
Appeal Decision

Site visit made on 30 August 2016

by Jonathan Price BA(Hons) DipTP MRTPI DMS

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

Decision date: 30 September 2016

Appeal Ref: APP/J0540/W/16/3151774

31 Westhawe, Bretton, Peterborough PE3 8BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Fillmore against the decision of Peterborough City Council.
 - The application Ref 16/00270/OUT, dated 13 February 2016, was refused by notice dated 18 April 2016.
 - The development proposed is construction of a single residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline, with all details reserved for later consideration. It was supported by an indicative plan providing the layout, means of access and parking for a two bed bungalow showing how the proposal might be accommodated within this site. I have dealt with the appeal on this basis.

Main Issues.

3. The main issues in this case are:
 - The effects on the character and appearance of the area.
 - Whether the proposal would provide acceptable living conditions for future and neighbouring occupiers, with particular regard to outlook, privacy and available garden space.
 - The effects on the adjacent County Wildlife Site.
 - The effect of the use of the proposed access on the safety of pedestrians, cyclists and drivers using Westhawe.

Reasons

Character and appearance

4. The appeal property is a uniquely-designed house in an estate of varied but similarly scaled, quite large detached modern dwellings, all positioned at an even set-back from the road with attractively landscaped, open front gardens. This provides the residential area with an attractive and spacious character.
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5. No 31 has a quite generous, but not particularly long, back garden that widens to the rear and backs onto woodland. As shown by the indicative layout, a dwelling sited in the part of the rear garden the furthest away from the host property, towards the northern corner, would inevitably result in a cramped and incongruous form of backland development. The result would be a development starkly at odds with the pattern provided by the existing frontage housing.
6. The appellant's case is that the dwelling would be set back from the road and its design could be such that it would have a negligible impact on the visual character of this residential area. However, whilst the proposed dwelling could be designed to minimise its visual impact from the road it would, nevertheless, be very much out of keeping with the existing arrangement of spacious, low-density housing. Its more restricted, backland position would appear incongruous and cause significant harm to the character and appearance of this area of low-density frontage housing.
7. As a consequence, the dwelling proposed would not comply with Policy CS16 of the Council's Core Strategy¹ (CS) and Policy PP2 of the Planning Policies Development Plan Document² (DPD) which seek that new development responds appropriately to its surroundings without having a detrimental effect on its character.

Living conditions

8. In respect of any effect on living conditions, a dwelling on this site would impact directly upon those of the future occupiers of the host property and of the adjacent house to the east at No 32. The Council's second reason for refusal refers specifically to the overbearing impact and loss of privacy caused to the occupiers of No 32.
9. The proposal does not state the numbers of bedrooms on the application form and the indicative plans refer to a two-bedroomed bungalow. Reserved matter approval could govern the size of dwelling and require it to be single-storey or, were rooms proposed at first floor level, for the windows of main habitable rooms to face away from No 32.
10. Therefore, the finally approved details might be such that the dwelling could minimise any over-bearing impact or loss of privacy to the next-door house. However, the size and position of the plot would make the lack of any degree of harmful impact on the outlook from No 32 unlikely. Equally unlikely would be no loss of privacy to No 32 resulting from this proposal.
11. Furthermore, detached properties with large rear gardens, like that at No 32, offer the reasonable expectation of a degree of privacy and seclusion that might not be available to residents of more densely built-up areas. The introduction of a dwelling in a backland position would be directly adjacent to the quieter and more peaceful rear parts of this next-door garden. Domestic activity, and the movement of cars, would be concentrated in a very small area of space surrounding the proposed new dwelling. Future occupiers would inevitably seek the thinning of boundary vegetation, beyond those trees along the rear of the site shown to be removed, given the small amount of space around the dwelling. Any dwelling here would detract from the level of

¹ Peterborough Core Strategy Development Plan Document – adopted 23 February 2011.

² Peterborough Planning Policies Development Plan Document – adopted 5 December 2012.

quietude and seclusion offered by the adjacent back garden in this low density residential area and this proposal would comprise an unneighbourly form of development.

12. The proposal would therefore result in significant harm to the present living conditions of the occupiers at No 32 for these reasons. It would not comply with CS Policy CS16, which requires new development not to result in unacceptable impacts on the amenities of nearby occupiers. It would further conflict with DPD Policy PP3 which seeks to resist development which would result in unacceptable loss of privacy, overbearing impacts or disturbance to neighbouring occupiers.
13. Although the size and position of the dwelling would be reserved matters, it is not likely any development of this land would provide anything but a very small area of garden space. The appellant considers this might be adequate if the dwelling were to be a bungalow and most likely to appeal to elderly occupants, without a large family. However, there is no guarantee this would be the case and, in any event, the proposal would not provide acceptable living conditions for any kind of future occupiers due to the very limited garden space available. A dwelling here, as shown by the indicative plans, would result in a cramped form of development that would not offer the commensurately well-designed and located private amenity space necessary to satisfy DPD Policy PP4.

County Wildlife Site

14. The proposal is next to Mucklands Wood County Wildlife Site (CWS). The immediate adjacent part of this woodland comprises an open buffer strip, beyond which there is currently conifer plantation. I have considered the concerns raised over the indirect impacts that this proposal might have on this woodland, particularly those made by the Woodland Trust. However, I am not persuaded that an additional dwelling in this location would materially harm the potential to effectively manage this part of the CWS site as ancient woodland in the future or result in any significant harm to the natural environment more generally.
15. Therefore, this proposal would not be further contrary to DPD Policy PP16, in respect of its implications on biodiversity, or DPD Policy PP18, in adversely affecting ancient, semi-natural woodland.

Access

16. The indicative access to this dwelling would enter the public highway at an oblique angle, would be sub-standard in width and, with insufficient on-site manoeuvring space, might encourage vehicles to reverse out in a position where there is restricted pedestrian visibility. Whilst these factors amount to below-standard access arrangements, the fact that the proposal is situated at the end of a cul-de-sac means the level of vehicular movements in this vicinity would be relatively low and not involve high speeds.
17. Whilst I appreciate that the lightly trafficked nature of this cul-de-sac might bring into conflict children playing with users of the access proposed, and that the proposal provides no separate footpath entrance, I am not persuaded a single dwelling would have a materially harmful effect on the safety of pedestrians, cyclists and drivers using Westhawe. Therefore, this proposal would not be further contrary to CS Policy CS14 and DPD Policy PP12.

Conclusions

18. A single dwelling on this restricted backland plot would be out-of-keeping with the spacious arrangement of detached houses set in large gardens and result in significant harm to the character and appearance of this residential area. The site would not provide adequate living conditions for future occupiers due to the very restricted area of garden that would be available. Furthermore, the dwelling proposed would result in significant harm to the living conditions of the next door occupiers of No 32, due to its adverse effects on the privacy, outlook and seclusion provided by their private rear garden. Consequently, for the reasons set out, and having taken into consideration all other matters raised, I conclude that this appeal should be dismissed.

Jonathan Price

INSPECTOR