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## Appeal Decision

Site visit made on 19 August 2024

**by D Cleary MTCP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 September 2024**

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**Appeal Ref: APP/P0240/D/24/3344466**

**30 Northhill Road, Ickwell, Central Bedfordshire SG18 9ED**

- 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 Ryan Bennett against the decision of Central Bedfordshire Council.
  - The application Ref is CB/24/00252/FULL.
  - The development proposed was originally described as a proposed two-storey rear & side extension. Part two-storey, part single-storey front extension. Demolition of existing garage & conservatory.
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### Decision

1. The appeal is dismissed insofar as it relates to the installation of the electric vehicular gate.
2. The appeal is allowed insofar as it relates to the remainder of the application, and planning permission is granted for the proposed two-storey rear & side extension, part two-storey, part single-storey front extension and demolition of existing garage & conservatory at 30 Northhill Road, Ickwell, Central Bedfordshire SG18 9ED in accordance with the terms of the application, Ref: CB/24/00252/FULL, so far as relevant to that part of the development hereby permitted, subject to the following 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 so far as they relate to the proposed two-storey rear & side extension, part two-storey, part single-storey front extension and demolition of existing garage & conservatory only. The plans are referenced:  
  
PL200 Rev A – Proposed Block Plan & Drainage Plan  
  
PL201 – GA Floor Plans – Ground and First Floor  
  
PL202 – Proposed Elevations - Elevations  
  
PL203 – Site Location Plan, Existing Elevations and Plans  
  
PL204 – Existing Block Plan
  - 3) Before the use of any external facing materials in the construction of the external surfaces of the development hereby permitted, samples of the materials to be used shall first 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.

4) Before the completion of the extensions hereby permitted, full details of the position, design, material and type of all new boundary treatments shall be submitted to, and approved in writing by, the local planning authority. The details shall include new fencing along the boundary with No.28 Northhill Road that is sufficient to limit visibility from the ground floor windows of the development into the curtilage of that property. The boundary treatment with No.28 Northhill Road shall be erected in accordance with the approved details, before the extensions are first brought into use, and shall thereafter be retained. All other boundaries shall thereafter be erected in accordance with the approved details.

5) Before the extensions are brought into use, all on site vehicular areas shall be surfaced in a stable and durable material. Arrangements shall be made for surface water drainage from the vehicular areas of the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

6) The first-floor bathroom and en-suite windows, positioned within the north elevation shall be fitted with obscured glazing only. Details of the type of obscured glazing to be installed shall be submitted to, and approved in writing by, the local planning authority, before the window is installed. Once installed, the obscured glazing shall thereafter be retained. No part of those windows, that is less than 1.7 metres above the floor of the room in which it is installed, shall be capable of being opened. No further windows or other openings shall be formed in the north elevation above ground floor level.

### **Procedural Matters**

3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development also includes the erection of an electric vehicular gate. The Council dealt with the proposal on this basis and so shall I.

### **Main Issues**

4. The main issues are the effect of the development on:
- i) the character and appearance of the area; and,
  - ii) highway safety.

### **Reasons**

#### *Character and Appearance*

5. No.30 Northhill Road is a two-storey, detached dwelling with single storey lean-to to front, and an attached single-storey garage to the side. The dwelling is of simple design, and is located within ribbon development on one side of Northhill Road. Northhill Road is characterised by dwellings which are generally two-storey in scale, while front facing gables and single storey elements to the front are prevalent features. Nonetheless, the street is varied in form, design and appearance, and includes a mixed palette of facing materials. There is some slight variety to the building line, albeit dwellings are generally set back from

Northhill Road behind parking and landscaped areas. The degree of set back creates a sense of spaciousness from the street. However, the dwellings are generally constructed close to their side boundaries which provides a close-knit linear pattern of buildings.

6. The appeal relates to various extensions to the property. The extended dwelling would have twin two-storey gables to the front, and single storey, flat roofed projections extending further beyond these. The established character of the street scene is one of variety and, therefore, could accommodate dwellings of alternative design without appearing unduly out of context or harmful. The overall design of the extensions would result in a dwelling that is of individual appearance. Nonetheless, two-storey gables are prevalent within the street, while there are single storey projections of a varying design. As such, I find that the extensions draw appropriate reference from prevailing features within the surrounding street. A mixed palette of facing materials is proposed, including brickwork and render, which are materials visible within the wider street scene. However, I share the Council's concern that the colour and nature of proposed roof material may appear at odds within the street. Nonetheless, such details could be agreed by condition.
7. I acknowledge that the extensions would result in a dwelling which fills much of the width of the plot, across two storeys. However, as I have observed above, there is a general close-knit pattern of development within the surrounding street scene and I find that the spacing from the site boundaries would not be inconsistent with pattern of development in the area in this regard.
8. The extended dwelling would remain set back from the street by an appropriate distance to ensure that the building line is generally respected, while also ensuring that the spaciousness from Northhill Road is not eroded. The overall height of the extensions would be similar to the existing dwelling, and are contextually appropriate. The roof design also includes a pitch which slopes away from both side boundaries. This absence of brickwork above eaves height would lessen the mass of development along the boundaries and provide for a degree of visual relief. Further, there would remain sufficient gap between the dwelling and the two storey elements of adjacent properties. This spacing would ensure that terracing would not occur and that views between the properties are maintained.
9. The gap between the appeal site and No.28 Northhill Road (No.28) would allow for the two-storey depth of the side elevation to be fully visible, albeit this is at some distance from the street. This depth would only be appreciated from a limited vantage point and, in any event, the development would be viewed in the context of two-storey built form within the wider street. As such, I find that the scale of the extensions would not be unduly prominent or out of character within the street.
10. I am mindful of the appeal decision cited by the Council<sup>1</sup>. I do not have full details of the site to have a full appreciation of its context. However, the accompanying plans indicate that street comprises of detached dwellings set within much wider plots, while there also appears to be a greater degree of spacing between that dwelling and one of its neighbours. Furthermore, there also appear to be more significant land level changes on that site. I also note

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<sup>1</sup> Ref: 3334960

that the scheme related to a replacement dwelling. As such I do not find the proposals to be directly comparable and, in any event, I have considered this appeal on its individual merits.

11. For the above reasons, the development would not have a harmful effect on the character and appearance of the area. Therefore, the development complies with Policy HQ1 of the Central Bedfordshire Local Plan (2021) (the LP) and the National Planning Policy Framework 2023 (the Framework). Together, amongst other things, these seek to ensure that development is of high quality design which responds positively to their context. The development would also comply with the design principles set out in Section 11 of the Central Bedfordshire Design Guide (2023). This requires that extensions relate well to the character and context of their surrounding area.

### *Highway Safety*

12. Northill Road is the main route into Ickwell from Northill and, on my site visit, I observed that it was well used by vehicular traffic. To the front of the appeal site is a narrow pavement. The submitted proposed block plan<sup>2</sup> details a 1.2m high electric sliding gate which would be provided along the roadside boundary of the site.
13. The position of the proposed gate would mean that vehicles would not be able to pull clear of the highway if the gate was closed. Therefore, in this scenario, vehicles accessing the site would block the pavement, and significantly overhang Northill Road. This would cause an obstruction to the free flow of traffic. Pedestrians would be forced into the road to pass, while cyclists and vehicles approaching from Northill would be required to cross the centre of the highway into oncoming traffic. This would clearly present a potential hazard to pedestrians, cyclists and vehicles and leads to highway safety concerns.
14. It has been suggested that a gate up to 1m in height could be erected in this position by utilising permitted development rights set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO)<sup>3</sup>. The Council have indicated that, at 3(6), the GPDO confirms that permitted development rights do not extend to any development which "*creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons*". Given this, and in the absence of a lawful development certificate which demonstrates to the contrary, I cannot be satisfied that a genuine fall-back position exists.
15. For the above reasons, the development would have a harmful effect on highway safety. Therefore, the development conflicts with Policy T2 of the LP and the Framework. Together, amongst other things, these seek to ensure that development does not have a detrimental effect on highway safety.

### *Other Matters*

16. I note the comments raised by the Parish Council requiring the ground floor windows, which face towards No.28, to be obscure glazed. The windows include two small openings serving the living room, and a larger window to a home office. The existing garage is constructed on to the site boundary and the plans

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<sup>2</sup> Ref: PL200 Rev A

<sup>3</sup> Schedule 2 Part 2 Class A

do not demonstrate any boundary treatment to be provided in lieu. Without an appropriate boundary in place these windows would have direct views towards No.28. This would result in loss of privacy. While obscure glazing would address this matter, as the windows are at ground floor level, the issue could also be resolved by installing appropriate fencing along the boundary. This is a matter which I consider can be dealt with by condition.

### **Conditions**

17. The Council have suggested a number of conditions which I have had regard to.
18. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. A condition requiring the details of facing materials to be submitted and agreed is necessary in the interests of the first main issue. Conditions relating to details of hardsurfacing and new boundary treatment are necessary in the interest of the character and appearance of the area and the living conditions of No.28. A condition ensuring that the first-floor openings within the north elevation are fitted with obscure glazing and non-opening (below 1.7m of floor level) is also necessary to protect the living conditions of the neighbouring property.
19. As permission for the vehicular gate is not allowed, I do not consider it necessary to ensure that pedestrian visibility splays are secured.

### **Conclusion**

20. The element of the scheme with which I take issue is severable from the remainder of the proposal. Therefore, for the reasons I have given, and having regard to all other matters raised, I conclude that the appeal should be dismissed in relation to the vehicular gate. However, the appeal should succeed in relation to the two-storey rear and side extension, part two-storey, part single-storey front extension, and the demolitions of the existing garage and conservatory.

*D Cleary*

INSPECTOR