



Appeal Decision

Site visit made on 17 October 2024

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 7th November 2024

Appeal Ref: APP/P0240/W/24/3344893

Land at 4 Gardeners Lane, Henlow, Bedfordshire SG16 6DJ

- 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 Tim Pearson, against the decision of Central Bedfordshire Council.
 - The application Ref CB/23/03001/FULL, dated 7 September 2023, was refused by notice dated 5 December 2023.
 - The development proposed is a detached dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached dwelling house on land at 4 Gardeners Lane, Henlow, Bedfordshire SG16 6DJ, in accordance with the application, Ref CB/23/03001/FULL, dated 7 September 2023, subject to the conditions in the attached Schedule.

Reasons

2. I saw on my visit that Gardeners Lane is a modern housing development, on the edge of the village of Henlow. The existing properties comprise a dozen or so larger-style detached houses, within generous-sized plots, arranged along either side of a cul-de-sac. The house designs are varied, and the materials and landscaping are of a high quality.
3. No 4 Gardeners Lane is a six-bedroom dwelling, with accommodation on three floors, set within a wide-frontage plot. To one side of the house is a paved parking area and a large, barn-style garage which straddles the boundary with the adjoining property, No 6. The appeal proposal would involve subdividing the plot, demolishing No 4's part of the garage, and building a new three-bedroom dwelling on the land now occupied by the parking area and side garden. A new access and parking area would also be created for the existing property, at the opposite end of the site frontage.
4. The proposed new dwelling would have a smaller floorspace than any of those that currently exist in Gardeners Lane, and its plot would be narrower. However, the building would be similar in height to most others in the street, and would be set back in line with its two nearest neighbours. Whilst the design would be simple, the L-shaped floorplan, porch and bay window would provide a degree of articulation, and the overall composition would be unobjectionable. Details such as the steep roof pitch, forward gable, brick quoins and small-paned windows would all reflect similar features used on several of the neighbouring properties.

5. The spacing between the new dwelling and the existing No 4 would be closer than most others in the street, but not so close as to be cramped; and given the variation that already exists in this regard, the difference would not be unduly noticeable. To my mind, the space that would be retained on all sides would be sufficient to ensure that the development would not detract significantly from the area's spaciousness. Furthermore, it does not appear to be disputed that the new house would provide more than adequate accommodation for family occupation, and would allow sufficient parking and rear garden areas for both the new and existing properties. In all the above respects, it seems to me that the proposed development would fit reasonably comfortably into its surroundings.
6. The development would result in the loss of a short length of hedgerow, and a small area of lawn, to provide the new access and parking for the existing dwelling. But a substantial area of frontage landscaping would remain. Several other properties in the street have fully paved front gardens, and in this context the changes involved at the appeal site would not be out of character. The existing garage that would be partly demolished is an attractive feature, set close to the road; and although part would be retained, the proportions would become less harmonious. But the building is not subject to any statutory protection, and could lawfully be demolished in any event. On balance, the harm that would result from the loss of landscaping and the partial loss of the garage would be no more than minor.
7. Overall, having regard to all the above matters, I find that the proposal would result in a high quality development, relating well to its context and reinforcing the area's distinctiveness, in accordance with Local Plan¹ Policy HQ1. In addition the scheme would also make the most efficient use of the land, whilst reflecting the existing character of the surrounding area, as also required by the same policy. These findings lead me to conclude that the development would comply with the most relevant policy of the development plan, and should thus be permitted unless outweighed by any other considerations.

Other matters

8. I note the various other matters raised by local residents at the application stage. I appreciate that Gardeners Lane is used at times for access to the Millennium Meadows nature reserve and the Henlow Church of England School. But the road is lightly trafficked at most times, and has more than adequate capacity. A free public car park is available at one end. Realistically, the number of vehicle movements generated by one new dwelling would be negligible, and in these circumstances there can be no reasonable objection on any traffic-related grounds.
9. The new dwelling would be clearly visible from several neighbouring properties, and to this extent some existing occupiers would suffer a small reduction in outlook. But within a residential area, minor changes of this nature are to be expected over time. The building would be a sufficient distance from any existing dwelling to avoid any significant overshadowing or overbearing effects, and there would thus be no unacceptable impacts on living conditions.
10. Consequently none of these matters alters my decision.

¹ the Central Bedfordshire Local Plan, adopted

Conditions

11. I have considered the conditions suggested by the Council in the light of the tests for planning conditions in Paragraph 56 of the National Planning Policy Framework (the NPPF). Those that I intend to impose are set out in full in the attached Schedule. Where necessary, I have edited these for the purposes of clarity and conciseness.
12. In addition to the standard time limit for commencement, I agree that a condition specifying the approved plans is necessary, in the interests of certainty and proper planning. I also agree that conditions relating to access and parking are needed, for reasons of highway safety. However, the access that is proposed to be used for the new dwelling already exists, and its level of use will not change; it would therefore not be reasonable to impose new requirements on this access. I have therefore modified the relevant condition, to make clear that the requirements in respect of access relate only to the proposed new access, which would serve the existing property.
13. For various reasons, all of the other suggested conditions appear to me to fail the NPPF tests. Ecological enhancements, cycle storage facilities, and a dedicated refuse collection point may all be desirable, but none of these appear to be supported by a specific requirement in any relevant development plan policy, and in any event there is no evidence that without these features the development would give rise to any unacceptable harm. Similar considerations apply to compliance with the council's Construction Code of Practice. With regard to archaeology, I note that the site is said to lie close to Henlow's mediaeval settlement area, but there is no evidence that the site forms part of any designated heritage asset, nor that it falls within any relevant site-specific designation in the Local Plan. In any event, given that the site has been subject to large-scale development in the recent past, the prospect of any harm to important remains seems low. In none of these cases therefore is the test of necessity met, and accordingly I have omitted these conditions from the permission that I shall grant.

Conclusion

14. For the reasons set out above, I conclude that the proposed development would cause no harm to the area's character or appearance, and would accord with the development plan. No material considerations weighing against the scheme have been substantiated. The appeal is therefore allowed.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall be commenced not later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans:
PO3A Proposed Site Layout
PO4 Proposed Floor Plans
PO5 Proposed Elevations
- 3) The proposed new dwelling shall not be occupied until the parking and vehicular areas for both the new and existing dwellings have been constructed and laid out in accordance with the approved plans, and brought into use. Thereafter, the parking and vehicular areas shall be retained and kept available for the purpose of parking and turning vehicles, throughout the life of the development.
- 4) The proposed new dwelling shall not be occupied until the new highway access to serve the existing dwelling has been constructed and laid out and brought into use. Except where stated below, the new access shall accord with the details shown in in the approved plans, and shall include:
 - visibility splays of 2.0m from the highway edge by 2.8m to the left and right, to be kept clear of obstruction above 600mm in height;
 - surfacing in a bound material for at least the first 5m from the highway boundary;
 - and surface water drainage which does not discharge onto the highway.Thereafter, the new access shall be retained as built, throughout the life of the development.