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## Appeal Decision

Site visit made on 13 November 2017

**by R A Exton Dip URP MRTPI**

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

**Decision date: 23<sup>rd</sup> November 2017**

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**Appeal Ref: APP/J0540/W/17/3181276**

**Land south of Wothorpe Park, First Drift, Wothorpe, Peterborough PE9 3JL**

- 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 Kelland Properties Ltd against the decision of Peterborough City Council.
  - The application Ref 17/00580/FUL, dated 21 March 2017, was refused by notice dated 22 June 2017.
  - The development proposed is described as erection of two contemporary detached houses.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on i) the setting of the grade II listed building The Elms; and, ii) the character and appearance of the area.

### Procedural matter

3. Following the Council's refusal of the planning application an updated Tree Survey/Implications Report and amended plans relating to internal access and parking arrangements have been submitted. The Council has commented on these as part of the appeal process. I have taken the report and plans into account in my assessment of the proposal as set out below.

### Reasons

#### *Setting of The Elms*

4. The appeal site is situated on the north-western side of First Drift. The Elms, a grade II listed building is situated further to the north-west. Separated from the parkland surrounding The Elms by a hedge planted along its north-western and north-eastern boundaries, the appeal site is open, grassed and slopes down towards the north-west. A band of mature trees, punctuated by access points at either end of its frontage, forms the appeal sites boundary with First Drift.
5. Despite the physical separation formed by the hedge, the relationship between the appeal site and the setting of The Elms is strongly evident when viewed from First Drift. It is not completely distinct from the parkland as the appellant suggests. A main access to The Elms passes close to the appeal sites north-

eastern boundary and there are views across it, and over the boundary hedge, to The Elms beyond. These views are emphasised by the sloping nature of the site. The views will vary according to the time of year, and will be most apparent when trees have shed their leaves. Whilst the lack of trees within the appeal site described by the appellant does create a different character to other areas of the parkland, it does not in itself divorce its relationship from The Elms completely. In light of these factors I consider that the open nature of the appeal site still significantly contributes to the parkland setting of The Elms.

6. The proposal would utilise the existing access points at either end of the sites frontage. Presently, and particularly in the case of south-westerly point, these offer limited views into the site due to overhanging vegetation. The formalisation of these accesses through the proposal, and the future requirement to manage vegetation around them, would open up clearer views into and over the site.
7. Although the design of the proposed dwellings would be much lower and therefore have less impact than more traditionally designed dwellings, they would never the less be visible from First Drift. Parked vehicles, domestic planting and paraphernalia would contribute to making the developed nature of the site apparent. I consider that the intention of the design to assimilate the development into the landscape and the layering effect of vegetation described by the appellant would not significantly diminish this effect.
8. A combination of the above factors leads me to conclude that the proposal as a whole would remove the significant contribution the appeal site makes to the parkland setting of The Elms. As a result, it would adversely affect its setting.
9. As the proposal would not result in the total loss of a heritage asset I consider that harm would be less than substantial. In this instance the Planning Policy Framework ('the Framework') requires that the harm should be weighed against the public benefits of the proposal. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that substantial weight is given to the presumption in favour of preservation of setting of a listed building.
10. I note the contribution the proposal would make to housing supply within the district, its innovative design and the benefit to trees in the vicinity by the removal of parking beneath them. However, these factors do not outweigh the harm to the setting of the listed building I have identified.
11. In light of the above I conclude that the proposal would conflict with Policy CS17 of the Peterborough Core Strategy DPD adopted in 2011. This requires new development to respect local character and distinctiveness, particularly in areas of high heritage value. It would also fail to comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the Framework. As a consequence of failing to comply with the Framework, the proposal would also conflict with Policy PP17 of the Peterborough Planning Policies DPD adopted in 2012. This requires development proposals affecting heritage assets to be determined in accordance with the Framework.

### *Character and appearance*

12. When viewed from First Drift, further to the north, the appeal site and its relationship to the setting The Elms is not as apparent as in the views described above. Whilst The Elms and its parkland setting are evident, trees lining its access off First Drift and the hedge forming the north-eastern boundary of the appeal site provide significant screening, even taking into account seasonal differences in coverage.
13. Whilst there may be limited visibility of the proposal in this long distance view, the proposal would not appear of a higher density than any of the other development along First Drift visible from this viewpoint. Consequently I conclude that the proposal would accord with Policy SA19 of the Peterborough Site Allocations DPD adopted in 2012. This requires proposals for development to preserve Wothorpe's status as a Special Character Area.

### *Other matters*

14. Following consideration of the updated Tree Survey/Implications Report and amended plans relating to internal access and parking arrangements the Council is satisfied that its previous concerns in relation to the effect on trees have been addressed. The Council is however concerned over the lack of a vehicle turning facility for plot 1 and the loss of frontage parking to First Drift.
15. I agree that a turning facility within the site would be advantageous and that the frontage parking is beneficial to residents. However, taking account of the relatively lightly trafficked nature of First Drift, there is insufficient evidence before me to demonstrate that either of these factors would be so detrimental to highway safety so as to warrant the refusal of planning permission.
16. I note the appellant's comments on the effect of other developments on the setting of The Elms and the relevance of other recently approved developments. However, having assessed the proposal on its own merits in light of the policies and evidence before me, the other developments referred to do not lead me to a different conclusion.

### **Conclusion**

17. For the reasons given above and taking all other matters raised into account, I conclude that the appeal should be dismissed.

*Richard Exton*

INSPECTOR