
Appeal Decision

Site visit made on 5 November 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Appeal Ref: APP/J0540/W/19/3236492

155 Star Road, Eastgate, Peterborough PE1 5HG

- 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 Thorne Close Ltd against the decision of Peterborough City Council.
 - The application Ref 19/00178/FUL, dated 5 February 2019, was refused by notice dated 23 April 2019.
 - The development proposed is demolition of existing outbuilding and erection of new 1 Bedroom dwelling with garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the Council's first reason for refusal it makes reference to No 41 Amberley Slope. The Council has confirmed that this is a typographical error, as there is no such address near the site.
3. Since the Council determined the planning application, the Peterborough Local Plan 2016-2036 (PLP) was adopted on 24 July 2019. Consequently, the Peterborough Core Strategy Development Plan Document (2011), Site Allocations DPD (2012), Planning Policies DPD (2012) and City Centre DPD (2014) have been superseded. I have therefore determined the appeal on this basis.
4. The effect of the proposed development on the living conditions of the occupants of No 153 Star Road was not offered by the Council as a reason for refusal. However, the Council in their Officer Report stated that there would be harm to No 153. Given the proximity of the proposed development to No 153, I consider it to be a main issue within this appeal.

Main Issue

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of No 155 Star Road, with particular reference to light, outlook, noise and outdoor space;

- the living conditions of the occupants of No 153 Star Road, with particular reference to a sense of enclosure;
- the living conditions of the future occupants, with particular reference to noise, light, and outdoor space; and
- parking provision.

Reasons

Character and appearance

6. The appeal site forms part of the rear garden of No 155 Star Road. At the far end of the site there is a detached garage which fronts on to Buckle Street. No 155 is a 2-storey semi-detached property which lies in a predominantly residential area. Buckle Street is characterised by 2 storey terraced houses. Despite various alterations including painted wall colours, and the designs of windows and doors, there is a general uniformity to the character of the area due to the overall style, scale, form and features of the properties. Typically, the dwellings in Buckle Street face the road beyond small front gardens along a regular building line, which contributes to a linear pattern of development.
7. The rear garden of the new dwelling would be considerably smaller in comparison to the majority of surrounding properties, as would the remaining rear garden of No 155. The resultant layout would appear at odds with the more spacious layout generally found in the surrounding area.
8. The proposed dwelling would sit forward of the existing building line, similar to the siting of the garage found here at present, and would have a roof height lower than the other properties along Buckle Street. However, due to its overall size and innovative design, the development would appear as a stark and incongruous feature, which would be readily visible in the street scene and from a number of neighbouring properties. Thus, the proposal would appear at odds with the existing pattern and character of development.
9. Whilst the appellant argues that the existing garage is considered unsightly and its removal would improve this part of Buckle Street, this does not outweigh the harm that I have identified above. The appellant has also suggested that other modern developments have been approved in the local area, and has referred to a nearby appeal¹ and planning applications². I have had regard to the High Court Judgment referred to by the appellant, and acknowledge the importance of consistency in these matters. However, due to their size and location these other development schemes are not directly comparable to the appeal proposal, which I have determined on its own planning merits and within its own context. Thus, I afford these matters little weight.
10. For the above reasons the proposed development would harm the character and appearance of the area. Therefore, the proposal would be contrary to Policy LP16 of the PLP (2019). This policy, amongst other things, seeks development to respect the context of the site and surrounding area.

¹ APP/J0540/A/07/2050702

² Planning application references 18/00171/FUL and 19/00138/FUL.

Living conditions of the occupants of No 155 Star Road

11. The proposed development would be located west of the existing dwelling. The Council has suggested that given the separation distance between No 155 and the new house, the proposal would result in an unacceptable loss of light and outlook to the garden area of No 155. The appellant has provided shadow drawings, which show set times throughout the day and seasonal variations of the sun. They also acknowledge that the shadowing effect in the autumn would be the same as in the spring.
12. The Council has stated that in June and September at 4pm, a significant proportion of the garden would be covered in shadow. However, given the surrounding dwellings to the west, a large part of the garden is already covered by shadows. The effect of the proposed development would only increase the area that is shadowed in the June 4pm image by a minimal amount, and an area adjacent to No 155 would remain in sunlight. Therefore, I do not consider that the effects of the proposal would cause significant harm in this regard.
13. The proposal would bring built form much closer to No 155 than the existing garage at the bottom of the garden and the neighbouring dwellings on Buckle Street. It would also be greater in height than the existing garage and would adjoin the boundary of No 155. Thus, I consider that the new dwelling would be prominent from No 155 and would dominate the outlook from its rear garden. As such, the proposal would have an overbearing impact on this garden.
14. The Council has suggested that the close proximity of the 2 dwellings would result in noise nuisance to the occupants of No 155. However, the existing context of the area is of terraced and semi-detached properties, with adjacent gardens. In this environment some level of background noise would be expected. There is no evidence before me to suggest that this proposal would cause significant levels of noise to the detriment of the occupants of No 155. Therefore, I find no harm in this regard.
15. The proposed development would reduce the available outdoor space for No 155. The appellant suggests that the resultant garden space for No 155 would compare with others in the area. I acknowledge that the Council does not have any minimum size requirements for outdoor space. Notwithstanding the outdoor play area and park in the vicinity, the proposed garden for No 155 would be considerably smaller than the surrounding gardens in the area. Consequently, the lack of adequate private amenity space for normal outdoor domestic activities would be harmful to the living conditions of the occupants of No 155.
16. The proposed development would harm the living conditions of the occupants of No 155, with particular reference to outlook and outdoor space. Therefore, it would be contrary to Policy LP17 of the PLP. This policy seeks new development to not result in an unacceptable impact on the amenity of existing occupiers of any nearby properties.

Living conditions of the occupants of No 153 Star Road

17. I note the Council raised concerns over the living conditions of No 153 Star Road with particular reference to enclosure, due to the height and close

proximity of the southern boundary of the proposal. The proposed development would be higher than the existing garage and the positioning of the proposal would increase the width of built form in this area. Due to the existing dwelling on Buckle Street and the narrowness of the rear garden of No 153, the proposal would appear as a large expanse of brick wall at a relatively significant height. The combined width, height and proximity of the proposal to the neighbouring garden would create a sense of enclosure for the occupants when in the garden and would have an adverse impact on the living conditions of No 153.

18. For the reasons above the proposed development would harm the living conditions of the occupants of No 153, with particular reference to a sense of enclosure. Therefore, it would be contrary to Policy LP17 of the PLP. This policy seeks new development to not result in an unacceptable impact on the amenity of existing occupiers of any nearby properties.

Living conditions of the future occupants

19. The Council has suggested that the close proximity of the 2 dwellings would result in noise nuisance to the future occupants. However, I have no information before me to suggest that the future occupants of the proposed dwelling would be subject to any significant noise levels to the detriment of their living conditions. Therefore, I find no harm in this regard.
20. In terms of light, the shadow drawings submitted by the appellant show that the garden area of the proposed dwelling would have large portions of the outdoor space covered by shadow throughout the day. This is particularly noticeable during the spring, autumn and winter months. Although in the summer months the effect would be less pronounced, there are still large areas covered by shadows. I acknowledge that during warmer weather shade can be seen as a positive feature, nevertheless, the shadow drawings show that large parts of the outdoor areas would be overshadowed for long periods of the day, reducing the opportunities for direct sunlight.
21. The proposed development would have a garden area measuring approximately 20 metres squared. The appellant has noted that this would allow doors and windows to open out and would provide space for seating and planting. As noted above, the Council does not have any minimum size requirements for outdoor space and there is a play area near the property. Nevertheless, the proposed roof garden would be considerably smaller than the surrounding gardens in the area.
22. I acknowledge that the proposal is not for a family home and that some apartments do not have any outdoor space. However, where it is provided, the private outdoor space needs to be of an adequate size for day-to-day outdoor activities, and the associated garden paraphernalia for the occupants. In my judgement it would not be an adequate size for day-to-day outdoor activities and garden paraphernalia, and would harm the living conditions of the future occupants. Whilst I note the park area nearby, it is not readily accessible or private, and it is unlikely that the future occupants would utilise this area as alternative amenity space.
23. The appellant has suggested the dwelling would offer a unique opportunity for a single person or couple who would like a one-bedroom home that has more private space outside than other properties of this size. However, I have not

been provided with substantive evidence to suggest there is a demand for this in the area, as such I afford this matter limited weight.

24. Consequently, the proposed dwelling would harm the living condition of the future occupants, with particular reference to light and outdoor space. Therefore, it would be contrary to Policy LP17 of the PLP. This policy seeks new development to be designed and located to ensure that the needs of future occupiers are provided for.

Parking provision

25. Due to the lack of a dropped kerb and parking bays being situated in front of the existing garage door, the parties agree that the existing garage cannot be considered as being a formal parking area for No 155. I concur with this view; therefore, the appeal proposal does not result in the loss of parking provision for No 155. However, the proposed development would need to provide appropriate parking provision for the future occupants.
26. The properties on Buckle Street do not have driveways to the front, and the road has restricted parking bays for resident permit holders. The Council have suggested the proposed development, being a one-bedroom dwelling, would require one vehicular parking space. The Council have stated that the garage area is not deep enough to adequately park a vehicle inside, and use of the garage would also, as a consequence, result in the loss of on-street parking.
27. Policy LP13 (Appendix C) of the PLP states that 20 metres squared of internal space is required to qualify as a formal parking space. The appellant has suggested that the proposal meets this requirement, therefore, it would comply with this part of the policy. They have also provided examples of the types of cars that could feasibly fit inside the garage.
28. The appellant has provided other approved planning applications where full compliance of the Council's parking standard was not met and parking surveys not required. The appellant has also provided a nearby appeal decision³ where the proposal was deemed to have no materially harmful effect on highway safety or on-street parking. Whilst I acknowledge the findings of the appeal, it was some time ago and does not necessarily mean that parking provision for this proposal would be adequate. In any case I must assess the proposal before me on its own merits.
29. On my site visit, although only a snap shot of the parking situation, there did not appear to be a lack of available spaces around the area. The Highways Technical Note⁴ provided by the appellant shows that a large proportion of the households in the area have either no car, or only one car. In addition, the Council's current allowance is for up to 3 parking permits for houses in this area. Therefore, it is unlikely that households in the immediate area would utilise all of the permits available to them. Even if the future occupants had a large car or the occupants had more than one car, then the requirement for an additional space on the road is unlikely to have a significant effect on the current availability of on-street parking. Therefore, I have no substantive evidence before me to demonstrate that sufficient parking would not be likely to be available on site or in nearby streets.

³ APP/J0540/W/15/3129761

⁴ Technical Note – 155 Star Road, Peterborough Highways Response – KMC Transport Planning (February 2019)

30. For the reasons set out above, the proposed development would have an acceptable effect on parking provision in the area. Therefore, this would accord with Policy LP13 of the PLP. This policy seeks new development to make appropriate provision for the transport needs that it will create.

Other Matters

31. The appellant suggests that the proposal would help to meet the windfall housing target within the PLP and would be on brownfield land. As well as it being within walking distance of the City centre. The appellant states that it would reduce the need for housing on greenfield land and in other less sustainable locations. Although windfall targets are within the PLP, this is not a sole determinative factor. Moreover, any environmental benefits, such as providing a rooftop garden, electric charging points, facilities within walking distance and bicycle parking spaces would be limited given that the proposal is only for a one-bedroom property. I acknowledge that the design incorporates the opportunity to install mobility aids to meet the future needs of its occupants, and sustainable materials would be used in its construction. However, these measures, together with the benefit of providing one new dwelling in this location, would not outweigh the harm which I have identified above.

Conclusion

32. For the reasons set out above, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR