
Appeal Decision

Site visit made on 24 January 2017

by **A Jordan BA Hons MRTPI**

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

Decision date: 31 January 2017

Appeal Ref: APP/J0540/W/16/3158974

27-29 Dogsthorpe Road, Peterborough, PE1 3AD

- 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 Talib Hussain against the decision of Peterborough City Council.
 - The application Ref 16/01219/HHFUL, dated 21 June 2016, was refused by notice dated 2 September 2016.
 - The development proposed is an annex to the rear of the property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The submitted application form refers only to 27 Dogsthorpe Road. However, the submitted plans show the site as lying within the rear gardens of both 27 and 29 Dogsthorpe Road. The Council have therefore referred to the site address as 27-29 Dogsthorpe Road, and the appellant has subsequently confirmed that this is correct. I have therefore also used the same address.
3. Following the refusal of permission by the Council the appellant submitted an additional plan ref 007-003, which shows the space to the rear of the dwellings as being larger than that shown on the submitted site plan ref 007-002. I am normally required to deal with an appeal on the basis of the same plans that informed the Council's decision. However, in deciding whether to accept amendments to an appeal scheme, I am mindful of the *Wheatcroft* principles¹. The key test in this regard, is whether dealing with the proposal in that way would so change the development that to grant permission on that basis would deprive those who should have been consulted on the changed development, the opportunity to make representations. From my observations on site I consider that the additional plan more accurately reflects the position of existing buildings and the layout of the site. I am therefore satisfied that taking the additional plan into account would not prejudice the interests of any parties.

Main Issues

4. The main issues for the appeal are:
 - The effect of the proposal on the character and appearance of the area, and

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, p37]

- The effect of the proposal on the living conditions of occupiers of Nos 27 and 29 Dogsthorpe Road.

Reasons

Character and Appearance

5. Properties on Dogsthorpe Road are two storey semi-detached dwellings, which sit close together along the road frontage, behind small front gardens and which have long, narrow rear gardens. Both appeal properties have been extended to the rear with large 2 storey outriggers by previous occupiers. As a result the remaining private outdoor space available to each property comprises a narrow strip of hardstanding adjacent to each outrigger and a small area of lawn to the rear of the extended dwellings. This appears to be in shared use. Although the road is predominantly in residential use, the appeal property lies adjacent to a builders yard and a funeral home which sit to the side and rear. These are enclosed by high brick walls which adjoin the rear gardens of the appeal properties.
6. The building would abut the existing boundary walls to the rear and side, and would sit alongside an existing shed within the rear garden of No 23. It would measure around 3.7m in height to the ridge, 4.9m in depth and would occupy the width of both plots. This would result in a building of substantial size, which would be visible from within the appeal properties and when within the rear gardens of nearby dwellings, where it would be viewed across relatively low fencing and hedging. The proposed building would remove the only remaining open element in views into the site. Due to the size of the proposed building and its proximity to the existing outrigger, which already occupies a large proportion of the site, the site would be perceived as being almost entirely occupied by built form. In this regard it would contrast markedly and unfavourably with the more open character of the adjoining gardens.
7. Although I note that the surrounding area is not entirely in residential use, and that the proposal would be seen against the backdrop of larger structures, the absence of any significant garden space in views into the site would result in an incongruously cramped and intensive form of development, which would fail to respond appropriately to the character of the site and so would fail to make a positive contribution to the quality of the built environment in this location. It therefore follows that the proposal would conflict with policy CS16 of the *Peterborough Core Strategy Development Plan Document* (2011) (CS) and Policy PP2 of the *Peterborough Planning Policies Development Plan Document* DPD (2012), or with guidance in the *National Planning Policy Framework* (the Framework), which has similar aims.

Living Conditions

8. The building would occupy almost all of the remaining lawned garden which sits to the rear of the dwellings. Both properties have been significantly extended and I am advised have at least 3 bedrooms. In this regard it is reasonable to expect that such properties, which are capable of being used as family homes, should retain sufficient outdoor space to enable outdoor recreation, children's play, clothes drying and the storage of bins and other effects. I note that some space would remain along the side of each dwelling, which the appellant has calculated to amount to around 53sq m for each property. However it is not configured in a usable manner and comprises the relatively narrow strip to the

side of each outrigger and a space of around 3m deep which would lie between the front of the annex and the back wall of the main dwellings. I note the appellant's views on the attractiveness of the lawned area, which is enclosed by high boundary walls. However, from my observations on site I do not consider the space to be unpleasant or that the proximity of the adjoining use affects the usability of the space as an area for outdoor play, recreation, or cultivation. In this regard the loss of the existing lawn would significantly reduce the attractiveness of the available amenity space and reduce the ability of existing and future residents to use it for outdoor amenity.

9. The appellant describes the development as "an annex to the rear of the property". Supporting information with the application refers to using the building as a playroom. The plans show the building divided into a small store room and a larger room. A dotted line shows the possible position of a "future partition wall". However, based on the information before me, and taking account of the shared nature of the plot, it is unclear which property the annex would relate to, or if it is intended for shared use. Whilst I acknowledge that such a facility could provide for outdoor play, the building would nonetheless reduce the ability of future residents to enjoy any of the other normal functions of a garden.
10. On the second matter I therefore conclude that the proposal would fail to provide a well designed and located private amenity space commensurate with the development and so would conflict with policy PP4 of the CS and with guidance in the Framework, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

11. The proposal would be harmful to the living conditions of existing and future residents, and would be harmful to the character of the area. Although it would provide additional accommodation for the appellant, I do not consider this benefit to be sufficient to outweigh the harm identified above. Therefore, having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR