The Planning Inspectorate

Appeal Decision

Site visit made on 28 August 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/J0540/W/19/3225789
38 Grimshaw Road, Peterborough PE1 4ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Mr Mohammed Ulhaq against the decision of Peterborough City Council.
- The application Ref 18/01907/FUL, dated 7 November 2018, was refused by notice dated 25 February 2019.
- The development proposed is for the change of use of land at rear of garden from undefined to garden use and brick built outbuilding to store tools and garden equipment (retrospective).

Decision

1. I allow this appeal, and grant planning permission retrospectively for the change of use of land at the rear of the garden from undefined to garden use and brick built outbuilding to store tools and garden equipment at 38 Grimshaw Road, Peterborough PE1 4ET subject to the conditions in the attached Schedule.

Procedural Matter

2. I have amended the description of the development slightly from that on the original application form to that used by the Council in its decision to more properly reflect the proposal.

3. I noted during my site visit that the wall has already been erected and the outbuilding is also largely complete. For the avoidance of doubt, my decision on this planning appeal relates to the scheme as proposed in the planning application and not the development that has already taken place.

Main Issues

4. The main issues in the determination of this appeal are:

   - Whether the outbuilding and boundary wall would harm the character and appearance of area; and

   - Whether the outbuilding and boundary wall would harm the Grimshaw Road wildlife corridor.

Reasons

Character and Appearance

5. 38 Grimshaw Road is a post-war semi-detached brick-built property with a front driveway, and front and rear gardens. To the rear of many of the houses on the south side of Grimshaw Road, including the appeal property, are the extensive playing fields of the Thomas Deacon Academy. These playing fields are separated from the rear gardens of Grimshaw Road by a shallow ditch measuring about 1.5 metres in width. This shallow ditch is crossed by an L-shaped wall and outbuilding which are the focus of this planning appeal.

6. The outbuilding is constructed from red brick with a pitched roof of concrete tiles and measures approximately 4.5 metres in length, 3 metres in width and 3 metres in height. It is accessed by a UPVC door at the gable end which faces the rear of the semi-detached property. Part of the outbuilding lies across what was previously part of the boundary ditch referred to above.

7. The wall extends approximately 2 metres in length from the existing boundary with the neighbouring property (no. 36 Grimshaw Road) across the shallow ditch before turning at 90 degrees and continuing for about 8 metres where it joins with the gable end of the outbuilding furthest away from semi-detached house. It is approximately 1.5 metres in height. The short section of wall is made of a light red brick whilst the longer section is of a darker red brick.

8. During my visit I noted that there were a variety of materials used in the construction of boundary walls and outbuildings within the immediate vicinity of the appeal property. These included, for example, a wall of breeze block construction between no. 38 and 40 Grimshaw Road. For these reasons I conclude that the proposed development would not cause harm to the character and appearance of the area. I find that the proposal is consistent with Policy CS16 of the Peterborough Core Strategy (2011), Policy PP2 of the Peterborough Planning Policies Development Plan Document (DPD) (2012) and Policy LP16 of the draft Peterborough Local Plan 2016 to 2030 (DLP).

The Wildlife Corridor

9. I note from the officer's report that the shallow ditch has no local or national protective designation. For the record, I was not able to gain access to the school playing fields and so I have only been able to see the very short section of the ditch to the rear of the neighbouring property, no. 36. Thus, I am unable to make any proper assessment of the ditch's contribution to local ecology.

10. The Council's wildlife officer has expressed concern that the wall might act as a barrier blocking the movement of hedgehogs. However, he / she has also acknowledged that this issue can be resolved through removing some bricks to form gaps in the wall to allow these mammals to move without hindrance.

11. The appellant has responded by removing bricks to form two holes in the wall. I note that the Council's wildlife officer has still expressed concern about the height of the holes above ground level. I believe that this matter can be dealt with by an appropriate condition. Consequently, I have formed the view that the proposed development will not damage the wildlife corridor and is therefore consistent with DPD Policy PP16, DPD Policy PP19 and DLP Policy LP28.

Conclusions and Conditions

12. For the reasons given above and having had regard to the documents before me I find that the appeal should be allowed subject to the attached conditions. I have attached a condition requiring the development to be implemented in accordance with the approved plans to ensure certainty. I have also attached a condition requiring the creation of two holes within the wall to ensure wildlife protection. In addition, I have attached a condition requiring the implementation of a planting / landscaping scheme over 5 years to ensure continued mitigation. Finally, I have attached conditions preventing the creation of any windows in the brick building and the erection of any further outbuildings within the garden to protect the character and appearance of the area.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

   Location Plan 1:1250

   Existing and proposed block plans (Received 7 November 2018)

   Proposed elevation and floor plan (Received 7 November 2018)

   Wildlife and vegetation planting scheme (Received 12 November 2018)

2. Within one month of the date of this decision, a minimum of two holes shall be created at ground level through the retrospective walls, hereby permitted. One hole shall be created to the rear-most boundary wall, the second hold shall be created through the west-most boundary wall. Each hole created shall measure 150mm in height and measure 200mm wide. These holes shall be kept clear, be maintained and retained as such thereafter.

3. The planting scheme to the rear of site (Wildlife and Vegetation Planting Scheme (received 12 December 2018)), hereby permitted shall be planted before the end of the next available planting season and maintained thereafter. If any native plants die, get removed or become diseased within five years of the implementation of the scheme, the vegetation shall be replaced during the next available planting season by the applicant, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement vegetation that dies within five years of planting shall themselves be replaced with an equivalent size, number and species.

4. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or

without modification), no windows shall be fitted into any elevation of the outbuilding hereby permitted, unless expressly authorised by any future planning permission.

5. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no outbuildings other than the outbuilding hereby permitted, shall be constructed on the land changing use to garden, unless expressly authorised by any future planning permission.