
Appeal Decision

Site visit made on 4 September 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2019

Appeal Ref: APP/J0540/D/19/3233703
26 Ledbury Road, Peterborough PE3 9RH

- 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 N Younas against the decision of Peterborough City Council.
 - The application Ref 19/00408/HHFUL, dated 27 February 2019, was refused by notice dated 14 June 2019.
 - The development proposed is two storey side and rear and single storey rear extension and granny annexe to the rear.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. It has been brought to my attention that the Council adopted the new Peterborough Local Plan (PLP) on 24 July 2019. I have therefore given the newly adopted Local Plan policies full weight in reaching my decision.
3. Based on the revised plans submitted to the Council the proposed development could be more accurately described as a two storey rear extension and single storey side and rear extensions with a granny annexe to the rear which differs slightly from the description on the application form. I have determined this appeal on this basis.

Main Issues

4. The main issues raised by this appeal are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of neighbouring occupiers with specific regard to outlook, sense of enclosure and light; and
 - whether the proposed residential annexe would be a separate dwelling.

Reasons

Character and Appearance

5. The appeal property is a two storey detached dwelling with an attached garage linked to that of the neighbouring property 24 Ledbury Road. The surrounding area is predominately residential comprising a mixture of detached and semi-detached two storey dwellings within a suburban setting. Several neighbouring properties have rear extensions the majority of which are single storey and designed to be subservient to their respective host dwellings. The proposal relates to the construction of a two storey extension to the rear with additional single

storey extensions to the side and rear. It is also proposed to construct a detached residential annexe outbuilding in the rear garden.

6. The proposed rear extension would cover the entire width of the appeal property and project approximately 4 metres to the rear at first floor level and a further 4 metres at ground floor level creating a significant addition to the footprint of the appeal property. With regards to its design, even though the ridge height would be slightly lower than the host property, I do not consider it to be subservient to the host dwelling which would be out of keeping with the established pattern of development in the area.
7. With regards to the proposed residential annexe, this would measure approximately 7.5 metres in length, 6 metres in width and 4.5 metres in height. It would be located to the back of the rear garden very close to the shared boundary with no. 24 Ledbury Road. The presence of a residential outbuilding of this size would not be in keeping with the established development pattern on Ledbury Road meaning that the proposal would fail to respect the context of the appeal site and the surrounding area.
8. I note the appellant's point that the proposed annexe is required to meet the needs of a disabled elderly relative. However, I have no evidence before me to suggest that this would be the case.
9. Consequently, I conclude that the proposed development would cause material harm to the character and appearance of the local area. This would conflict with Policy LP16 of the PLP which aims to promote good design. It would also conflict with Policy LP34 of the PLP which aims to ensure that residential annexes do not harm local character. There would also be conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which requires good design.

Living Conditions

10. The proposed rear extension would cover the entire width of the appeal property and run along the shared boundaries with nos. 24 and 28 Ledbury Road. The first floor element would project approximately 4 metres to the rear and measure approximately 6.4 metres in height with the ground floor element projecting a further 4 metres to the rear with an approximate height of 3.4 metres. It would increase the scale, height and mass of the building projecting it further along the shared boundaries with adjoining properties which have windows to habitable rooms on their rear elevations.
11. Therefore, given its location, orientation and scale, I consider that it would cause a loss of light to the nearest first floor bedroom window of no. 28 and a loss of outlook from the nearest first floor bedroom window of no. 24 thereby creating a greater sense of enclosure for its occupiers.
12. Consequently, I conclude that the proposal would result in material harm to the living conditions of neighbouring occupiers in conflict with Policy LP17 of the PLP which aims to safeguard the amenities of existing and future occupiers. It would also conflict with paragraph 127 of the Framework which requires the creation of places 'with a high standard of amenity for existing and future users'.
13. Whilst, I note that there would be a gap of approximately 1.5 metres between the appeal property and no. 28 and 2.5 metres between the appeal property and no. 24 I do not consider this to be sufficient to mitigate the harm I have identified above.

Whether a separate dwelling

14. The proposed detached residential annexe would be located at the end of the garden to the rear of the appeal property and would consist of a lounge, bedroom and wetroom. It would not have a kitchen and whilst it would provide some primary facilities, it would be reasonable to assume that the occupant would eat their meals with the occupiers of the main dwelling.
15. It is also proposed that the annexe would be accessed via the main dwelling. However, there is a side gate that could potentially provide separate access to the annexe. In addition, whilst it is currently proposed that the garden/amenity space would be shared this could potentially be divided into separate areas at a future date.
16. In view of the above, I consider the accommodation does not, as a matter of fact and degree, constitute a separate unit of residential accommodation without any functional relationship with the main dwelling. It would be a residential annexe to the property. That relationship could also be secured by imposing a standard annexe planning condition.
17. In any event, it is not for me to determine this issue in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have this determined under section 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Other Matters

18. The appellant has raised concerns regarding the handling of the case by the Council, in relation to the perceived delay in the determination of the application and what is said to have been inconsistent advice received from officers. However, such matters are not of great relevance to my considerations under this s78 appeal. In any event, these matters would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.
19. I also note the points made by the appellant with regards to similar extensions in the area and the particular example of a similar two storey rear extension on the same street (which appears to be to no. 16 Ledbury Road not no. 18). However, I am not aware of the particular circumstances in those cases and so cannot be sure that they represent a direct parallel to the appeal scheme. In any event I have determined the appeal scheme on its own merits. The existence of other similar extensions in the locality does not outweigh the harm I have identified above.

Conclusion

20. I have found that the proposed annexe would not be an independent dwelling. Nevertheless, I have found that harm would arise to the character and appearance of the area and to the living conditions of neighbouring properties. They are the prevailing considerations in this instance. Consequently, for the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR