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## Appeal Decision

Site visit made on 26 October 2020

**by Alison Partington BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> November 2020**

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**Appeal Ref: APP/J0540/D/20/3257365**

**3 Tennyson Road, Peterborough, Cambridgeshire PE1 3JD**

- 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 David Chandler against the decision of Peterborough City Council.
  - The application Ref 20/00068/HHFUL, dated 9 January 2020, was refused by notice dated 13 July 2020.
  - The development proposed is described as a “first floor side extension and two storey rear extension”.
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### Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension and a part single storey and part two storey rear extension at 3 Tennyson Road, Peterborough, Cambridgeshire PE1 3JD in accordance with the terms of the application, Ref 20/00068/HHFUL, dated 9 January 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No 3TR-SLPA; Existing Elevations and Floor Plans Drawing No 3TR-EXTG1; Proposed Floor Plans Drawing No 3TR-PROFP1F Rev F; and Proposed Elevations Drawing No 3TR-PRELf.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) The windows on the flank elevations of the two storey rear extension shall be fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the rooms in which they are installed shall be capable of being opened. The windows shall be retained as such thereafter.
  - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the flank elevations of the development hereby permitted, other than those expressly authorised by this permission.

## **Procedural Matters**

2. The adjacent occupiers have suggested that the extension would encroach onto land in their ownership. However, I can see no reason why an approval of planning permission would negate or supersede any private legal rights relating to land ownership. Accordingly, in this respect I have made my decision only on the planning merits of the case.
3. The proposal was revised prior to its determination by the Council and so I have revised the description of the development in my formal decision to reflect this.

## **Main Issue**

4. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of No 5 Tennyson Road with particular regard to outlook.

## **Reasons**

5. The appeal property is a semi-detached house with a single storey garage and utility room at the side that abuts the common boundary with No 5. At the rear the utility room projects beyond the main rear elevation of the house. A first floor extension is proposed at the side of the house as well as a part single storey and part two storey extension at the rear.
6. The first floor side extension would extend as far as the main rear elevation of the host property. The side elevation of No 5 only contains one small window. As the rear elevation of No 5 is set back slightly in relation to No 3 the extension would extend slightly beyond this but not to the extent that it would have a detrimental impact on the occupiers of this adjacent house.
7. Whilst at ground floor level the rear extension would extend virtually the full width of the plot, the two storey part would be set in from the boundary with each neighbouring property. The rear elevation of No 5 contains two habitable room windows at first floor and 2 French windows at the ground floor that provide access to the garden and a seating area. The extension would be visible from the closest windows at both ground and first floor. However, views would only be possible at an acute angle and so it would not have an unacceptable impact on the outlook from these windows.
8. The rear extension would be more noticeable from the rear garden of No 5. From my observations of the impact of the existing garage / utility room at No 3 on the garden of this neighbouring property, I am satisfied that, although projecting slightly further, the single storey element of the rear extension would not have an overbearing impact on this garden. Furthermore, given the distance the two storey element would be set in from the boundary, it would not be oppressive or create an unneighbourly sense of enclosure to this garden.
9. Consequently, I consider that the proposed development would not unacceptably harm the living conditions of the occupiers of No 5 Tennyson Road with particular regard to outlook. Thus, it would not conflict with Policy LP17 of the *Peterborough Local Plan 2016 – 2036 (adopted July 2019)* which seeks to ensure that developments do not result in unacceptable impacts on the amenity of existing occupiers.

## **Conclusion and Conditions**

10. For the reasons set out above, I conclude the appeal should be allowed.
11. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the extension. In order to protect the privacy of neighbouring residents it is necessary to ensure the obscure glazing of the side facing windows and to remove permitted development rights regarding additional windows.

*Alison Partington*

INSPECTOR