



Appeal Decision

Site visit made on 17 July 2024

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 04 September 2024

Appeal Ref: APP/P0240/W/24/3340238

126-128 Bury Road, Central Bedfordshire, Shillington SG5 3NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs R Stanley against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/03275/FULL.
 - The development proposed is the erection of a detached two storey sustainable dwelling together with a new vehicular access, parking and turning area, and associated private garden, landscaping and boundary treatment.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a detached two storey sustainable dwelling together with a new vehicular access, parking and turning area, and associated private garden, landscaping and boundary treatment in accordance with the terms of the application, Ref CB/23/03275/FULL, dated 28 September August 2023, and subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the appeal site is a suitable location for the proposed development, having regard to character and appearance and the pattern of development.

Reasons

3. The appeal site is a triangular parcel of land, serving as the residential garden for 126-128 Bury Road, a large, detached, two-story dwelling. It is bordered by mature trees, hedges, high timber fencing, and post-and-rail fencing. The site contains several scattered trees and shrubs and backs onto open agricultural land.
4. The settlement character of the area features a diverse mixture of dwellings, ranging from contemporary homes, to older, more traditional dwellings. The houses vary in size, from large structures with extensive hardstanding areas for ample off-road parking, to smaller homes with no front garden areas. The setting maintains a predominantly rural character, enhanced by the incorporation of vegetation which contributes to its appeal.
5. Architecturally, the area showcases a variety of styles. Many properties feature traditional brick construction and others include older cottages, with exposed beams, reflecting the area's historical roots. Alongside these, there are more

contemporary homes constructed with modern materials, adding to the varied aesthetic of the neighbourhood and the eclectic mixture of the housing within the locality.

6. The varied street scene along Bury Road already accommodates a wide range of designs, sizes, and architectural styles. Although the proposed dwelling would be larger than some of the dwellings in the area and would incorporate modern design elements, it would not be significantly different than the more contemporary developments in the immediate vicinity. The retention of the dense hedge and fence boundary as a landscaping feature would preserve the verdant character of the area. It would also ensure that the building is only partially visible from the public highway. While some trees would be lost, the loss of these trees would not be widely visible from the public realm. Consequently, the proposed development would not have a detrimental effect on the surrounding street scene.
7. The appeal site is located on the village edge just outside the defined Settlement Envelope of Shillington. Nonetheless, given that the appeal site retains direct access to the public highway and would be flanked by existing residential development, the proposed development would not result in any detrimental impact on the settlement character. In reaching this view, I have considered that there is a more sporadic pattern of development on this side of Bury Road with a looser grain of development. Nonetheless, the proposed development would match the overarching grain of contemporary dwellings in the immediate area. As such, it would maintain the area's aesthetic and practical connection to the countryside.
8. In conclusion, the appeal site is a suitable location for the proposed development, having regard to character and appearance and the pattern of development. It would relate well to the existing local surroundings and recognise the intrinsic character and beauty of the countryside, in compliance with Policies HQ1 and SP7 of the Central Bedfordshire Local Plan 2021. It would also be sympathetic to local character, in compliance with Section 12 of the National Planning Policy Framework. It would accord with the surrounding character, pattern, and grain of development, in compliance with Section 6 of the Central Bedfordshire Design Guide (2023).

Other Matters

9. I have considered representations from third parties that the proposed development could have an adverse effect on the rural landscape. However, this could be resolved through the use of a planning condition, to ensure that an acceptable standard of landscaping is reached.

Conditions

10. The Council has suggested a number of conditions in the event this appeal is successful, and these have been considered against the advice in the National Planning Policy Framework and Planning Practice Guidance. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. The parties have been consulted and have submitted their responses regarding the revised conditions.
11. In addition to the standard time limit, condition 2 is necessary to provide certainty. Condition 3 is required to minimise inconvenience to users of the

highway. Condition 4 ensures that there is adequate visibility between the highway and the proposed access. Condition 5 ensures the provision of adequate cycle parking. Condition 6 is necessary to safeguard highway safety and improve amenity. Condition 7 is necessary to avoid the carriage of surface water from the site onto the highway, to ensure highway safety. Condition 8 is necessary in the interests of safety and the protection of amenity. Condition 9 is necessary to ensure development is ecologically sensitive. Condition 10 is necessary to facilitate the transition to low-emission vehicles. Condition 11 ensures an acceptable level of landscaping. Condition 12 is necessary to ensure visual amenity.

12. The Council has suggested conditions relating to the compliance with the 'Construction code of practice for developers and contractors in Central Bedfordshire' and the 'Environmental Code of Practice for developers and contractors.' However, the codes do not apply to householder developments. Additionally, conditions requiring compliance with other regulatory regimes, such as Building Regulations 2010 will not meet the test of necessity¹. Accordingly, it will not be necessary to seek compliance with these codes and regulations.

Conclusion

13. For the above reasons, taking into account all other matters, it is concluded that this appeal should succeed subject to conditions.

S Lo

INSPECTOR

¹ Paragraph: 005 Reference ID: 21a-005-20190723 - NPPG

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 and documents: 148-001 Location Plan; 148-002 Site Plan as Existing; 148-003 Existing Sections; 148-020B Site Plan as Proposed; 148-021B Visibility & Hedge Retention Plan; 148-022A Plans as Proposed; 148-023A Proposed Roof Plan; 148-024 Existing & Proposed Street Elevation; 148-025 Proposed Elevations 1 of 2; 148-027 Proposed Elevations 2 of 2; 148-029 Proposed Sections; Ecological Impact Assessment.
3. Development shall not take place until details of the proposed vehicular access, as shown indicatively on plans 020B and 021B, shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that access has been constructed in accordance with the approved details. The access shall thereafter be retained.
4. Prior to the occupation of any of the dwellings hereby approved sightlines of 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway shall be provided. There shall be no structure or erection exceeding 1m in height within this sight line. The splays shall be retained in perpetuity.
5. Prior to the occupation of any dwelling details of arrangements for bicycle parking for that dwelling shall be submitted to and approved in writing by the local planning authority. These arrangements as approved shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
6. Prior to the occupation of any of the dwellings hereby approved the following information shall have been submitted to and approved in writing by the local planning authority.
 - (a) Levels details and materials for the entrance, gate, access road and parking areas
 - (b) Arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary)
 - (c) Positions, design, materials and type of boundary treatment to be erectedThe arrangements as approved shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

7. No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (b) include a timetable for its implementation; and,
 - (c) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - (a) the parking of vehicles of site operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials used in constructing the development;
 - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (e) wheel washing facilities;
 - (f) measures to control the emission of dust and dirt during construction;
 - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (h) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
9. Prior to occupation of the dwelling hereby approved, an Ecological Enhancement Plan (EES) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences and tree, shall be submitted to and approved in writing by the local planning authority and carried out in accordance with the approved details.
10. Prior to the construction of vehicular parking areas associated with the approved dwelling, a scheme for the charging of electric and ultra-low

emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with Policy T5 of CBLP and shall include the following:

- Details of active charging posts or passive provision such as cabling and electricity supply for each dwelling
- Timescales / triggers for implementation of the scheme.

The development shall be completed in accordance with these approved details including the agreed timescales / triggers.

- 11.No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 12.No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.