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## Appeal Decision

Site visit made on 7 November 2018

by **Martin Chandler BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 January 2019

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**Appeal Ref: APP/K0235/W/18/3202507**

**Biddenham House, Gold Lane, Biddenham, Bedford, Bedfordshire, MK40 4AJ**

- 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 Mrs Mary Jones against the decision of Bedford Borough Council.
  - The application Ref 17/03101/FUL, dated 30 October 2017, was refused by notice dated 1 March 2018.
  - The development proposed was originally described as: "1. Demolition of Biddenham House and outbuildings. 2. Construction of eight houses."
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. During the course of the appeal, the revised National Planning Policy Framework (the Framework) has been published. Both main parties were given an opportunity to comment on any relevant implications for the appeal, and any comments received have been taken into account in my reasoning.

### Main Issues

3. The main issues are the effect of the proposal on:
  - i) the character and appearance of the area, with particular reference to:
    - a) whether the proposal would preserve or enhance the character or appearance of the Biddenham Conservation Area (CA);
    - b) the setting of nearby Listed Buildings;
    - c) the archaeological interest of the site;
  - ii) designated urban open space; and
  - iii) highway safety.

### Reasons

*Character and appearance*

- a) *Biddenham Conservation Area*

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. The Council's Biddenham Conservation Area Character Appraisal and Management Plan states that the village is extremely verdant throughout and that part of its special interest lies in the preservation of its rural village character.
6. The appeal site is formed by a large detached dwelling situated within a generous parcel of land. To the south and south west of the building is a large garden. This space is dominated by a large hornbeam tree that is prominently located within the site. Although the site is enclosed by a mature hedge, other large trees, and a boundary fence, the openness of the site is readily appreciated from the public realm. To the south of the site there is a large green space that is centrally located within the surrounding road network. This adds to the openness in which the appeal site is experienced.
7. The building itself is a large and historically interesting dwelling set in generous grounds. It is not a listed building or a building that is located on a list of locally important buildings. However, it is identified within the Council's conservation area appraisal as a building of positive merit. As such, the Council suggests that the building is a non-designated heritage asset in the terms of the Framework. The appellant has not disputed this point. As a result, the significance of the building and the openness of the appeal site combine to make a positive contribution to the character and appearance of the CA.
8. The proposal would see the demolition of the building and its replacement with eight new houses. The new dwellings would extend towards the boundaries of the site and would be focussed around the central Hornbeam tree. The height and scale of the proposed houses, and the general layout of the proposal, would result in the buildings being highly visible from the public realm. The proposal would significantly increase the presence of built form on the site and this would have a detrimental effect on the openness of the surrounding area.
9. As a result of the demolition of the historic building and the considerable increase in built form on the site, the contribution that the site makes to the CA would be significantly reduced. Accordingly, the proposal would be harmful, and would therefore fail to preserve or enhance the character or appearance of the CA.
10. The Framework sets out the levels of harm that can be caused to the significance of a heritage asset, which in this case is the CA. The level of harm is defined as either substantial or less than substantial. The loss of the building and the subsequent detrimental effect on the openness of the site would significantly alter the character and appearance of the CA. However, as part of the wider CA, in the context of the Framework, the level of harm to significance of the designated heritage asset would be less than substantial, albeit on the higher end of this spectrum.
11. Accordingly, paragraph 196 of the Framework requires this level of harm to be weighed against the public benefits of the proposal. In this respect, the proposal would provide eight additional dwellings as part of a small scale residential development. It would retain and enhance much of the important landscaping within and around the perimeter of the site, and the houses would

be constructed in an energy efficient manner. Furthermore, the development would also create construction jobs that would likely result in a benefit to the local economy.

12. These public benefits, and in particular the provision of new houses and the economic benefit to the local economy, weigh moderately in favour of the proposal. However, great weight should be given to the CA's conservation and the public benefits do not outweigh the harm that I have identified.

*b) The setting of listed buildings*

13. Section 66(1) of the Act states that in considering whether to grant planning permission for development which affects the setting of a listed building, special regard shall be had to the desirability of preserving its setting.
14. The appeal site is located close to four listed buildings: 48 and 50 Main Road, 3 Gold Lane, and the Old Vicarage. These buildings are loosely arranged around a central green space and generous green highway verges. These spaces contribute to the open and verdant setting of the listed buildings. Due to the spacious nature of the appeal site, this also makes a positive contribution to the general openness of the area.
15. As identified above, the proposal would see the introduction of eight new dwellings that would harm the openness of the appeal site. In doing this, it would also harm the setting of the nearby listed buildings. As a consequence, the proposal would fail to accord with the requirements of Section 66 (1) of the Act.

*c) Archaeological interest*

16. Paragraph 189 of the Framework states that where a site includes, or has the potential to include, heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The appeal site is located within an Area of Archaeological Interest. As such, the Council's advisor stated that such an assessment was necessary prior to the determination of the proposal to enable the matter to be fully considered. No such assessment was submitted.
17. Although the appeal has been supplemented by a historic village map, this does not constitute a specific desk-based assessment. I therefore consider that it provides little by way of substantive evidence in relation to the archaeological sensitivities of the site. Accordingly, I attach limited weight to its findings.
18. As such, I am unable to conclude that the proposal would have an acceptable effect on the archaeological interest of the site.

*Conclusions on character and appearance*

19. The proposal would result in the loss of a large building that makes a positive contribution to the character and appearance of the CA. It would also significantly compromise the openness of the CA, which would further be to its detriment, as well as harming the setting of nearby listed buildings. Moreover, the proposal and supporting evidence fails to pay due regard to the archaeological interest of the site. Accordingly, I conclude that the proposal would cause significant harm to the character and appearance of the area.

20. As a consequence, the proposal would fail to accord with Saved Policies BE9, BE11, BE13, BE21, BE24, BE29, BE30, BE35, BE37 and H38 of the Bedford Borough Local Plan (2002) (LP), Policies CP21 and CP23 of the Bedford Borough Council, Development Plan Document, Core Strategy and Rural Issues Plan (2008) (CS). Taken together, these policies seek, amongst other things, developments of the highest design quality which preserve, protect or enhance the character and appearance of conservation areas, the setting of listed buildings and sites of archaeological interest.

#### *Urban open space*

21. Policy AD43 of the Bedford Borough Council, Allocations and Designations Local Plan (2013) (ADLP) states that development on land designated as urban open space (UOS) will not be permitted unless it can be demonstrated that the reasons for designation are not compromised. The southern half of the appeal site is designated as UOS and the Council has confirmed that the designation is because the space is important in providing a green break in the built up area. The designation does not include Biddenham House itself.

22. Five of the proposed dwellings would be located within the UOS. The appellant suggests that the proposal would not significantly compromise the designation, stating that the site will continue to provide a green break in the centre of Biddenham due to the gardens of the houses located in the southern section of the site.

23. Despite this, the gardens that are proposed for the new houses are significantly smaller than the existing open garden. The built form of the proposed houses would also be considerably more prominent than the existing building. As such, the development would increase the presence and prominence of built form on the site and this would be harmful to its openness. I therefore conclude that the proposal would also have a detrimental effect on the green break that is provided by the UOS.

24. Consequently, the proposal would fail to accord with Policy AD43 of the ADLP which seeks to prevent the development that would compromise the reasons for designating land as UOS.

#### *Highway safety*

25. The proposed dwellings would be laid out around a cul-de-sac which would provide a hammer head turning area. The appellant has provided details which demonstrate how the turning areas would function for different sized vehicles and these drawings have not been directly disputed by the Council.

26. However, the Council state that it is normal practice for developments of more than five houses to be served by an access road that is adopted, or at least constructed to adoptable standards. This, it is suggested, would enable suitable refuse collections to take place and ensure suitable turning facilities for refuse trucks.

27. To enable construction to adoptable standards, it is stated that the proposed layout would have to be modified to include a 'bell-mouth' entrance with radius kerbs. It is also suggested that a larger turning area would be necessary to avoid vehicles reversing onto the highway in a manner that would be to the detriment of highway safety.

28. Whilst it may be normal practice to construct to adoptable standards, the Council have provided no evidence to confirm that adoptable roads are an explicit requirement of local plan policy. Furthermore, no substantive evidence has been provided to demonstrate why the proposal in its current form would not function as demonstrated by the appellant, and why therefore, it would actually be harmful to highway safety.
29. Based on the limited evidence that I have before me on this matter, I am satisfied that the proposed layout would not be substandard and that it would adequately cater for the turning of large vehicles. As such, I conclude that the proposal would not have a detrimental effect on highway safety.
30. Consequently, the proposal would accord with Saved Policies BE30 and BE31 of the LP which, taken together seek, amongst other things, to ensure that development is provided by suitable access arrangements.

**Overall conclusion**

31. Whilst I have found that the proposal would not harm highway safety, it would harm the character and appearance of the area and the UOS. Accordingly, and for the reasons identified above, the appeal is dismissed.

*Martin Chandler*

INSPECTOR