order (TPO) located in the front garden of the appeal site. I note, from the Tree Officer's comments, that the objection is based upon the proposed extension being under the canopy of the tree. The objection does not appear to be based upon the foundations for the proposal which I note are to be no-dig pile foundations to ensure that the tree in question is not affected as outlined in the Tree Protection Scheme. The Council's response also confirms that re-pollarding of the tree would be suitable. I have no evidence before me to conclude differently.
13. The objection is, therefore, mainly based upon the proposal's location underneath the canopy as a result of concern as to the potential for pressure on the removal of the tree and continuing tree works on the tree needing to increase. As previously outlined, the single storey element is shown, on the proposed plans, to be utilised as a gym which would be a non-habitable room and therefore any impact, to future occupiers, as a result of proximity to the Lime tree in question should not be unacceptable or provide sufficient justification, based upon the use of the room, for future works to the tree in question at the point such permission for works is sought. I also note officer comments regarding potential impact in relation to the window of what is labelled, on the first-floor floorplan, as a study. A study would not be providing living accommodation either so, in that regard, I find that such use would not result in sufficient justification for permission to be sought for further works to the tree in question as a result of any perceived impact to the window in question at first floor level.
14. Based upon the fact that the proposals before me seek to provide what are essentially non-habitable rooms in the context of the host dwelling and that the Tree Officer does not object to re-pollarding of the Lime tree, I do not find that the proposal would lead to future pressure for more extensive pruning than is currently being permitted under its ongoing pollarding management, nor do I have any evidence that it would call for tree removal at a later date. Based upon the evidence before me, the tree would be able to likely maintain its current management size within the scope of the works currently being permitted and as previously noted, no objection has been raised by the Council in relation to the proposed no-dig foundations themselves.
15. The tree's stem clearance is already in the region of 4m which will increase as a result of pollarding and as noted by the appellant's Arboricultural statement, the tree would in any case require on-going management which I find would be compatible with the proposal, in terms of spatial separation, and the type of rooms it seeks to provide. Overall, I do not find that the use of the proposals, for non-habitable accommodation as a gym and study, would create future

nuisance and pressure for removal as a result of conflict with the new extension nor that the proposal would be inappropriate development likely to have a negative impact on the protected tree in this case. The proposal would be consistent with LP Policy EE4 and LP Policy HQ1 which both require development proposals to incorporate existing trees to ensure longevity and ensure that developments are of the highest possible quality and respond positive to their context.

16. The proposal would also be consistent with NP Policy BGS1 which requires that development must have no overall or significant adverse impact on Biggleswade's natural and green environment and should retain existing trees and incorporate them into the design, layout, and landscaping. The proposal would also be consistent with paragraph 136 of the Framework which requires that existing trees be retained wherever possible and the overarching objectives of the Design Guide which seeks to achieve a high standard of amenity for existing and future occupiers.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR