The Planning Inspectorate

Appeal Decision

Site visit made on 21 March 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/J0540/W/16/3165706
202A Lincoln Road, Peterborough PE1 2NQ

- 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 M Ali Majid against the decision of Peterborough City Council.
- The application Ref 16/01925/FUL, dated 6 October 2016, was refused by notice dated 15 December 2016.
- The development proposed is a detached annexe to the rear.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development as it appears on the appeal form as it best describes the development to which the appeal relates. It is clear that the Council are content with this approach since the same description appears on their decision notice. I have proceeded on this basis.

3. The appellant has submitted amended plans (drawings 003A and 004A) with the appeal in response to the Council's reasons for refusal. They show changes to the internal layout, re arrangement of windows and a lower overall height to the building.

4. The 'Procedural Guide – *Planning Appeals – England',* Annexe M2.1, advises that the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. The changes proposed in the revised drawings are to my mind significant and to accept these drawings for determination in this appeal would therefore be prejudicial to interested parties who would not be afforded the appropriate level of opportunity to comment. I have therefore determined the appeal against the same proposed drawings that the Council had before them which, for clarity, were drawings 002, 003 and 004.

Main Issues

5. There are two main issues; these are the effect of the proposed development on a) the character of the area and b) the living conditions of both existing and future occupiers.

Reasons

Character

6. The appeal site is the elongated rear garden to Number 202A Lincoln Road. The host dwelling is a detached two storey building situated to the front of the plot, set back from and facing the road. This building to space arrangement is indicative of the character of the area. Plots are also spacious and largely open. The proposed development would comprise a detached single storey building situated to the far end of the garden.

7. The proposed building would be occupied by the eldest son of the resident family of No 202A and his wife. They intend to have children and thus why there would be two bedrooms. The building would be sited as far as would be reasonably practical from No 202A. It would be of a substantial floor area and provide generously sized rooms which would include a separate lounge and kitchen, entrance hallway and a bathroom. Whilst the intended occupants would be related to the resident family at No 202A, they would reside in the building as their own family unit without any clear reliance on No 202A. In effect the building would be occupied as a separate dwelling, functioning entirely as such.

8. I accept that ancillary outbuildings in rear gardens are not an entirely uncommon feature of the area. As such, the siting of one in the rear garden of No 202A would not be unduly harmful. However, and for the above reasons, the nature of the proposed development before me would introduce an entirely new tier, in a back land form, which would be contrary to the established character of the area.

9. The proposed development would therefore be contrary to Policy CS16 of the Core Strategy[1]. This Policy, amongst other things and along with section 7 of the Framework[2], seeks to ensure that new development is of a high quality and contextually appropriate design and appearance and responds appropriately to the character of the site and its surroundings.

Living Conditions

10. The proposed building would be sited in close proximity to the rear boundaries of dwellings that front Cambridge Avenue to the north and Silverwood Road to the west. In the case of the former, their rear gardens are very shallow. Three habitable room windows in the proposed building would face west and the building would have an overall height of four metres.

11. The nature of the occupancy of the building and its primary residential function, when considered in the context of its siting, would introduce activity noticeably more lively than an ancillary outbuilding. This degree of activity and associated comings and goings by vehicle and on foot would have an increased level of noise disturbance associated with it and lead to an adverse effect on neighbouring residents' enjoyment of their gardens. The level of noise disturbance would, to my mind, be exacerbated by opened habitable room windows directly adjacent to the garden boundaries of Nos 9 Cambridge Avenue and 26 Silverwood Road particularly.

[1] Peterborough City Council Local Development Framework Core Strategy Development Plan Document 2011
[2] The National Planning Policy Framework 2012

12. With regard to No 7 Cambridge Avenue, the proposed building would span almost its entire plot width and owing to its height and close proximity to what is a shallow garden it would have a significant over bearing effect on users, to the detriment of their outlook.

13. Whilst the windows serving the proposed lounge would look east towards the largely open rear garden of No 202A, the kitchen and both bedrooms would be served by single windows that would face west. The proposed roof lights also serving these rooms would ensure sufficient light. However, the only view would be of high sided brick walls associated with another outbuilding and intervening boundary treatments. In such close proximity, this would represent an unacceptably poor quality of outlook for future occupiers.

14. For these reasons, I consider that the proposed development would have an adverse effect on the living conditions of both existing and future occupiers. It would therefore conflict with Policies PP3 and PP4 of the Planning Policies DPD[3]. These Policies, amongst other things and along with one of the core principles of the Framework, seek to ensure a good standard of amenity for existing and future occupiers of land and buildings.

Other Matters

15. With regard to the annexe in the rear garden of No 202, I agree with the Council that this is at odds with the established character of the area as I have described it above. As what appears to be an anomaly therefore, I do not consider that it would be appropriate to use it as justification for the proposed development. Similarly, I acknowledge the appellant's reasoning for the building but it being a lesser cost option to provide another residence in the location proposed is not sufficient to make it acceptable in light of my findings.

16. I note the various examples of planning permissions that have been brought to my attention. These are in respect of both attached and detached residential annexes. I have not been provided with any further details such as plans or individual circumstances but from the Councils evidence it seems clear that none are directly comparable to the appeal before me. Each development proposal is considered on its own merits and as such I afford the examples limited weight.

17. I accept that the appeal site is in close proximity to a broad range of highly accessible local services. I am also mindful of the Framework's positive consideration of new housing development. Nevertheless, it remains necessary to assess the site specific effects of a given development proposal and it is on these grounds that the proposed development would have significant shortcomings of the type and extent set out above.

Conclusion

18. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR

[3] Peterborough City Council Local Development Framework Planning Policies Development Plan Document 2012