



Appeal Decision

Site visit made on 9 November 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/J0540/W/20/3257438

37 Bradwell Road, Netherton, Peterborough, PE3 9PY

- 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 James Wollerton against the decision of Peterborough City Council.
 - The application Ref 19/01763/FUL, dated 25 November 2019 was refused by notice dated 10 February 2020.
 - The development proposed is described as "proposed construction of a single storey dwelling on land to the side of the existing dwelling"
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues are the effect of the development on (i) the character and appearance of the host dwelling and the surrounding area; and (ii) the living conditions of the neighbouring residents of No. 37 Bradwell Road with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

4. The appeal site is situated in the residential Bradwell Road and comprises the gardens to the bungalow dwelling at No. 37. The wider estate is made up predominantly of two storey detached dwellings of a 1970s style but the appeal property is one of eight more recently constructed bungalows that are separated from surrounding properties by mature hedging. The bungalow is therefore experienced primarily as part of this standalone group, rather than in the context of the wider estate. Although not identical, there is a clear and intentional consistency in design and form among this group, which contributes positively to the immediate character.
5. No. 37 differs slightly as the corner dwelling, with a different shape and orientation. Nonetheless it follows the somewhat consistent building line along the shared

access road and driveways set back from the highway which, coupled with the similarity in design, ensures it remains a cohesive part of the overall group aesthetic. The general feel is a low density layout with dwellings in spacious plots. In effect No. 37 is the first in the line of bungalows and marks the transition between the older estate. The garden to the side is particularly prominent on account of its position with Bradwell Road running to the front and the pedestrian and cycleway running to the rear.

6. The proposal relates to the erection of a single storey dwelling at the appeal site. It would sit forward of the other dwellings in this group which, although running with the curve of Bradwell Road, would notably break the intentional building line and fail to replicate the significant setback of the properties from the highway. A separate access would also be created in the hedging to serve the proposal from Bradwell Road, which would disrupt the carefully planned nature of this group of dwellings. It is currently defined by the feeling of a private, standalone section of the estate as a result of the hedging surrounding the properties, broken only by the singular shared access road to the houses. The new access and additional gap would significantly reduce this feeling, and therefore fail to respond sensitively to the nature and pattern of development in the immediate setting.
7. The rear garden at No. 37 is larger than the others in this group. It is acknowledged that it would have a similar footprint to site area ratio of neighbouring plots, but the triangular shape of the site would result in a contrived and awkward layout that is at odds with the form and appearance of the other dwellings. The dwelling would be uncharacteristically close to the boundaries of the site and the available garden space would have limited depth. Therefore, although the plot ratio may be similar in mathematical terms, in visual terms, the dwelling would appear extremely cramped on the plot.
8. Furthermore, the proposal differs from the neighbouring properties in terms of design, most notably due to the roof, which is of a different pitch and manufactured from zinc and sedum. The intentional high level of consistency in terms of appearance and materials that is a key characteristic of this group of dwellings would not be replicated or respected by the contemporary design of the proposal which, in the current setting, would appear incongruous. Views of the proposal would be somewhat limited by its smaller height, including a subsidiary element designed to reduce overall massing. Screening would also be provided by the hedging, against which the larch cladding would also blend in. However, those measures would not be entirely successful in mitigating the visual impact on this prominent corner plot. From certain viewpoints it would still be experienced alongside the remainder of the group, against which it would appear out of place. Similarly, in order to maintain a usable garden space for any future occupants, the boundary hedging would be likely to be maintained at a height that would limit overshadowing and the upper section of the dwelling would be likely to remain visible in the surrounding street scene.
9. For all of those reasons I find that the development has a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. Accordingly, it fails to comply with Policy LP16 of the Peterborough Local Plan 2016 – 2036, adopted July 2019.

Living Conditions

10. It is agreed between the parties that as a result of the separation distance and single storey height of the proposed dwelling, it would not be adversely

overbearing on the residents of No. 37. Following my site visit and having regard to all information submitted I have no reason to conclude otherwise.

11. However, a 1.8 metre high fence would be installed along the boundary in order to screen views of the proposal from No. 37. While it is acknowledged that the scheme would include the remodelling of No 37 by removing the existing conservatory and relocating the patio doors, the windows along the north-west facing wall would remain.
12. The outlook from this remaining window would inevitably be changed by the proposal. While the window is small, the height and proximity of the fencing would appear as an overbearing feature from this viewpoint. This, coupled with the complete removal of the current outlook from this room towards the long, rear gardens of the property, which is replaced by side views of much smaller areas of garden space, would create an oppressive outlook for the occupiers of No. 37.
13. For those reasons I find that the development has a significantly adverse visual effect on the living conditions of the neighbouring occupiers of No. 37 Bradwell Road, with particular regard to outlook. Accordingly, it fails to comply with Policy LP17 of the Peterborough Local Plan 2016 – 2036, adopted July 2019.

Other matters

14. Certain benefits of the proposal have been raised, including its sustainability and contribution to custom build and self-build homes in the area. While such benefits are acknowledged, the use of such technology is relatively common in the current climate and the environmental benefit of a single passive house dwelling does not therefore attract sufficient weight in planning terms to override the harm that would arise.
15. The appellant has stated that under permitted development (PD) rights buildings could be erected covering 50% of the total area of the appeal site with differing proportions and styles. However, no plans depicting that have been provided and, on the information provided, there is no greater than a theoretical possibility that such development would take place. In any event, it is the form and position of the current proposals that together result in harm to the host dwelling. As the cited fallback positions would not replicate a building of the same dimensions as the proposal, limited weight is attached to this argument.

Conclusion and Recommendation

16. Having had regard to all matters raised, I recommend that the appeal is dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR