



Appeal Decision

Site visit made on 7 August 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2019

Appeal Ref: APP/J0540/W/19/3228491

6 Park Crescent, Peterborough PE1 4DX

- 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 C Sprinz (Mowbray Indigo Ltd) against the decision of Peterborough City Council.
 - The application Ref 18/01617/FUL, dated 12 September 2018, was refused by notice dated 27 February 2019.
 - The development proposed is erection of two detached four bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached four bedroom dwellings at 6 Park Crescent, Peterborough PE1 4DX in accordance with the terms of the application, Ref 18/01617/FUL, dated 12 September 2018, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

2. Since the Council refused planning permission the Council has adopted the Peterborough Local Plan 2019 (LP). The Council has confirmed that as a result, the policies of the Peterborough Core Strategy 2011 and the Peterborough Planning Policies DPD 2012 which are referred to in the decision notice are no longer in force. Furthermore, the policies of the LP that are referred to in the Council's decision notice, namely LP16 and LP19, are to be given full weight following the adoption of the plan.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the area including the Park Conservation Area (CA).

Reasons

4. The site forms part of an extensive rear garden of 7 Park Crescent and is set a substantial distance behind this existing dwelling. The buildings on Park Crescent are generally large in scale and are positioned back from the road frontage. Together with the presence of the public park which Park Crescent envelops, this creates a spacious feel to the area and has established a pleasant character in this part of the CA. A variety of different front boundary treatments are noted however it would appear that the most traditional form of these is mature hedges with low timber fences beneath. Mature trees are also prevalent on the frontages of the properties in the surrounding area. Both the

boundary treatments and the presence of established trees contribute positively to the character of the area. The significance of the CA lies at least in part with the scale of the existing dwellings and their relationship to the public domain, and in particular the public park.

5. While the plot sizes of the two proposed dwellings are smaller than many of those in the surrounding area, they are of more than ample size to accommodate the dwellings and to provide an adequate area of private amenity space for their future occupiers. Furthermore, there are other dwellings on Park Crescent which have garden areas of a size similar to those proposed.
6. In assessing the impact of the proposed development, I note that the garden area of No 7 is substantially larger than most of the garden areas of properties on Park Crescent, both in terms of its width and its length. The area of garden that would be retained at No 7 would be similar or greater than many of the gardens at other properties on Park Crescent in terms of its overall size and length. This would mean that No 7 would remain as a large dwelling located within a large plot. This factor together with the presence of the existing development at No 6, whose access the development would share, leads me to conclude that the development would not cause harm to the character and appearance of the surrounding area or of the CA.
7. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons I have stated above I do not consider that the development would cause harm to the character of the CA, nor do I consider that there would be any harm caused to its appearance. The development would therefore preserve both the character and appearance of the CA, and the significance of the CA.
8. I note the evidence that the approval of this development might set some form of precedent for similar development. However, each proposal must be considered upon its own merits, with the context and the characteristics of each individual site in mind.
9. I conclude therefore that the development would not cause harm to the character and appearance of the area or the CA, or harm the significance of the CA. Consequently, the development meets with the design objectives of Policy LP16 of the LP which seeks to ensure that development positively contributes to the character of an area and the conservation objectives of Policy LP19 of the LP which seeks to ensure that new development respects the local historic character of an area.

Other Matters

10. The Highway Authority has objected to the proposal on the grounds that the width of the proposed access to the site would be sub-standard to serve the number of dwellings both existing and proposed. The Council however considers that the access arrangements proposed would not result in unacceptable harm due to the visibility available along Park Crescent and the width of the public highway. From the observations I made during my site visit, I find no reason to take a different view to that of the Council.

11. A representation has been received from a member of the public requesting that the development does not have a detrimental effect on their view or cast shade on their house or garden. Having considered the proposed development during my site visit, I am satisfied that the dwellings would not cause harm to the living conditions of adjacent occupiers, due to the relative scale of the development and the ample separation distances to existing dwellings. The representation also states a preference that land they own does not become landlocked as a result of the development. However, any potential access arrangements would be a private matter between the parties involved.
12. A further representation requests that two Lombardy Poplar trees be removed from the site as soon as possible. However, whilst the Arboricultural Implications Assessment and Method Statement submitted indicates that trees would be removed as part of the development, the timescale for their removal is a matter for the land owner on whose land the trees are located.

Conditions

13. The Council has not provided a schedule of conditions that it would like to be imposed in the event that planning permission were to be granted but copies of consultation responses indicate that a number of conditions have been requested by consultees. Conditions relating to the time period for the implementation and with respect to the approved plans are required to define the terms of the permission. As the site is located within the CA, it is necessary to require that samples of the proposed external facing materials be submitted to and approved by the Council.
14. A condition relating to contamination is necessary to ensure that any contamination risks on the site are adequately addressed and a condition requiring a construction management plan is required in the interests of the living conditions of adjacent residents and in the interests of highway safety. Conditions are also required to ensure that the Arboricultural Implications Assessment and Method Statement is adhered to and that the access point to Park Crescent is modified in accordance with the submitted details.
15. The Highway Authority has requested that a condition be imposed requiring that on-site parking and turning spaces be marked out, however given the distance of the development from the public highway such a condition is not necessary. A condition requiring that a bin storage area for bin collection days be provided adjacent to Park Crescent is also not necessary, given that bin collection takes place over only a short time period.

Conclusion

16. For the reasons given above, I conclude that the appeal, subject to conditions, should be allowed.

Graham Wraight

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - S01 Revision B
 - P01 (01) Revision C (with the exception of the modified access point to Park Crescent)
 - P01 (03) Revision C
 - P02 (01) Revision B
 - P02 (02) Revision A
 - P02 (03) Revision B
 - P03 (01) Revision A
 - P03 (02) Revision A
 - Plot 2 garage details as shown on plan P01 (04) Revision A
3. No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
4. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 7 days of the report being completed and approved in writing by the local planning authority.
5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; wheel washing facilities; measures to control the emission of dust and dirt during construction; delivery, demolition and construction

working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

6. The development hereby permitted shall not be occupied until the access point to Park Crescent has been modified in accordance with the details shown on approved plan P01 (03) Revision C. The access point shall be retained as such thereafter.
7. The Arboricultural Implications Assessment and Method Statement Rev A shall be adhered to throughout the construction period for the development.