



Appeal Decision

Site Visit made on 16 February 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/J0540/W/20/3263202

336 Oundle Road, Woodston, Peterborough, PE2 9QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jeffery Gunn against the decision of Peterborough City Council.
 - The application Ref 20/00808/OUT, dated 28 June 2020, was refused by notice dated 20 October 2020.
 - The development proposed is to Construct a new driveway 10m long x 5.5m wide at the front of the existing house, Demolish the existing garage, Construct a new driveway along the western boundary and turning east past the existing tree to access the proposed garages, Build 2 new garages in the rear garden on the eastern boundary (1 garage for the existing house and 1 for the proposed dwelling), Construct a turning area towards the western boundary enable all vehicles to leave the site in forward gear, Build a new 3 bedroom dwelling at the south end of the site.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline form with approval being sought in relation to the matters of access and layout. The matters of appearance, scale and landscaping are reserved for later consideration. Therefore, I have assessed the appeal based upon the plans that have been submitted, where they refer to those matters for which approval was sought.

Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the area, (ii) whether the proposed development would provide an access which would allow for the safe and efficient operation of the highway network in the vicinity of the appeal site and (iii) the effect of the proposed development on the living conditions of the occupiers of adjacent dwellings.

Reasons

Character and appearance

4. The appeal site is positioned to the rear of the existing dwellings which front onto Oundle Road. An access road to the adjoining industrial estate runs along the side boundary and to the rear of the site there is a recently constructed housing estate. The rear garden areas of the dwellings immediately adjacent to the site are devoid of any structures of substantial scale, with only domestic

- outbuildings present. Existing dwellings in the area generally have a frontage onto a public highway.
5. The proposal would introduce a dwelling into a backland location behind the existing dwellings that face onto Oundle Road. Although the recent housing estate to the rear means that the surrounding area is fairly densely developed, the positioning of the appeal proposal would appear uncharacteristic and incongruous in its surroundings. It would not have a frontage onto a public highway and would be accessed via a single width driveway that would run to the side of 336 Oundle Road. Neither arrangement would be in keeping with the prevailing pattern of settlement in the area. As a result, it would cause significant harm to the character and appearance of the area.
 6. Whilst scale is a reserved matter, the associated submissions suggest that the proposal is for a one and a half storey dwelling to address concerns regarding the impact on the living conditions of the occupiers of adjacent dwellings. This too would not be characteristic of the immediate surroundings of the appeal site, which is predominantly two storey dwellings. Although there are single storey buildings present in the locality, in particular at the entrance to the adjacent industrial estate, the context in which the proposal would sit would be two storey dwellings. Even if the proposed dwelling were to be two storeys, this would not overcome the harm from the positioning of the proposal in this particular backland location.
 7. There are examples of dwellings that have been constructed to the rear of existing dwellings in the wider area. Whilst the dwellings to the rear of 318 and 320 Oundle Road occupy a backland position, they are two storey dwellings accessed by a relatively wide driveway which runs between Nos 318 and 320. They integrate well into the surroundings by reason of their two-storey height and now sit in a similar line to the dwelling at 1 Buttercream Drive, when viewed from the entrance road to the newly built housing estate.
 8. No 1 Buttercream Drive itself has a road frontage which differentiates it from the appeal proposal, and it is laid out as an integral part of the new housing estate. 405 Oundle Road is some distance from the appeal site and too has a road frontage. There are a number of outbuildings present in the area, some of which occupy a prominent position when viewed from Buttercream Drive, but they are not comparable in size to that of a dwelling. Therefore, none of these other examples provide justification for the appeal development.
 9. Although the appeal site is not within a conservation area or have any other designation which defines local character, this does not justify a harmful development. The site is also well screened from many public vantage points by existing structures and landscaping, however it would be visible from adjacent dwellings and ultimately by reason of its location it would not integrate well into the surrounding pattern of settlement.
 10. I therefore conclude that the proposed development would cause significant harm to the character and appearance of the area by reason of its backland positioning. There would also be harm if the proposal was to be brought forward as a one and a half storey dwelling or less. Consequently, the proposal fails to accord with Policy LP16 of the Peterborough Local Plan 2019 (LP), where it seeks to protect the character and appearance of areas.

Highway network

11. At the present time, the parking for No 336 is provided on its frontage. It is unclear from the information before me as to whether it is possible to turn a vehicle in this area, but from my own visual observations there would be limited space to do so. It would appear probable therefore that drivers of vehicles leaving No 336 would seek instead to reverse back out onto the public highway. Oundle Road is a busy main road with heavy traffic flows and furthermore access to the appeal site is located immediately adjacent to the access road to the industrial estate, on the radius to its junction.
12. The proposed development would make provision for vehicles from both No 336 and the proposed dwelling to leave the site in a forward gear. Whilst it is not possible to provide the required pedestrian visibility splays within the appeal site, the current depth of the highway verge means that pedestrians would be unlikely to be walking close to the side of the access that would be widened. To the other side, pedestrians walking on the footpath from the industrial estate would be able to anticipate cars that were about to leave the appeal site due to the alignment and orientation of the pavement.
13. There would be a benefit arising from the proposal in that all vehicles could leave in a forward gear. An existing situation where vehicles have to wait on the highway for an exiting vehicle to reverse out may also exist but both vehicles would be associated with the same dwelling, making any conflict easier to manage. The benefit arising from being able to leave in a forward gear would however be offset by the harm that would arise from the intensification of movements from the access, in particular given its presence on the radius for the access to the industrial estate. Accordingly, there would not be an overall benefit arising from the proposal which would justify it in highway safety terms.
14. Furthermore, in order for two cars to stand off the carriageway of the public highway, a section of the existing highway verge would need to be removed to allow the access to be widened. This area is outside of the red line planning application site area and is not shown to be within the ownership of the appellant. Therefore, there is nothing before me to suggest that the access proposals shown on the submitted plans could ultimately be achieved, or if they were to be achieved that they could be retained by the appellant as such in the future. Therefore, I am not certain that provision could be made to allow for passing vehicles to stand off the main carriageway of Oundle Road in the way that is proposed.
15. Manual for Streets refers to the possibility of highway authorities taking a cautious approach to more innovative designs, or designs that are at variance with established practice, in case they occur a liability in the event of damage or injury. However, there is nothing substantive before me to suggest that the consultation responses from the highway authority are based upon a concern about liability.
16. If provision could be secured for the proposals on the submitted plans, this would achieve a reasonable solution to a scenario when vehicles were seeking to leave and enter the site at the same time. Pedestrian visibility would also be acceptable in the context of the site and its immediate surroundings. However, as it has not been demonstrated that the proposed access could be provided and then retained in the future, and as there would be harm arising from the

intensification of movements to and from the appeal site which would not adequately offset the benefits arising from vehicles being able to leave in a forward gear, the proposal would not accord with Policy LP13 of the LP where it seeks to ensure that accesses allow for the safe and efficient operation of the highway network.

Living conditions

17. Although it is suggested that the proposal would be a one and a half storey dwelling, as the matters of scale and appearance have been reserved for later consideration, full details have not been provided to demonstrate how the proposed dwelling would integrate with respect to its relationship to the existing dwellings in the vicinity and its impact on the living conditions of their occupiers.
18. However, the layout plan shows the positioning of the dwelling which is a matter that is not reserved, and this adequately indicates that the positioning of the proposal could be accommodated in a manner that would not be likely to cause harm to the living conditions of the occupiers of adjacent dwellings through a loss of outlook or light. It is less clear with respect to how windows could be positioned to serve any first-floor rooms, but there appears to be potential to accommodate these in a manner that would also not cause harm.
19. For these reasons, I conclude that the proposal would not cause harm to the living conditions of the occupiers of the adjacent dwellings and there would be no conflict with Policy LP17 of the LP where it seeks to protect living conditions.

Other Matters

20. It is stated that the proposal is for a self-build dwelling and reference is also made to paragraphs 59, 60 and 61 of the National Planning Policy Framework, to a shortage of single building plots in the area and that the proposal would represent an effective and efficient use of land. I do not have any information before me as to the current position on the provision of self-build dwellings or housing land supply in the Council's area, but in both respects the provision of one dwelling would not overcome the harm that I have found.
21. The proposed dwelling would be designed to suit the needs of wheelchair users and it would reduce the management liability of the existing large garden of the appeal dwelling. I also note that there is support from the occupier of the appeal property and another interested party for the proposal. These considerations do not however outweigh the harm that would be caused by the proposed development.

Conclusion

22. Although I find that the proposal would not cause harm to the living conditions of the occupiers of adjacent dwellings, the proposal would cause significant harm to the character and appearance of the area and it would not allow for the safe and efficient operation of the highway network in the vicinity of the appeal site. This would cause a conflict with the development plan and therefore I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR