



Appeal Decision

Site visit made on 21 January 2026

by K Allen MEng (Hons) MArch PGCert ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 20th February 2026

Appeal Ref: APP/K0235/W/25/3376053

Rosemead, 57 Days Lane, Biddenham, Bedford, MK40 4AE

- 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 Tim and Sarah Foster against the decision of Bedford Borough Council.
 - The application Ref is 25/01541/FUL.
 - The development proposed is the demolition of existing dwelling and erection of a self/custom build new two storey dwelling.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr and Mrs Tim and Sarah Foster against Bedford Borough Council. This application is subject of a separate decision.

Preliminary Matters

3. An amended tree protection plan has been submitted which slightly alters the position of the proposed protective fencing. Although the appeals process should not be used to evolve a scheme, in this instance, as the Council has had the opportunity to comment on the plan, I am satisfied that the amendments are not substantial and that accepting the plans would not prejudice any party. Therefore, I have considered drawing 103_P2.

Main Issues

4. The main issues are:
 - whether the biodiversity net gain objective would be met;
 - the effect of the proposal on protected trees; and
 - the living conditions of the residents of No 57a with particular regard to outlook and dominance.

Reasons

Biodiversity net gain objective

5. Under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015 ('the DMPO'), all applications for planning permission submitted are required to be accompanied by certain information relating to BNG,

except where one of the exemptions specified in the legislation applies. The information required includes a declaration as to whether the applicant believes the BNG provisions to apply to the application, and if not, the reasons why. Where none of the exemptions apply, the application must also be accompanied by a completed biodiversity metric calculation, showing the biodiversity value of the on-site habitat, and various other related details which are listed in full in sub-paragraph (c) of the above Article.

6. The description of development indicates that the proposal would be self-build, which is one of the aforementioned exemptions. Nevertheless, I have no mechanism before me, such as a legal obligation, which would secure the site in line with the definition contained in Section 1(A1) of the Self-Build and Custom Housebuilding Act 2015. That being so, the development cannot benefit from the relevant exemption from the legal requirements relating to BNG.
7. Whilst the appellant has now indicated that they believe the BNG provisions apply to the appeal, the biodiversity matrix and other biodiversity information required by DMPO Article 7(1A) have not been submitted. As such, due to lack of information, I cannot be certain that the BNG objective will be met.

Protected trees

8. Days Lane is characterised by large, detached dwellings of varied age and design, within substantial, garden plots. Numerous mature trees contribute to the pleasant verdant character of the area. There is an active Tree Protection Order (TPO) on a group of four trees, 3 Lime and 1 Ash, towards the front of the site, along the boundary with No57a. Due to their height and position, they appear prominent when viewed from Days Lane and positively contribute to verdant character of the area.
9. The proposed dwelling would fill the majority of the width of the appeal site, in close proximity to the group of protected trees. The corner of the dwelling and the external hard surfacing would be within the root protection area of the group. As such, pruning would be required for scaffolding installation and construction. In future the proximity to the dwelling, including a bedroom, as well as the bin/cycle stores and air-source heat pump may result in further pressure to prune the trees due to lighting and detritus concerns.
10. Nevertheless, at the time of my visit the group of trees appeared to have been recently, heavily pruned, such that there would be sufficient clearance between the trees and the proposed dwelling to allow for light and any coverings required over the external stores/services would be significantly below the canopy level. Further, based on the evidence before me regular heavy pruning/pollarding has been permitted in the past. As such, the proposal would not result in a significant change to the ongoing maintenance of the group, and hence its contribution to the character of the area.
11. Despite the amended plan, the Council have remaining concerns regarding the details of the arboricultural method statement and tree protection plan, including the position of the geo web cellular confinement and the position/relocation of the protective fencing during the course of construction. However, based on the information submitted to date, I am satisfied that construction would be possible without damage to the protected trees, and that the remaining details could be secured via condition.

12. Therefore, I conclude that the proposal would not harm protected trees. It would accord with Policy 39 of the Bedford Borough Local Plan (January 2020) (BLP) which requires develop to consider opportunities to retain trees of high amenity value and provide details as to how retained trees will be protected. It would also accord with the National Planning Policy Framework (Framework), where it seeks to retain existing trees wherever possible.
13. Similarly, the proposal would not conflict with the Trees and Development Supplementary Planning Document (June 2024) which requires trees to be carefully considered and protected when retained.

Living conditions

14. No 57a is a two-storey dwelling, substantially set back from the highway with a notable difference in ground levels compared to the appeal site. Although marginal, No 57a is angled away from No 57. The front facing rooms have an open outlook across the large verdant front garden, consist of an expansive driveway and terraced garden.
15. The proposal would be positioned closer to the shared boundary and be taller than the existing dwelling, which would be exacerbated by the difference in levels, appearing 3 storeys in height. Nevertheless, due to the angle between the dwellings, when viewed from the windows of the front facing windows, the proposal would not appear dominant nor detract from the open outlook currently afforded to these spaces.
16. Whilst the proposal would be more apparent when viewed from within the front garden itself, stretching the majority of the neighbours front garden, due to the design detailing and stepped roof line, it would be perceived as a collection of smaller forms, rather than one large overbearing mass. Further, the existing mature landscaping would help to further soften the side façade. As such, I am satisfied that despite the increased height and difference in ground levels, the proposal would not appear unduly dominant.
17. Other appeal decisions have been drawn to my attention which deal with similar issues. Nevertheless, I have not been provided with the full details of these cases including the site plans, so I am unable to determine the similarities. Further, each case must be considered on its own merits.
18. Therefore, I conclude that the proposal would not harm the living conditions of the residents of No57a with particular regard to outlook and dominance. It would accord with Policies 29 and 30 of the BLP which collectively seek to ensure development is of the highest design quality, considering relationships with the context. It would also accord with the Framework where it requires development to have a high standard of amenity for existing users.
19. It would also accord with the Residential Extensions, New Dwellings and Small Infill Developments Guidance (January 2000) which seeks to ensure there would be no adverse effects on neighbours.

Other Matters

20. The appeal site forms part of the setting of the adjacent Grade II listed property, White Cottage. In so far as is relevant to this appeal, the Arts and Craft property derives significance from its architectural character and detailing and links to

renowned architect C.E. Mallows. Despite the proximity of the proposal, due to the intervening highway and boundary treatments there would be no harm to the setting of the listed building.

Conclusion

21. Whilst I am satisfied that the proposal would not harm protected trees or the living conditions of neighbouring residents, it fails to satisfy the BNG objective. Therefore, for the reasons given above, the appeal is dismissed.

K Allen

INSPECTOR