



Appeal Decision

Site visit made on 3 December 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/J0540/W/19/3237132

The Bungalow, Buntings Lane, Stanground, Peterborough PE7 3BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Barsby against the decision of Peterborough City Council.
 - The application Ref 18/02189/OUT, dated 21 December 2018, was approved on 8 April 2019 and planning permission was granted subject to conditions.
 - The development permitted is erection of a single storey dwelling to rear of The Bungalow (access only, all other matters reserved).
 - The condition in dispute is No 12 which states that: The plans and particulars to be submitted under Condition 1 shall show a single storey dwelling only.
 - The reason given for the condition is: In the interest of protecting amenity of adjoining occupiers, in accordance with Policy.
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Decision

1. The appeal is allowed and the planning permission Ref 18/02189/OUT for the erection of a single storey dwelling to rear of The Bungalow (access only, all other matters reserved), at The Bungalow, Buntings Lane, Stanground, Peterborough PE7 3BS, granted on 8 April 2019 by Peterborough City Council, is varied, by deleting condition No 12.

Background and Main Issue

2. The description of development permitted, as outlined on the Council's decision notice, differs to that provided on the planning application. The appellant applied for a "3 bedroom, 1.5 storey dwelling". Without having obtained the agreement of the appellant, the Council changed the description on its decision notice to "Erection of a single storey dwelling to rear of The Bungalow (access only, all other matters reserved)". I appreciate this is not what the applicant applied for. However, within the scope of this appeal I cannot alter the description of the development that has been permitted.
3. Bearing in mind what was applied for, the appellant now seeks to vary or remove condition 12 attached to the permission, as the condition restricts the details to be submitted with a reserved matters application to a single-storey dwelling only. The appellant considers that an acceptable alternative 1.5 storey dwelling could be designed within the constraints of the site.
4. The permission granted is for outline planning permission with all matters reserved, except for access. Hence, scale, layout, appearance and landscaping are all matters for which approval is still required, via submission of a reserved matters application. The Council will have the opportunity at that stage to

assess such details. I note that the appellant has suggested in their statement that the indicative plans submitted align with their wishes for the site. For the avoidance of doubt, this permission does not grant approval of the indicative scheme submitted.

5. Within this context, and taking account of the reason given for the condition, the main issue is whether the condition is reasonable or necessary in order to protect the living conditions of occupiers of the neighbouring dwelling No 27 The Stables in respect of outlook and privacy.

Reasons

6. The site comprises the rear end of the rear garden of 'The Bungalow', along with a strip of land to the side of the property to be used for access. The site is bounded by trees along the eastern boundary around 3 to 5 m high, a fence along the southern boundary and a fence and hedge along the western boundary all approximately 2 m high. The site is located within a predominantly residential area.
7. There is a detached dwelling, No 27 The Stables, immediately beyond the southern boundary of the site, orientated such that a gable end of the property faces the site. There are no windows in this gable end, though I note there are 2 sky-lights in the northern-facing roof slope. However, these are positioned and angled such that a dwelling suitably sited within the site would not harm their outlook or privacy. The north-western corner of the plot of No 27 comprises parking for that dwelling. Beyond part of the southern boundary of the site is outdoor amenity space of No 27. This would not necessarily be dominated by a dwelling on the site provided it was suitably sited and the eaves were at a modest level.
8. Given the circumstances of the site as described above, and subject to details of layout, scale and appearance, I conclude that a dwelling of more than one storey could be accommodated within the site without harming the living conditions of the existing occupants of No 27 The Stables, with particular regard to outlook and privacy. Therefore, I do not think it is necessary or reasonable for condition 12 to be attached to the permission, taking into account the advice within the National Planning Policy Framework and the Planning Practice Guidance on the use of planning conditions.
9. In light of the above, the proposed development would accord with Policy LP17 of the Peterborough Local Plan 2016-2036 (July 2019), which seeks to protect the amenities, such as outlook and privacy, of existing and future occupiers.

Other Matters

10. The host dwelling is a bungalow, No 27 The Stables has 2 floor levels, all-be-it with one in the roof space, dwellings being constructed on the adjacent residential development site are two-storey and the properties on Peterborough Road comprise a mix of single, one-and-a-half and two-storey dwellings, of varying architectural styles and sizes. Within this context I consider that a dwelling of more than a single-storey could be accommodated within the site without adversely affecting the character and appearance of the area.
11. Concerns have been raised by occupants of properties on Peterborough Road. However, given their significant distance from the western boundary of the site, I consider that a dwelling of more than a single-storey could be

accommodated within the site without harming the living conditions of occupants of properties on Peterborough Road.

12. As noted, the land west of the site is currently being developed for residential use. The dwelling nearest to the western boundary of the site is orientated such that a side gable faces the site, which has a small window in it at first-floor level. The Council has not raised any concerns regarding the potential relationship of the proposal with this window and I have no justifiable reason to do so either. The rear elevation of the host property faces the northern boundary of the site and it has a habitable room window in it. However, I consider it to be a sufficient distance from the proposed northern boundary of the site to ensure the living conditions of existing occupants of 'The Bungalow' are not harmed.
13. Given that details of layout, scale, appearance and landscaping are all matters to be subsequently determined, I consider that a dwelling of more than a single-storey could be accommodated within the site providing satisfactory living conditions for prospective occupiers.

Conclusion

14. For the reasons outlined above, the appeal is allowed, and the planning permission is varied by deleting condition No 12.

J Williamson
INSPECTOR