



aragon | LAND AND PLANNING LTD

Planning & Heritage Statement

Proposal: Retention of Annexe Building with Basement. Minor variations to provide a door and window.

Site: Greenacres
6a Green End
Renhold
MK41 0LL

Prepared by: Francis Caldwell BA (Hons) M Phil MRTPI
Aragon Land & Planning Ltd©

Copyright

The contents of this document must not be copied or reproduced in whole or part without the prior written permission of Aragon Land and Planning Ltd

1.0 Introduction

- 1.1 I have worked in the public sector, consultancy and private industry. In private industry I was employed by two of the largest UK national house builders and was responsible for securing planning permissions and advising The Board on planning and related land matters.
- 1.2 I formed Aragon Land & Planning 12 years ago and I am the Managing Director. The practice has a varied client base including major house builders, private landowners, pension trusts, architectural practices and Local Authorities. The clients are throughout Great Britain, although the majority of work is in the South East.
- 1.3 I have over twenty six years' experience and I am a Corporate Member of the Royal Town Planning Institute (RTPI) and The Town & Country Planning Association (TCPA).
- 1.4 The proposal is for the retention of basement to the rear annexe at Greenacres, Renhold.

2.0 National Design Guidance

- 2.1 The Government published design advice in the form of National Planning Policy Framework (NPPF) which was produced to make the planning system less complex and more accessible, to protect the environment and promote sustainable growth. The NPPF provides some design comments;

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

- 2.2 With reference to decision making the NPPF comments;

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;**
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;**
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);**
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;**

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

2.3 The approach to design is therefore to ensure quality and improvement.

2.4 The Department for Communities and Local Government (DCLG) has also produced a Planning Practice Guidance PPG document which covers a broad range of planning topics and supersedes a large number of existing planning documents in an attempt to streamline Government planning advice. This document is a material consideration in terms of assessing planning applications.

2.5 The new guidance also provides advice on good design in relation to new development, it states;

Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

2.6 Guidance is provided in more detail specifically on how to address design issues in relation to specific types of development and issues relating to car parking provision, density and access in the development plan and SPG's.

The Government attaches great importance to the design of the build environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

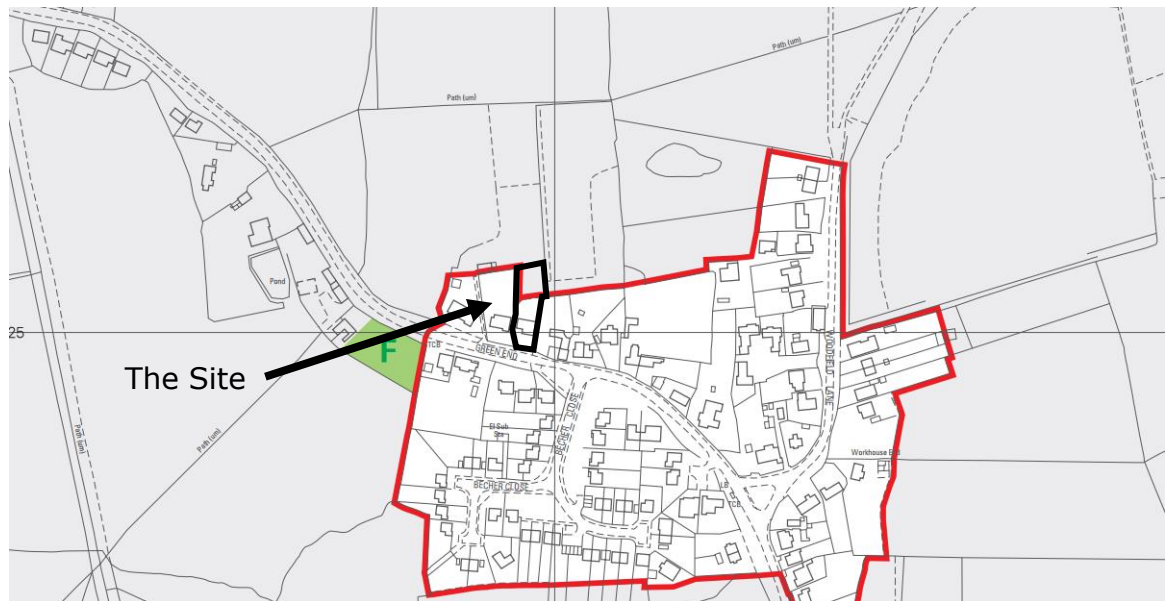


Image 1: Settlement Policy Area for Green End Renhold

3.0 Planning History

- 3.1 Planning Application Reference 16/02856/FUL was refused on 11th January 2017 for a Two x Two Storey side extension on both sides replacing existing garage, side dormer and car port and single storey rear extension.
- 3.2 A revised application was submitted reference 17/01466/FUL for the remodelling of dwelling replacing existing garage and proposed rear annexe. This was refused on 11th August 2017, allowed on appeal 22nd December 2017.
- 3.3 Erection of annexe with basement on residential garden land reference 19/00392/FUL. Granted 17th April 2019.

4.0 Proposal

- 4.1 The site is located in the Settlement of Renhold. Green End contains a mix of dwellings in terms of design, size and age, generally characterised by large front gardens.
- 4.2 Planning permission was granted in April 2019 reference (19/00392/FUL) to install a basement into the annexe that formed part of the permission allowed on appeal at the rear of the existing dwelling at 6a Green End. The annexe is shown to the rear of the property.



Image 2: Location Plan

- 4.3 The basement has been built and is slightly higher in the ground than shown on the approved plans.
- 4.4 The planning permission which granted planning permission (17/01466), originally for the annexe was in the appeal, D/17/3184145. Although the planning authority raised no objections to the annexe.

4.5 The Inspector in his appeal decision commented on the annexe;

8. Turning my attention to the proposed annexe. This would be positioned towards the end of a relatively long rear garden. Sufficient garden would remain and it would be finished to match other buildings nearby. Furthermore, its visual impact would be softened by trees and shrubs along the plot boundaries and even though the proposed annexe would be outside of the defined Settlement Policy Area, the Council's report states it would be within the residential curtilage and there is no substantive evidence before me which suggests the proposed building is in conflict with any countryside protection policies.
9. Due to its scale and positioning the proposed annexe would also not harm the settings of the grade II listed 6, 8 and 10 Green End. Thus, the proposed annexe would not harm the character and appearance of the area or the settings of the grade II listed 6, 8 and 10 Green End would be preserved.

4.6 The Inspector therefore raised no objections and imposed no conditions on levels.

4.7 The applicant then resubmitted an application in (19/00393) to then include a basement with the annexe. The permission included no condition on levels. The planning officer concluded on amenity:

2.3.3 Overall, the scale, character and design of the proposed development is considered to be appropriate and would be consistent with policy BE21, BE29, criteria (i) and (ii) of policy BE30 and criteria (i) of policy BE37 of the Bedford Borough Local Plan (2002). The design of the proposal is also considered to be respectful of its context and therefore meets the aims of Policy CP21 and CP23 of the Core Strategy and Rural Issues Plan (2008).

4.8 The planning officer then concluded on amenity;

2.4.1 The alterations to the approved annex to include basement level accommodation, by virtue of its size, scale and location, will not have an adverse impact on the adjoining neighbouring properties in terms of light, privacy or outlook. No neighbour objections were received. The proposal



Image 4 Elevations

- 4.11 The concern to the LPA is they consider the building has been raised and the building is therefore built higher than the permission. However it is a difficult conclusion to make in some respects, because the land rises to the rear and it is not clear what the original levels were.
- 4.12 The application is therefore retrospective and seeks planning permission for its current position.

5.0 Case Law

- 5.1 Attached to the application is enclosed the legal case **R V Ashford Borough, Ex Parte Shepway District Council 1998**. The general rule is in constructing a planning permission which is clear, unambiguous and valid on its face is that regard may only be had to the planning permission itself, including the conditions attached to it and the express reasons for those conditions.
- 5.2 In **Barnett v. SSCLG [2008] EWHC 1601 (Admin)** in which judgment was given on 20th June 2008, Sullivan J (as he then was) pointed out that if it is plain on the face of a permission that it is a full permission for the construction, erection or alteration of a building, there are bound to be plans and drawings which will describe the building works which have been permitted. The applicant is therefore of the opinion the building is constructed within the terms of the planning permission
- 5.3 The reasonable inference, against the statutory framework in s.62 and the 1988 Regs is that a grant approves the application drawings.
- 5.4 There are two issues. The first is whether the permission is invalid and second, if it is not, whether the development is built in accordance with the planning permission.
- 5.5 Is this a case where the error in the street scene do not invalidate the permission? This is because the information on the site contours was submitted with the application. The scale and design of the houses are as per the house design and plans. This was simply an error on the part of the LPA and should not invalidate the permission It also seems to me the Planning Officer and Conservation Officer in the delegated report did not raise the issue specifically about levels. They provide no commentary or seek a reliance specifically on

the street scene plan. It is not a particular or strong concern in the grant of the permission. I will email under separate cover later today the difference in height as a consequence of the levels. The plans do show levels and any reasoned assessment would have realised the street scene was simply notional. The context here is the information highlighted and pointed to different levels than the level street scene provided.

6.0 Development Plan

- 6.1 The key Planning Policy documents relevant to the proposal are the Bedford Borough adopted Local Plan 2030.
- 6.2 The following policies are taken from the Bedford Borough Local Plan 2030. Policy 5S Development in Villages with a Settlement Policy Area:

Policy 5S – Development in villages with a Settlement Policy Area

Within Settlement Policy Area boundaries, development or redevelopment will be acceptable in principle provided that it is consistent with the other policies of the development plan.

- 6.3 Policy 6 Development in Small Settlements refers:

Policy 6 – Development in Small Settlements

Within the built form of Small Settlements development will be supported where the proposal contributes positively to the character of the settlement and is appropriate to the structure, form, character and size of the settlement as a whole.

- 6.4 Also relevant is Policy 29 Design Quality and Principles

Policy 29 – Design quality and principles

All new development should:

- i. Be of the highest design quality and contribute positively to the area's character and identity, and**
- ii. Respect the context within which it will sit and the opportunities to enhance the character and quality of the area and local distinctiveness, and**
- iii. Protect and where appropriate, enhance heritage assets and their settings and successfully integrate with the historic environment and character,**

- iv. **Have particular regard to the environment and biodiversity within it and ensure there are no significant effects on Natura 2000 sites (notably Portholme (SAC), The Ouse Washes (SAC/SPA, Ramsar), Eversden and Wimpole Woods (SAC), Upper River Nene Gravel Pits (SPA/Ramsar)) designated species or habitats, and**
- v. **Promote accessibility and permeability for all by creating safe and welcoming places that connect with each other, and**
- vi. **Promote a sense of place to include attractive streets squares and other public spaces with a defined sense of enclosure, with multifunctional green spaces and corridors, and**
- vii. **Incorporate measures to promote community safety ensuring that private and public amenity spaces are clearly defined and are designed to be inclusive, useable safe and enjoyable, and**
- viii. **Integrate functional needs such as refuse / recycling storage and collection points, car and cycle parking.**

Proposals meeting the following criteria will be expected to be guided by a design code to be agreed with the local planning authority as part of the application process:

- i. **Proposals for residential developments of 200 dwellings or more**
- ii. **Proposals for residential developments of 50 dwellings or more in areas with a historic urban form or where the landscape interface with the built form is of importance.**
- iii. **Other large scale developments.**

The need for a design code should be discussed with the Council pre-application.

6.5 These policies replicate the earlier approach to design and no fundamental differences between the policies of the earlier development plan and the Bedford Borough Local Plan exist. The plan details the requirements for the design impacts to be mitigated.

Policy 30 – The impact of development - design impacts

Development proposals should take account of the principles of good design. Planning applications should give particular attention to all of the following considerations:

- i. **The relationship of the development with the context in which it is placed, including overdevelopment; the contribution buildings will make to the townscape and landscape qualities of the area; and where appropriate, the extent to which local distinctiveness is reinforced or created.**
- ii. **The quality of the development in terms of scale, density, massing, height, materials and layout, including the provision of private space where appropriate.**
- iii. **The quality of the public spaces created by new buildings in terms of public safety, hard and soft landscaping, and how buildings interact with public space.**

Developers will be required to implement or contribute towards measures to mitigate adverse impacts. Planning permission will not be granted where proposals fail to improve the character and quality of an area.

- 6.6 Again, the principle of the development in terms of scale and context has been accepted. It is not considered the proposal is higher than the previous permission.
- 6.7 Particular attention will also need to be given to the Bedford Borough's Design Guidance for Residential Extensions, New Dwellings & Small Infill Developments. The relevant design codes are as follows E1, E3, E5, E6 and E7.
- 6.8 The basement to the annexe will ensure that there is minimal visual impact to the area, and the design and scale of the development will reflect the dwelling and local character. Amenity of neighbouring dwellings will not be materially harmed. A proposed 1.8m high close boarded fence will be erected along the boundary with 4 Green End to protect their privacy. Further planting can be provided if this considered necessary.

Heritage Considerations

- 6.9 To the east of the site are two Grade II listed buildings, 7 and 8 Green End. They are a pair of cottages, once historically thatched and now tiled. The Listing describes them as;

Pair of cottages. C17. Colour washed rough cast over timber frame. Thatched roof. 4-room plan overall, one storey and attics. W elevation: 4 2-light casements with glazing bars to the ground floor, 3 eyebrow dormers, also with 2-light casements with glazing bars. C20 open gabled porch to RH. One red brick double ridge stack, one red brick integral stack to S gable end. C19 lean-to to rear. C20 flat-roofed addition to rear. C20 one storey and attics block at right angle to N gable.

- 6.10 National Planning Policy considers heritage issues and comments.

- 6.11 The proposed development needs to be assessed against the criteria in paragraph 189 of the National Planning Policy Framework, this states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 6.12 In addition paragraph 192 states;

In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and**
- c) the desirability of new development making a positive contribution to local character and distinctiveness**

6.13 These were matters the Inspector previously considered. The Inspector comments in the appeal decision in relation to the annexe; paragraph 8 states;

Turning my attention to the proposed annexe. This would be positioned towards the end of a relatively long rear garden. Sufficient garden would remain and it would be finished to match other buildings nearby. Furthermore, its visual impact would be softened by trees and shrubs along the plot boundaries and even though the proposed annexe would be outside of the defined Settlement Policy Area, the Council's report states it would be within the residential curtilage and there is no substantive evidence before me which suggests the proposed building is in conflict with any countryside protection policies.

Due to its scale and positioning the proposed annexe would also not harm the settings of the grade II listed 6, 8 and 10 Green End. Thus, the proposed annexe would not harm the character and appearance of the area or the settings of the grade II listed 6, 8 and 10 Green End would be preserved.

6.14 He was clear the settings, character and appearance of the listed buildings was preserved. The revised policy on heritage assets in the local plan is Policy 41s.

Policy 41S - Historic environment and heritage assets

- i. Where a proposal would affect a heritage asset the applicant will be required to describe : a. The significance of the asset including any contribution made by its setting and impacts of the proposal on this significance, and b. The justification for the proposal, how it seeks to preserve or enhance the asset/setting or where this is not possible, how it seeks to minimise the harm.**
- ii. This description must be in the form of one or a combination of: a desk based assessment; heritage statement; heritage impact assessment; and/or archaeological field evaluation. Further information will be**

requested where applicants have failed to provide assessment proportionate to the significance of the assets affected and sufficient to inform the decision-making process.

- iii. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset or nondesignated heritage asset of archaeological interest of demonstrably equivalent significance to a scheduled monument, consent will be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- iv. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- v In considering proposals affecting designated heritage assets or a non-designated heritage asset of archaeological interest of demonstrably equivalent significance to a scheduled monument, involving their alteration, extension, demolition, change of use and/or development in their setting, the Council will include in their consideration as appropriate:
 - a. The asset's archaeological, architectural, artistic and historic interest and any contribution to its significance from setting (including the wider historic landscape)
 - b. scale, form, layout, density, design, quality and type of materials, and architectural detailing
 - c. boundary treatments and means of enclosure
 - d. implications of associated car parking, services and other environmental factors
 - e. effect on streetscape, roofscape and skyline including important views within, into or out of heritage assets
 - f. impact on open space which contributes positively to the character and/or appearance of heritage assets
 - g. the positive benefits of the proposal in addressing heritage at risk.

- vi. Where heritage assets are included on a Local List and are affected by development proposals the Council will afford weight proportionate to their heritage significance in the decision-making process to protect and conserve the significance which underpins their inclusion. Partial or total loss adversely impacting this significance will require clear and convincing justification.**
- Vii The effect of proposals on the significance of non-designated heritage assets will be taken into account in determining applications for development. Applications which result in harm or loss of significance to non-designated heritage assets will only be supported if clear and convincing justification has been demonstrated. In making a decision, the Council will weigh the significance of the heritage asset affected against the scale of any harm or loss to it.**
- viii. Where applications are permitted which will result in (total or partial) loss to a heritage asset's significance (including where preservation in situ of buried archaeological remains is not necessary or feasible), applicants will be required to arrange for further assessment of and recording of this significance in advance of, and where required, during development/works. This assessment and recording must be undertaken by a suitably qualified specialist in accordance with a design brief set by the Council's Historic Environment Team. The work might include:**

 - ☐ **archaeological and/or historic building fieldwork,**
 - ☐ **post-excavation/recording assessment, analysis, interpretation,**
 - ☐ **archiving with the local depository, and**
 - ☐ **presentation to the public of the results and finds in a form to be agreed with the Council. As a minimum, presentation of the results should be submitted to the Bedford Borough Historic Environment Record and where appropriate, will be required at the asset itself through on-site interpretation.**

6.15 The listed buildings are sited away from the mutual boundary with the application site and form a little group clustered together. This provides some separation both physically and in the street scene from the application site. The revised scheme will still have no adverse impact on the setting of these Listed Buildings as the space around them is maintained by the large garden area in between. In all the earlier assessment of the application the conclusions were the proposal did not cause significant harm to the heritage assets.

7.0 Conclusion

- 7.1 The properties in the street scene are mainly detached with a mixture of designs and age. The existing dwelling is modern, two storey and detached. It is well screened from the street view with a mature hedgerow. The gardens and boundaries have mature landscaped gardens with good boundary treatments that provide good screening. The proposed fence will also protect the amenity of adjoining neighbours.
- 7.2 The revised height and alterations to windows of the basement extension is still in keeping with the existing dwelling and character of the area. The setting of the nearby listed buildings is preserved.