



Appeal Decision

Site visit made on 15 September 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2020

Appeal Ref: APP/J0540/W/20/3255684

2 Moggs Well Lane, Orton Longueville, Peterborough PE2 7DS

- 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 Dierdre Hardy against the decision of Peterborough City Council.
 - The application Ref 19/01870/OUT, dated 10 December 2019, was approved on 28 February 2020 and planning permission was granted subject to conditions.
 - The development permitted is outline application for proposed bungalow with all matters reserved.
 - The condition in dispute is No 7 which states that: The details of the dwellinghouse to be submitted under condition C1 above shall be of a single storey building with no habitable living accommodation above ground floor level. No more than 1 bedroom shall be included within the dwelling hereby permitted.
 - The reason given for the condition is: In the interests of the development approved as well as to retain an acceptable level of amenity to surrounding neighbours, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).
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Decision

1. The appeal is allowed and the planning permission Ref 19/01870/OUT for outline application for proposed bungalow with all matters reserved at 2 Moggs Well Lane, Orton Longueville, Peterborough PE2 7DS granted on 28 February 2020, is varied by deleting condition 7.

Application for costs

2. An application for costs was made by Mrs Dierdre Hardy against Peterborough City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appellant's agent has confirmed the correct spellings of the appellant's name and the site address and I have included these in the above heading. The appeal forms also indicated that the appellant intended to submit a planning obligation, however the agent has confirmed that this is not the case.
4. The planning permission is in outline form with all matters reserved. Therefore, the size and layout of the proposed bungalow and its associated access are indicative only for the purposes of my assessment.

Background and Main Issue

5. The outline planning permission for a bungalow on the appeal site is subject to a series of conditions. The appellant considers that condition 7 is unreasonable

and seeks its removal. The reason given for condition 7 includes the words 'In the interests of the development approved'. I am not entirely certain what this means. The reason also refers to the need to retain an acceptable level of amenity to surrounding neighbours and references both policies LP16 (Urban Design and the Public Realm) and LP17 (Amenity Provision) of the Peterborough Local Plan (2019) (LP). Policy LP16 is principally concerned with ensuring all development proposals positively contribute to the character and local distinctiveness of the area.

6. Taking the above matters into consideration, the main issue is whether condition 7 is reasonable and necessary having regard to the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions for occupiers of neighbouring properties.

Reasons

7. In granting outline planning permission, the Council has accepted that, in principle, a bungalow could be accommodated on the site without any material harm to the character and appearance of the area and neighbouring living conditions. From what I saw on site, I find no reason to conclude differently. All matters of detail have been reserved for subsequent approval.
8. The appellant suggests that first floor rooms could be incorporated into a chalet bungalow design with no windows facing properties on Mary Armyne Road. It is for them to demonstrate through the submission of detailed plans whether or not first floor accommodation or more than one bedroom could be incorporated into the bungalow without compromising its design and the relationship with the character and appearance of the area. Any design would also need to ensure that acceptable levels of outlook, light and privacy for occupiers of neighbouring properties would be retained. The removal of condition 7 would not preclude the Council from assessing these elements of the scheme at the reserved matters stage.
9. To conclude, ensuring the precise design of the bungalow positively responds to the character and appearance of the area and protects neighbouring living conditions are matters of detail to be assessed under the reserved matters of scale, appearance and layout. Condition 7 is therefore unnecessary and should be removed.

Other Matters

10. The Council's statement suggests that it was necessary to restrict the number of bedrooms to maintain a functional and physical relationship between the two dwellings. However, there are no conditions or planning obligations stipulating that the approved bungalow should only be used in connection with the existing dwelling at No 2 Moggswell Lane. Given the planning approval relates to an independent dwelling, whether or not the accommodation would be utilised by a dependant family member is immaterial and does not alter my conclusions under the main issue.
11. I note the concerns raised by interested parties. In addition to matters covered under the main issue, I am not persuaded that the potential for any increase in noise and activity relating to the domestic use of a bungalow would be likely to

have a material effect within the existing residential surroundings. Any noise associated with construction would be likely to be short term and there are controls outside planning legislation where required. There is no substantive evidence before me to suggest the site is in an area with any pre-existing drainage issues and details of drainage can be provided at the reserved matters stage once the final layout is known. The Council has attached a condition to ensure suitable protection of trees on the site. This in turn would also assist in the protection of potential habitats. It is also unlikely that a single dwelling would have a significant impact on traffic levels in the area. In respect of the potential effect of the development on property values, this is not a material planning consideration in this instance.

Conclusion

12. For the reasons set out, the appeal is allowed and condition 7 should be removed.

M Russell

INSPECTOR