



Appeal Decision

Site visit made on 23 October 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/P0240/D/24/3350882

33 Faulkners Way Linslade Central Bedfordshire LU7 2SS

- 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 and Mrs Kidd against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/01024/FULL.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension at 33 Faulkners Way Linslade Central Bedfordshire LU7 2SS in accordance with the terms of the application, Ref CB/24/01024/FULL and the plans submitted with it, 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 shall be carried out in accordance with the following approved plans: Proposed Block Plan 23 April 2024; Proposed First Floor Plan 08 April 2024; Proposed Front 01 Elevation 08 April 2024; Proposed Ground Floor Plan 08 April 2024; Proposed Rear 03 Elevation 08 April 2024; Proposed Roof Plan 08 April 2024; Proposed Side 02 Elevation 23 April 2024, Proposed Side 04 Elevation 23 April 2024.
 - 3) Prior to the commencement of the development hereby approved, there shall be a scheme of landscaping and boundary walling (including details of foundation design, tree protection and tree replacement) submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved details and thereafter retained for the life of the development.
 - 4) Notwithstanding what appears on plans hereby approved, the boundary treatment shall not include any fencing but shall be constructed in brick to match in colour and design the walls which currently enclose the site.

Preliminary Matter

2. It is not disputed that the land proposed to be enclosed by the application is owned by the appellant. The Council assert that the land is 'outside the residential curtilage', and elsewhere that 'the lawful use would be amenity land'. However I have nothing before me to support this assertion, and even if the land concerned

has amenity value that would also be the case with other unfenced areas in Faulkners Way including the small area of grass at the front of No.33, all of which would appear to be land ancillary to residential use.

3. The Council set out three reasons for refusal, the first and third reasons are associated with the effect of the proposal, including the effect of tree works, on the character and appearance of the area. The second refusal reason asserts an insufficiency of landscape information but, were the development to be found acceptable otherwise, conditions could address this reason, as paragraph 55 of the Framework makes clear. Accordingly, there is a single main issue.

Main Issue

4. The Main Issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site (No.33) is a large two-storey detached house in a small development of similar, late twentieth-century houses. Set along a short, gently curving cul-de-sac, many houses have integral garages and some sit side-on to the estate road. This is the case with No.33 which is near the end of the estate road facing north across the turning head towards the last two houses in the street. The area is subject to a Tree Preservation Order (TPO) and No.33 is set amongst mature trees; these include an oak tree set on the western side of Faulkner Way and the group of Sycamore trees (Sycamore group) appearing on the submitted plans.
6. The proposal would replace the wall which currently encloses the garden to No.33 on its western side which currently makes an important contribution to the street scene. It would also enclose the grassy area currently found at the back of pavement. The existing house will be extended on its western side with a two-storey extension, set down and set back from the principal elevation, and suitably subservient to the original property. The extension would require shrubs and parts of the Sycamore group to be removed, however the area proposed to be enclosed is limited in size and of questionable ecological value¹ appearing sterile and mown.
7. Policies HQ1 and HQ10 of the Central Bedfordshire Local Plan 2021 (CBLP) seek high quality design and to protect landscape strips, verges and other areas that provide 'opportunities for recreation or contribute positively to the visual amenity and/or the ecological networks of the area'. The area to be enclosed is directly adjacent to the fore-garden and parking area of No.31 which is mostly hard-surfaced with planted borders. The grassy area is otherwise isolated, neither offering opportunity for 'ecological networks'; nor is it of any recreational value.
8. With regard to visual amenity, the fore-gardens of most neighbouring houses, including No.31, have a predominantly suburban character dominated by car parking, hard paving and nominal greenery. Whilst the Sycamore group is prominent in the street, the appellant proposes tree replacement and also indicates that the resulting tree canopy would be broadly similar to that which currently exists. My observations do not suggest that the proposals would increase the

¹ No evidence has been provided by either party.

- pressure for canopy reduction since the garden is already well planted and, it seems, well maintained.
9. The extent of change arising from the built form of the extension would be significant when viewed from the turning head of Faulkners Way but would not, in the most important approach view along Faulkners Way, be obtrusive or significantly change the character of the wider street scene. Visual impact will be significantly lessened if the materials used are consistent with what exists and, importantly, if proposed replacement boundary structures are built to match in materials and height, what currently exists.
 10. I have concluded that there would be little conflict with policies HQ1 and HQ10 of the CBLP and that the proposal would adequately address the effect upon the protected trees and thereby accord with Policy EE4 of the CBL which allows development to proceed where appropriate measures are taken, which in this case allows the removal of trees T1 and T2 as identified in the appellant's arboricultural appeal statement ref: 240181-AD-01 dated August 2024, and their replacement within the garden area.
 11. Overall, for the reasons given and taking all matters raised into account, I conclude that the appeal should succeed subject to the usual plans and timing conditions but also conditions requiring a planting scheme and new boundary walling, to mitigate the effects of the development. Pre-commencement conditions are necessary to ensure that measures to replace and protect trees are in place. It is, however, not necessary to apply a condition for materials used in the construction of the extension as the drawings make clear that they should match what currently exists.

Andrew Boughton

INSPECTOR