



Appeal Decision

Site visit made on 26 October 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: 23 June 2021

Appeal Ref: APP/J0540/D/20/3255586

3 Sandpit Terrace, Sandpit Road, Thorney, Peterborough PE6 0RY

- 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 Luke Conte against the decision of Peterborough City Council.
 - The application Ref 20/00236/HHFUL, dated 25 January 2020, was refused by notice dated 23 June 2020.
 - The development proposed is described as "construction of garage to rear – retrospective"
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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.

Preliminary Matters

3. No description of development was provided on the application form. The description has been taken from the Council's decision notice, which is more succinct than that on the appeal form.
4. The development has already been constructed. I have considered the appeal on the basis that planning permission is sought for the development that has already been carried out.

Main Issue

5. 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 neighbouring residents with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

6. The appeal site is located on Sandpit Terrace and comprises a semi-detached two storey dwelling. The surrounds are primarily residential with dwellings varying in scale but sharing a level of consistency in style. To the rear, the appeal property and its immediate neighbours benefit from long, narrow gardens which taper slightly. A public footpath runs along part of the rear boundary of the site.

7. The proposal relates to the erection of a garage in the rear garden. While the appellant has stated that it does not take up 50% of the garden, it nonetheless represents a sizeable structure occupying a considerable area. In the context of the modest dwelling and narrow garden the proposal appears as dominant and disproportionate to the site. It spans almost the entire width of the garden, situated close to both side boundaries. As such, it cuts off a large portion of the site, significantly reducing the long garden that is characteristic of the dwelling and its immediate neighbours, resulting in a space that appears more cramped.
8. Views of the proposal are not possible from Sandpit Terrace, but due to its scale and positioning it is visible from neighbouring rear gardens and the public footpath to the rear. The proposal would represent the first rear garden garage from these viewpoints. While this in itself does not cause harm, it highlights the scale of the proposal, which exacerbates the incongruous nature of the development. This is further emphasised by the roof design, which appears as a bulky and awkward feature that is not replicated or reflected within the immediate surrounds.
9. It is acknowledged that the appellant intends to paint the wooden cladding of the garage grey. Although this does not match the materials or colouring of the houses it is a common colour palette for outbuildings, which are frequently finished differently from associated dwellings. Nonetheless, this does not take away from the imposing nature of the proposal, which leads to the garage appearing as an out of place feature in the garden, regardless of the external materials used.
10. For the reasons given above I find that the development would have a significant adverse effect on the character and appearance of the host dwelling and the surrounding area. Accordingly, it would fail to accord with Policy LP16 of the Peterborough Local Plan 2016 – 2036, adopted 24 July 2019.

Living conditions

11. The proposal is situated close to the boundaries with both No. 2 and No. 4 Sandpit Terrace. The sites are separated by fencing which, along with planting, provides some screening. However, the position and scale of the proposal results in a long stretch of built form running close to, and standing taller than, the fencing along a significant amount of the boundary lines.
12. As such the proposal introduces an imposing feature that has altered the outlook from the back gardens of both No. 2 and No. 4 and appears overbearing. Its prominence is further highlighted by the tapered nature of the gardens, which narrow on the approach to the side elevation of the garage. While views of the proposal are also possible from the rear gardens of No. 1 and No. 5, due to the additional distance it does not significantly impact the outlook experienced from these locations in the same manner.
13. For the reasons given above I find that the development would have a significant adverse effect on the living conditions of the occupiers of No. 2 and No. 4 Sandpit Terrace, with particular regard to outlook. Accordingly, it would fail to accord with Policy LP17 of the Peterborough Local Plan 2016 – 2036, adopted 24 July 2019.

Other matters

14. The appellant has stated the work was carried out in the belief that permitted development (PD) rights existed for the proposal, following a discussion with the Council. The precise nature of that discussion is not clear from the information

before me. Be that as it may, planning permission is required for the development and I am required to assess it on its merits. For the reasons given, I find that the development would cause harm and, even if the appellant was incorrectly informed that PD rights existed for its erection, I must assess the proposal against the policies of the development plan.

15. Planning permission has also been granted for a smaller garage, and the appellant argues that a further outbuilding could be developed under PD rights. However, the permitted garage would be 5 metres shorter than the appeal proposal. As such, the impacts arising would be materially different. Furthermore, no information has been provided to demonstrate a greater than theoretical possibility of a second outbuilding. Accordingly, limited weight is attached to this fallback position.
16. The appellant has referred to examples of other outbuildings within the surrounding area. However, it is the combination of the particular scale and positioning of the proposal that has influenced this recommendation. I am not satisfied that the site-specific circumstances are replicated in respect of the other development. The structure to the rear of 59 Park Crescent is a sizeable garage but it is situated off an access drive which runs to the rear of the terrace and serves other properties which also contain outbuildings to the rear of the garden. Similarly, the outbuilding at 38 Park Crescent is situated adjacent to a road which runs to the rear of dwellings and other outbuildings and garages are present in the area. In contrast, the appeal proposal is located amongst back gardens where structures of a similar size are notably absent. While consistency in decision making is important, this appeal is decided on its own site-specific circumstances and I am not bound by previous decisions issued by the Council. Therefore, reference to other development nearby does not outweigh the harm identified above.
17. The appellant has further stated that the reason for erecting the proposal was to have a place to safely and securely store cars and equipment. However, no evidence has been provided on the crime rates within the surrounding area and, in any event, I am not convinced that another outbuilding with lesser impacts on character and amenity would be unsuitable in this regard. Accordingly, limited weight is attached to this argument.

Conclusion and Recommendation

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

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, the appeal is dismissed.

C Preston

INSPECTOR