
Appeal Decision

Site visit made on 30 July 2014

by **Ian McHugh DipTP MRTPI**

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

Decision date: 20 August 2014

Appeal Ref: APP/P0240/A/14/2218781

Westmead Farm, Sheep Tick End, Lidlington, Bedford, MK43 0HF

- 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 Adrian Mullan against the decision of Central Bedfordshire Council.
 - The application Ref CB/14/00560/FULL, dated 13 February 2014, was refused by notice dated 15 April 2014.
 - The development proposed is erection of replacement detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement detached dwelling at Westmead Farm, Sheep Tick End, Lidlington, Bedford, MK43 0SF, in accordance with the terms of the application Ref CB/14/00560/FULL, dated 13 February 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SC01-03/P1; 14-006 Drawing No:1 Rev A; 14-006 Drawing No:2 Rev A; 14-006 Drawing No:3 Rev A; 14-006 Drawing No:4 Rev A; 14-006 Drawing No:E12 Rev A.
 - 3) No development shall commence on site until details and samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration to the dwelling hereby permitted unless planning permission is granted.
 - 5) Notwithstanding the provisions of Class E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the

equivalent provisions of any order revoking and re-enacting that Order with or without modification), there shall be no buildings or other structures erected or constructed within the curtilage of the dwelling hereby approved unless planning permission is granted.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the countryside and the surrounding area.

Reasons

3. The appeal site comprises a detached single-storey bungalow, which is situated outside of the settlement envelope, within the countryside. It is located some 70-100m from the rear boundaries of existing residential properties, which form a line of ribbon development fronting Sheep Tick End. The area is characterised mainly by two-storey dwellings of varying styles and ages, although single-storey bungalows have also been built in the locality. The appeal site is only partially visible from the public highway, due to its distance from Sheep Tick End and the existence of tree screening on its southern side.
4. The existing bungalow on the appeal site has the benefit of a Certificate of Lawful Development (Existing) for a single dwelling, which was granted on appeal in October 2009 (APP/P0240/X/09/2101325). In addition, a Certificate of Lawfulness (proposed) for a single-storey side extension was granted in February 2012. The extension has not been constructed. The planning history of the site is a material consideration that I have taken into account in reaching my decision.
5. The proposal is to erect a replacement dwelling. This would be a detached two-storey building with first-floor accommodation in the roof area. It would be significantly larger than the existing dwelling in terms of its height and footprint. Consequently, it would have a greater visual impact on the site and on its surroundings. In addition, the proposal shows an existing residential curtilage that the Council contends is significantly larger than the garden area that was included in the October 2009 certificate. The garden area defined in the certificate was pointed out to me during my site visit and was agreed by both parties.
6. It is a statutory requirement that proposals for new development must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Act 2004). In that regard, the Council contends that the proposal would conflict with Policies DM3 and DM4 of the adopted Central Bedfordshire Core Strategy and Development Management Policy Document 2009 (CS). It considers that the proposal would have a harmful effect on the countryside due to the size of both the replacement dwelling and its curtilage.
7. The Council also states that the proposal would conflict with paragraph 17 of the National Planning Policy Framework (the Framework). In that regard, one of the bullet points of paragraph 17 states that planning should recognise the intrinsic character and beauty of the countryside.

8. Policy DM3 states that all proposals "will be appropriate in scale and design to their setting". Policy DM4 refers to replacement dwellings, but neither this policy nor its preamble gives any guidance as to the scale or size of the replacements. It does, however, provide guidance in respect of extensions to residential curtilages. I shall return to this matter later. In addition, there is no reference to replacement dwellings in the Framework other than to those within the Green Belt, which does not apply in this case.
9. Whilst the proposed dwelling would be viewed separately from the other dwellings in the locality, the main built form in the vicinity of the appeal site comprises two-storey houses with pitched roofs. These vary in scale, size and appearance, but some are substantial properties in terms of their height and mass. The overall height of the proposed dwelling would be similar to that of many modern two-storey dwellings, although its eaves height would be relatively low. In the context of the existing development in the area, I am not persuaded that the proposed dwelling would appear out of character with its surroundings, or that it would be harmful to the appearance of the countryside. The design, which incorporates steeply pitched roofs and the use of traditional materials (i.e. brick and tile), reinforces my view.
10. With regard to the proposed curtilage of the dwelling, I acknowledge that it would be significantly larger than that covered by the Certificate of Lawfulness. Policy DM4 of the CS states that extensions to gardens will be permitted provided they are limited in scale and they do not harm the character of the area. The preamble to the policy also states that such extensions would normally be where the existing garden is very restricted or where it would be a "natural rounding off". I accept that neither of these situations applies to the appeal proposal and therefore there is some conflict with this policy.
11. However, in my opinion, the proposed curtilage would not be overly large in relation to the new dwelling. In addition to the provision of private amenity space, it would be able to satisfactorily accommodate car parking and vehicle manoeuvring areas. Whilst the curtilage occupies land that was formerly part of the adjoining field, I am not persuaded that the loss of this open grassed area to residential curtilage has a significant or unacceptable impact on the appearance or integrity of the countryside. The imposition of appropriately worded planning conditions would also ensure that any further development within the curtilage is controlled through the removal of permitted development rights.
12. For the reasons given above and taking into account all other matters raised, I consider that the proposal would not have an unacceptably harmful effect on the character and appearance of the countryside and the surrounding area. It would, therefore, accord with Policy DM3 of the CS, which requires new development (amongst other things) to be of high quality design and to be appropriate in scale and design to its setting. Whilst there would be some conflict with Policy DM4 of the CS regarding the enlarged curtilage, I conclude that this conflict is outweighed by the material considerations referred to in paragraph 11 above.

Conditions

13. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the recently published Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.
14. To ensure a satisfactory external appearance, a condition requiring the submission of samples of the external materials to be used is also imposed.
15. The Council has suggested conditions to remove permitted development rights in respect of Classes A and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modifications). This would prevent extensions and alterations to the dwelling; and the erection of buildings or other structures within the curtilage, without first obtaining planning permission from the Council. I consider that these are reasonable and necessary in order to control the visual impact of further development on the appearance of the countryside.

Conclusion

16. For the above reasons, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR