



Appeal Decision

Site visit made on 14 December 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Appeal Ref: APP/J0540/W/20/3258288

49 Garton End Road, Peterborough PE1 4EW

- 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 Dawat E Islami UK against the decision of Peterborough City Council.
 - The application Ref 20/00678/FUL, dated 1 June 2020, was refused by notice dated 22 July 2020.
 - The development proposed is the change of use to after school teaching facility including widening of existing accesses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposed development would allow for the safe and efficient operation of the highway network in the vicinity of the appeal site and (ii) the impact upon the living conditions of the occupiers of adjacent dwellings.

Reasons

Highway network

3. The proposed development would provide facilities for up to 25 children to attend at any one time, with two teaching periods being proposed each day. Whilst it is likely that some children would arrive at the site and leave by means other than private motor vehicle, potentially there could be a substantial number of trips to and from the appeal site associated with the dropping off and picking up of children by vehicle. A drop off area would be provided to the frontage of the property, however this would only allow for a very limited number of vehicles to stand clear of the public highway at any one time.
4. At the time of my site visit on a weekday morning, Garton End Road was heavily parked with vehicles. There was limited space to park or wait on the road close to the appeal site, due to the parked cars and sections of the road where double yellow lines or accesses are present. It is reasonable to surmise that during evenings and weekends the pressure for parking in the area surrounding the appeal site would be no less than that during the day, given the predominantly residential nature of the surrounding area and given that many dwellings have a reliance on on-street parking.

5. Therefore, at the times during which the proposed use would take place, there would be limited options for parents to park or wait near to the appeal property and it is likely that they would instead queue along the public highway to enter the drop off area on its frontage. This would cause conflict with other users of Garton End Road and result in significant harm to the safe and efficient operation of the highway network in the vicinity of the appeal site.
6. Whilst vehicle movements to the staff parking area would not be likely to be frequent, they would need to utilise the narrow Queen Charlotte Mews driveway. As two vehicles cannot pass on the driveway, there is potential that a vehicle entering the site would need to reverse back out onto Garton End Road or that it would become stranded in the carriageway whilst trying to turn in, if it encountered a vehicle trying to exit. Although such a conflict may not occur often, it would add to the harm that I have already identified.
7. The appellant has suggested that a communal pick up and drop off service could be provided to reduce the number of individual trips that would need to be made and that this could be a requirement of allowing children to enrol at the teaching facility. It is also proposed that secure cycle storage would be provided for the children on site. However, a requirement that children cannot arrive by a private motor vehicle could not in my view be subject to a planning condition that would be enforceable, and therefore such a condition would not meet the tests set out in paragraph 55 of the National Planning Policy Framework.
8. The appellant also suggests that all children would be based locally and could walk to and from the site, and they point to representations which have been made by interested parties in this regard. However, this too would not be enforceable by a planning condition and therefore again there would be no mechanism to ensure that children did not instead arrive and leave by private motor vehicle.
9. For these reasons, I conclude that, due to the number and frequency of vehicle movements that would arise and due to the characteristics of the appeal site, the appeal proposal would cause significant harm to the safe and efficient operation of the highway network in the vicinity of the appeal site. Consequently, the proposal would conflict with Policy LP13 of the Peterborough Local Plan 2019 (LP), where it seeks to ensure that safe access is provided to and from developments.

Living conditions

10. The proposed hours during which classes would take place are 16:00-17:45 and 18:15-20:00 on Mondays to Fridays and 10:00-11:15 and 11:45 -13:00 on Saturdays and Sundays. Whilst these times do not extend late into the evening, they include times outside of traditional working hours and at weekends where people are more likely to be at home. As I have established, the number of movements to and from the site in association with the dropping off and picking up of children would potentially be substantial.
11. There would be noise generated from vehicle movements to and from the site and also from inside the building due to the number of students that would be present, especially during warmer months when it would be necessary to open windows. Due to the close relationship between the appeal building and the

adjacent dwellings, in particular 57 Garton End Road and 1 Queen Charlotte Mews, the noise and disturbance generated by the proposed use and the movements associated with it would cause significant harm to the living conditions of the occupiers of the adjacent dwellings.

12. The appeal property also has a rear garden area which is in close proximity to both No 57 and No 1. The use of this garden by children attending the property would be likely to generate a level of noise that would cause harm to the living conditions of the occupiers of these adjacent dwellings. Whilst the appellant states that this area would not be used by children, there would be likely to be pressure to use the outdoor space that is available, especially during periods of warmer weather. I am not persuaded that this could be successfully prevented and controlled by a planning condition that would meet the tests of being both enforceable and reasonable.
13. For these reasons, I conclude that the proposal would cause significant harm to the living conditions of the occupiers of the adjacent dwellings. The proposal would therefore fail to accord with Policy LP17 of the LP where it seeks to protect the living conditions of the existing occupiers of nearby properties.

Other Matters

14. The appellant suggests that permission could be granted for a temporary period to allow for the proposal to operate and for its impacts to be monitored. However, the impacts I have identified are clear and they would cause significant harm for the reasons I have outlined. Therefore, it would not be appropriate in this instance to grant a temporary permission.
15. I note that a substantial number of representations have been made in support of the proposal and that there were no objections received from members of the public. I also acknowledge that the proposal would provide a community facility. However, these considerations do not justify a development which would cause the degree of harm that I have found.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR