



Appeal Decision

Site visit made on 8 June 2021

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 19th July 2021

Appeal Ref: APP/J0540/W/21/3267940

The Bungalow, Buntings Lane, Stanground, Peterborough PE7 3BS

- 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 Mrs M Barsby against the decision of Peterborough City Council.
 - The application Ref 20/01408/FUL, dated 22 October 2020, was refused by notice dated 8 January 2021.
 - The development proposed is a one and a half storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a one and a half storey dwelling at The Bungalow, Buntings Lane, Stanground, Peterborough PE7 3BS, in accordance with the terms of the application, Ref 20/01408/FUL dated 22 October 2020, subject to the conditions set out in the Schedule of Conditions (Nos 1-13) at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No. 27, The Stables (No. 27) with regard to outlook from the property's garden.

Reasons

3. The appeal proposes the construction of a dwelling within the host dwelling's rear garden. The new property would lie adjacent to the boundary with another dwelling, No. 27.
4. Whilst the proposed dwelling would lie close to that boundary and hence there would be some loss of outlook from the garden to No. 27, it would generally have a lower ridge height. This would create a subservience within views from the garden to No. 27, which would contribute to the provision of a satisfactory outlook.
5. Furthermore, although the dwelling at No. 27 would fill the outlook from a further side of the garden, the two remaining sides would have a generally natural outlook of mature trees and vegetation. This would adequately compensate for the more restricted outlook to the other sides of the garden.
6. A recent appeal decision¹ at the same site varied an outline planning permission for the construction of a dwelling by the deletion of a condition

¹ APP/J0540/W/19/3237132

requiring it to be single storey only. The dwelling proposed had a very similar location and alignment to that under consideration in this appeal. Whilst all matters in that permission were reserved except for access, the Inspector concluded that "a dwelling of more than one storey could be accommodated within the site without harming the living conditions of the existing occupants of No. 27 The Stables, with regard to outlook and privacy".

7. As a result of the close similarities between the two proposals and the Inspector's conclusions regarding the acceptability of a property of greater than single storey scale at the same location, the previous decision is closely related to the issues in this appeal. Thus, although I have reached my own conclusions in determining this appeal, the previous decision supports the position I have reached.
8. The proposed development would have an acceptable effect on the living conditions of the occupiers of No. 27 with regard to outlook from the property's garden. As a result, it complies with Policy LP17(e) of the Peterborough Local Plan (2019) (the LP), which requires new development not to result in an overbearing impact on any nearby property.

Conditions

9. I have imposed a condition specifying the approved plans as this creates certainty for all parties.
10. In view of the site's proximity to land which was remediated to remove localised contamination, I have imposed a condition concerning contamination risks in order to ensure the protection of the environment in accordance with Policy LP33 of the Peterborough Local Plan (2019) and with the provisions of the National Planning Policy Framework (2019) (the Framework). I have amended the suggested wording of the condition for clarity. This is a pre-commencement condition in order to provide protection over the full course of development.
11. A condition concerning the times of demolition and construction works is imposed in order to protect the living conditions of surrounding residents during the construction period.
12. A condition concerning trench covering and escape methods is necessary in order to preserve the site's biodiversity value, in accordance with Policy LP28 of the LP. I have amended the suggested condition for clarity.
13. I have imposed a condition concerning materials in order to ensure a satisfactory external appearance to the development, in accordance with Policy LP16 of the LP.
14. A condition concerning site levels is necessary in order to protect the living conditions of the occupiers of adjacent dwellings and in accordance with Policy LP17 of the LP.
15. A condition concerning the provision of bird boxes is necessary to provide biodiversity enhancement at the site, in accordance with Policy LP28 of the LP. I have amended the suggested condition for clarity.

16. Conditions concerning the provision of parking, access and visibility splays are imposed in the interests of highway safety and safe access, in accordance with Policy LP13 of the LP.
17. A condition concerning water usage is necessary in order to minimise the impact of the development on the water environment and in accordance with Policy LP32 of the LP.
18. I have not imposed a condition which suggested the provision of hedgehog escape gaps within the finished development's boundaries, as it has not been demonstrated that these are necessary to enable planning permission to be granted.
19. I have not imposed a condition requested by the Council which would have removed certain permitted development rights associated with the dwelling. I am mindful of advice in the Framework and the Planning Practice Guidance and I consider that the evidence does not demonstrate why removing such rights is necessary.

Other Matters

20. I acknowledge submissions regarding the proposal's effect on trees. Nevertheless, I have not identified similar concerns and there is minimal substantive evidence before me on the issue. Thus, I have not pursued this matter further.
21. Representations have been made regarding the personal financial benefits which the development may bring. Nevertheless, planning generally is concerned with land use in the public interest. It follows, therefore, that these are not matters for this appeal.

Conclusion

22. There are no material considerations which indicate that the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

C Beeby

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E001 Revision C location plan, E002 existing site plan, P101 Rev C proposed block plan, P102 Rev D proposed elevations, P103 Rev D proposed elevations, P104 Rev B Ground Floor, P105 Rev C First Floor, P106 Rev C proposed roof plan, P107 Rev C Site section, P108 Rev D Site plan with access and P109 Rev B proposed section.
- 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS

10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 10 working days of the report being completed and approved in writing by the local planning authority.

- 4) Demolition or construction works shall take place only between 07:30 and 18:00 on Mondays-Fridays inclusive, between 09:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) During construction all open trenches shall be covered overnight and a method of escape for mammals shall be provided at each trench.
- 6) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan nos. P102 (Revision D), P103 (Revision D), P108 (Revision D) and on the application form.
- 7) The finished levels, above ordnance datum, of the ground floor of the dwelling shall be no more than 0.1 metres above the existing ground level.
- 8) A scheme for the provision of bird boxes for house sparrows, starlings and swifts shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the dwelling. The scheme shall be carried out as approved prior to the first bird nesting season following occupation of the dwelling, and shall thereafter be retained at all times and maintained in accordance with the scheme approved by the local planning authority.
- 9) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. P108 (Revision D) for 3 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 10) The dwelling shall not be occupied until the access road to it shall have been constructed in accordance with the approved plans. The access road as constructed shall be retained thereafter.
- 11) The dwelling shall not be occupied until vehicle to pedestrian visibility splays measuring 1.5 metres x 1.5 metres (measured from and along the back edge of the public highway) have been provided across the site's

roadside frontage. These shall be permanently maintained thereafter free from any obstruction higher than 0.6 metres.

- 12) Any gates or other means of enclosure provided across the vehicular access at any time shall be set back a minimum of 6 metres from the edge of the public highway where it adjoins the site.
- 13) The dwelling hereby permitted shall achieve the Optimal Technical Housing Standard of 110 litres of water usage per person per day.