



Appeal Decision

Site Visit made on 26 April 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2021

Appeal Ref: APP/J0540/W/20/3264376

1 Cutleaf Court, Bakers Lane, Peterborough

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Raff Damore against Peterborough City Council.
 - The application Ref 20/00526/FUL, is dated 4 February 2020.
 - The development proposed is dwelling on land to side of 1 Cutleaf Court and rear of 296A Oundle Road.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. It came to the Council's attention at planning application stage that discrepancies existed between the suite of validated plans. Indeed, the floor plan and elevations that were before the Council did not correlate with the dimensions of the proposed dwelling as illustrated upon the submitted Block Plan. I have been able to corroborate these discrepancies through my own inspection of these plans and am thus unable to use the floor plan and elevations referred to here for the purposes of formal determination.
3. A revised floor plan (the revised floor plan) and front and rear visuals (the visuals) make up part of the appellant's appeal submission. Although these documents have, it would appear, been produced partly in the interests of seeking to attain a consistent suite of plans, it must be noted that the appeal process should not be used to evolve a scheme. In the interests of ensuring that no one with an interest in the outcome of the appeal is prejudiced, it is important that the plans considered at appeal stage are essentially the same as those submitted to the Council at planning application stage.
4. The visuals indicate the provision of a flat-roofed element to the rear, which is at odds with a hipped rear roof form that appears upon earlier submitted plans. The visuals are also not drawn to an identified scale. For these reasons, I am unable to consider them for formal determination purposes.
5. The revised floor plan, which is annotated with dimensions, provides a very similar internal arrangement of rooms when compared to the floor plan that was previously before the Council. The dwelling's footprint, as indicated upon the revised floor plan, is broadly consistent with the Block Plan. In the interests of pragmatism and when noting that the planning application that is now the subject of this appeal was declared valid by the Council, I am minded to accept the revised floor plan.

6. Moreover, I am satisfied to determine the appeal based on the Site Location Plan (scale 1:1250), the Block Plan (scale 1:500) and the revised floor plan, which I am content are satisfactorily consistent with each other for the purposes of determination.
7. The elevations submitted at planning application stage, for the reasons given above, serve merely an informative purpose. Nevertheless, they offer a clear indication of the dwelling's intended height, makeup and appearance. In the particular circumstances to hand, in the event the appeal be successful, I am satisfied that a planning condition could suitably be imposed to secure the submission of detailed elevations for approval (to correspond with the plans I have accepted for determination purposes) prior to the commencement of development.
8. The Council has indicated that it would have refused planning permission had it been in a position to do so. Its main concerns relate to the effect of the proposal upon the character and appearance of the area, the effect upon highway safety, potential noise and disturbance for future occupiers and an alleged lack of information to demonstrate that the proposed dwelling would be suitably accessible/adaptable. I shall formulate the main issues accordingly.

Main Issues

9. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon highway safety, having particular regard to intended parking and turning arrangements;
 - Whether or not sufficient information has been provided to demonstrate that acceptable living conditions would be secured for future residential occupiers, having particular regard to potential noise and disturbance; and
 - Whether or not sufficient information has been provided to demonstrate that the proposal would suitably promote accessibility for all.

Reasons

Character and appearance

10. The appeal site is formed of a triangular-shaped area of enclosed land (the enclosed land) that sits to the side of No 1 Cutleaf Court (No 1) in addition to part of the private rear garden of No 296A Oundle Road (No 296A) and an area of hardstanding positioned adjacent to Bakers Lane. No 1 makes up part of a short row of recently constructed and regularly shaped dwellings (the short row) whilst No 296A forms part of an established linear row of residential properties that tend to be served to the rear by private garden spaces of consistent size and depth.
11. Whilst there are commercial buildings/uses in place near to the site, including an adjacent petrol station to the north and a car dealership/garage to the opposite side of Bakers Lane, the area is predominantly residential in its make-up. Indeed, most particularly owing to the consistent manner in which nearby properties are often laid out, a somewhat formal residential character and appearance is in place local to the site.

12. Due to the unusual shape and composition of the appeal site, the proposed dwelling would cover an angled footprint and, in this sense, would appear inconsistent with the short row. Indeed, the differing hipped roof elements that are intended would further promote the dwelling appearing as a discordant and convoluted addition to the side of the short row. I find that a contrived and unduly cramped form of development is proposed.
13. It is also the case that the scheme would disrupt the established pattern of development that is in place to the rear of the established linear row that fronts Oundle Road. Indeed, a noticeable extent of No 296A's private garden area would be lost to the proposal. Whilst the rear garden that serves No 296A occupies a discreet position, its intended sub-division would still influence the way in which the site and its immediate surroundings would be read and experienced (most particularly by local residents).
14. For the above reasons, the proposal would cause harm to the character and appearance of the area. The proposal conflicts with Policy LP16 of the Peterborough Local Plan (adopted July 2019) (the Local Plan) in so far as it sets out that all development proposals are expected to positively contribute to the character and local distinctiveness of the area.

Highway safety

15. Policy LP13 of the Local Plan sets out that planning permission for new development shall only be granted if appropriate and deliverable parking provision is made in accordance with the relevant standard, which the Council has confirmed to be two spaces for a dwelling with two or more bedrooms.
16. As was apparent upon inspection, the proposal seeks to utilise part of an existing area of hardstanding for parking, which currently serves No 1 for such purposes. Clear evidence has not been provided to demonstrate that the hardstanding can provide two parking spaces for both No 1 and the newly proposed dwelling alongside associated access provisions and adequate space for the safe turning and manoeuvring of vehicles.
17. It is also the case that no clear or convincing evidence has been provided to seek to demonstrate that the relevant parking standard is inappropriate in this instance. Upon inspection, regular traffic movements along Bakers Lane and a somewhat limited supply of available on-street parking opportunities near to the site were observable. The site's location did not therefore appear to readily lend itself to a relaxed approach being taken when considering an appropriate level of parking provision.
18. Whilst the Council has suggested that bin storage facilities could not be provided without impacting parking and turning arrangements, the appeal site incorporates external spaces other than the area of hardstanding intended to be used for parking. I am thus content that suitable bin storage arrangements could be conditioned in the event the appeal be successful.
19. Nevertheless, for the above reasons, the proposal would prejudice highway safety having particular regard to intended parking and turning arrangements and would cause harm in this context. The proposal conflicts with Policy LP13 (Transport) of the Local Plan.

Living conditions

20. As referred to above, the appeal site sits alongside a petrol station. A jet wash facility is located to the southern side of the petrol station site and thus adjacent to the appeal site. During my inspection, I witnessed the jet wash facility being actively used and I experienced audible operating noise at a level that would hold the potential to influence neighbouring living conditions. Furthermore, noisy commercial activities could be heard from the car dealership/garage that is situated to the opposite side of Bakers Lane.
21. The Council's Senior Environmental and Pollution Control Officer has indicated that an assessment of the site should be undertaken to determine the noise climate during daytime and night-time hours. Given my own observations, I am satisfied that this represents an entirely reasonable request. Indeed, I do not consider that noise matters could be adequately dealt with by way of a planning condition. This is because, subject to further investigation, an acceptable scheme of noise mitigation may not be achievable.
22. I acknowledge that planning permission was granted in relatively recent times for residential development comprising the short row. However, when compared to that scheme, the proposal now before me involves built development closer to the petrol station and to other commercial activities.
23. For the above reasons, sufficient information has not been provided to demonstrate that acceptable living conditions would be secured for future residential occupiers having particular regard to potential noise and disturbance. The proposal would thus cause harm and conflicts with Policy LP17 of the Local Plan in so far as it requires development proposals to be designed and located to ensure that the needs of future occupiers are provided for (including in the context of noise attenuation).

Accessibility

24. Policy LP8 of the Local Plan, in the interests of attaining higher access standards, sets out that all dwellings should meet Building Regulations Part M4(2), unless there are exceptional design reasons for not being able to do so.
25. The revised floorplan indicates the provision of a wide hallway and an internal door to serve each of the intended rooms. It is also the case that, being a bungalow, the proposed dwelling would naturally promote inclusive access arrangements. Notwithstanding the absence of a porch covering (as referenced by the Council), it has not been clearly demonstrated that the aforementioned building regulation standard could not be met by the scheme. Indeed, a planning condition could be imposed (in the event the appeal be successful) to attain full assurances in this regard.
26. For the above reasons, sufficient information has been provided at this stage to demonstrate that the proposal would suitably promote accessibility for all. The proposal accords with Policy LP8 of the Local Plan in so far as it sets out that housing should be adaptable to meet the changing needs of people over time.

Other Matters

27. I have noted objections/concerns raised by interested parties with respect to matters including the effect upon neighbouring living conditions. However, as I

have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore such matters further here.

28. The proposal would deliver an additional housing unit and the National Planning Policy Framework (February 2019) reaffirms the Government's objective of significantly boosting the supply of homes. However, the contribution of only one additional dwelling would be modest and would not outweigh the various harms and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

29. Whilst I have identified that the proposal would suitably promote accessibility, I have identified that harm would be caused to the character and appearance of the area, to the living conditions of future residential occupiers and in a highway safety sense. These harms are the overriding considerations in this case. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR