
Appeal Decision

Site visit made on 18 July 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 25th August 2017

Appeal Ref: APP/J0540/W/17/3174661

94 Wootton Avenue, Fletton, Peterborough PE2 9EG

- 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 Joe Westwood against the decision of Peterborough City Council.
 - The application Ref 17/00166/FUL, dated 30 January 2017, was refused by notice dated 7 April 2017.
 - The development proposed is a three bedroom new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area; and on the living conditions of the occupiers of No 94, with regard to outlook, daylight and amenity space.

Reasons

Character and appearance

3. Wootton Avenue is an established residential area within the urban area of Peterborough. There is a formal pattern to development with terraced blocks of four, two-storey dwellings. The two properties within the centre of the block have their front doors facing the road whilst the end properties have a front door on their respective side elevations. Each block has a hipped roof. Whilst a few properties have added a front porch, bay window and garages, the majority retain their original design.
4. A distinctive characteristic of the pattern of development is the noticeable space in-between blocks, thereby providing the end dwellings of each block with both a side and rear garden. The blocks are slightly set back from the highway to provide small front garden areas enclosed by low fencing or brick walls. The majority of these areas are maintained as a form of garden area, only a few have been hard surfaced. Parking is predominantly on-street, except for some properties which have added a garage. I saw a noticeable absence of parking within the front garden areas on Wootton Avenue.
5. No 94 Wootton Avenue is an end terrace property with a well maintained, enclosed front garden area and a south-facing conservatory to the rear. A partial vehicle crossover allows off-street parking on the front half of the side

garden. The rear half of the side garden area is enclosed by a timber fence of around 2 metres. It is a pleasant area incorporating decking and paved areas which appears to be well used by the current occupiers. A canopy has been erected on the external wall extending over both the front door and the adjacent ground floor window. The side and rear garden areas are detached by the pedestrian access leading across to the attached neighbour, No 96. The rear garden is an enclosed area with fencing and tall mature vegetation and around 17 metres long and approximately 8.5 metres wide.

6. The appeal proposal is a 3-bedroom detached two-storey dwelling. It would be sited within the entire side garden of No 94, slightly set back from the existing building line. Two car parking spaces would be provided in place of a front garden. Consequently No 94 would lose its existing off-street parking and would be reliant upon existing on-street parking provision.
7. A two-storey detached dwelling in this location would lead to a significant reduction of the open space between buildings which add greatly to the spacious quality of the prevailing housing layout. The gable roof design would be an unduly prominent and uncharacteristic feature when viewed against the hipped design of all surrounding dwellings. Although the Council has not raised a concern in relation to parking, I consider that the intensification of parking forward of the building line would have a further minor adverse impact on the street scene.
8. It is acknowledged that the appellant suggests "repetition does not equal validation", however paragraph 60 of the National Planning Policy Framework (the Framework) does support the promotion and reinforcement of local distinctiveness. This is accompanied by paragraph 64 which indicates that development should take opportunities for improving the character and quality of an area. The appellant references paragraph 65 in relation to his point about contrived design. However paragraph 65 does indicate that any incompatibility with townscape could be "mitigated by good design" which would not be achieved here.
9. I find that the appeal proposal would substantially harm the character and appearance of the surrounding area. It would fail to make a positive contribution to the character of the area by virtue of its location and design features. Accordingly it would conflict with the requirements of Policy CS16 of the Peterborough Core Strategy (PCS), adopted 2011 which seeks, amongst other things, that new development should respond to the character of the site and its surroundings in relation to the arrangement of plots, orientation, massing of buildings and spaces between them. It would also be contrary to Policy PP4 of the Peterborough Planning Policies DPD (the DPD), adopted 2012, which seeks, amongst other things, to ensure that development would not have a detrimental effect on the character of the area. Taken together these policies expect new development, amongst other things, to relate well to their surroundings.
10. The appellant suggests that Policy CS16 of the PCS does not accord with paragraph 65 of the Framework. I have considered whether this policy is in conformity with the Framework. Having regard to the advice in paragraph 215 of the Framework, I find that the approach of Policy CS16 towards design to be consistent with the Framework. As such this policy can be afforded full weight.

Living conditions of No 94

11. The blank side elevation of the proposed dwelling would be within 1.5 metres of No 94. The side elevation of No 94 contains a small window at first floor level, together with a window to a habitable room at ground floor level and the front door. The combination of a 4.7 metre high blank brick elevation within 1.5 metres would be an overbearing structure which would reduce the daylight reaching No 94.
12. The proposed dwelling would result in the loss of the entire existing side garden and a little over half of the rear garden. Consequently the remaining garden space for No 94 would be significantly reduced. I note that the proposed garden sizes would be considerably less than those of the surrounding properties; however they would not be so unduly small as to make them unusable by occupiers.
13. Although the existing rear garden is already somewhat detached by the existing layout, this proposal would exacerbate this detachment. I do not find that the only remaining garden area for No 94 being located some 12-13 metres away to be a satisfactory arrangement. That distance and position would hamper safe supervision of children's play. It would also reduce the easy transition from house to garden and as such adversely affect the usability of the space because of the relationship between house and garden. It would not accord with the principle of paragraph 61 of the Framework which advises that good design goes beyond visual considerations and involves the way in which places are used by people.
14. I understand that the 'Design Guide for New Residential Developments' Supplementary Planning Document cited by the appellant was cancelled in 2012. Consequently there are no local design standards on minimum distances. It is not disputed between the parties that the proposed dwelling can physically be accommodated within the appeal site. However, Policy PP3 of the DPD requires new development to avoid an unacceptable impact on living conditions.
15. For the reasons given above, I find that the appeal would harm the living conditions of the occupiers of No 94, with regard to outlook, daylight and amenity space. This would conflict with Policy PP3 of the DPD which, amongst other things, seeks to prevent an unacceptable loss of private amenity space, loss of light and an overbearing impact of any nearby property.

Other matters

16. I have had regard to the potential benefits identified by the appellants, including the employment opportunities during the construction, helping to support the use of local services and facilities and contributing to the supply of housing. However, these do not outweigh the harm I have identified.
17. Reference has been made to the loss of parking for No 94. The prevailing parking arrangement is on-street. At the time of my site visit there were parking spaces available. Consequently I do not find this arrangement would be unacceptable.

Conclusion

18. The appeal site is within an existing residential area within the urban area boundary. The principle of new development is therefore considered acceptable in principle subject to meeting other relevant planning policy requirements and material considerations. Whilst there are some economic and social benefits to this proposal, these would not outweigh the substantial harm to the character and appearance of the area and to the living conditions of the occupiers of No 94, with regard to outlook, daylight and amenity space for the reasons given in my decision. The proposal would conflict with the relevant local and national planning policies and the development plan as a whole.
19. Taking all matters into consideration, I conclude that the appeal would not be a sustainable form of development. Consequently, the appeal is dismissed.

Rachael A Bust

INSPECTOR