



Appeal Decision

Site Visit made on 29 June 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 31st August 2021

Appeal Ref: APP/J0540/W/21/3270146

Ivy Cottage, Guntons Road, Newborough PE6 7RU

- 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 Gary Botwright against the decision of Peterborough City Council.
 - The application Ref 20/00605/FUL, dated 5 May 2020, was refused by notice dated 4 November 2020.
 - The development proposed is described as, 'the addition of a 3 bed detached bungalow with double garage. This will be a separate property to be erected to the south of the applicants land and will be entirely separate from the existing property.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have consulted the main parties regarding the updated National Planning Policy Framework published in July 2021 and taken the comments into consideration in my assessment.

Main Issues

3. The main issues are:
 - whether the proposed development would provide a suitable location for housing with regard to the character and appearance of the area; and
 - the effect of the proposal on flooding.

Reasons

Location

4. The site is located outside of the identified village envelope of Newborough and is therefore be considered an open countryside location in terms of the Peterborough Local Plan (2019) (LP).
5. LP Policies LP2 and LP11 restrict residential development in the countryside subject to a number of criteria. Since the development would be for a market dwelling, none of the criteria are met and the scheme would conflict with these Policies.
6. The site is separated from the settlement by an undeveloped field and is largely surrounded by open countryside such that it has a spacious rural feel. There is a ribbon of development on the opposite side of the road a short distance away, whereas the site appears to be an anomaly on its side of the highway

given its proximity to open fields. Therefore, it has a closer relationship to the open countryside than to the nearby ribbon of housing. While I note the pumping station to the south of the site, it is of a low height such that it does not detract from the spacious rural character and appearance of this side of the highway.

7. Ivy Cottage is located in a prominent corner plot position and the scheme would introduce a single dwelling in the garden area adjacent to the highway. Notwithstanding that the design of the building would be in keeping with other dwellings in the wider area and would lie within the garden of Ivy Cottage, given its massing and siting the proposal would introduce a dwelling onto undeveloped land, thereby urbanising the site and would appear to encroach into the countryside. The resultant effect would greatly reduce the rural character and appearance of the area.
8. I note the evidence relating to The Georgian, which was granted planning permission by the Council. However, since that property lies within an existing ribbon of housing, it is not directly comparable to this scheme. In any event, each case must be determined on its own merits.
9. Consequently, the proposed development would not provide a suitable location for housing with regard to the character and appearance of the area. Therefore, it would conflict with LP Policies LP2 and LP11, which among other things direct new dwellings to within settlements except for a number of criteria which are not met by the proposal.
10. LP Policy LP4 relates to employment sites and uses and therefore is not directly relevant to this main issue.

Flood risk

11. The site lies in Flood Zone 3 and is therefore at highest risk of flooding. The Framework states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
12. The Flood Risk Assessment provided by the appellant states that a search did not identify any land that is being currently marketed within Newborough and that allocated sites in Newborough are also in Flood Zone 3 and therefore do not offer a lower risk of flooding than that appeal site.
13. Consequently, the proposed development would not have an adverse effect on flooding. Therefore, it would not conflict with LP Policy LP32 in this respect. It would also not conflict with the Framework in this regard.

Other Matters

14. I acknowledge the accessibility of services and facilities. I also note the history of the site and local support for the scheme. However, given the unacceptable harm to the character and appearance of the area, this matter has not altered my overall decision.
15. I acknowledge the evidence regarding the health of the intended future occupiers. I have therefore had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance

equality of opportunity. There are limited details before me to demonstrate that this proposal would be the only solution to meet the future residents' needs. Therefore, while the proposed development may help people who share a protected characteristic for the purposes of the PSED, given the evidence before me I am not persuaded that this would override the unacceptable harm to the character and appearance of the area and the development plan conflict identified above. Accordingly, these matters have not altered my overall decision.

16. While I note the evidence that the proposal would be self-build, there is no mechanism before me securing the building as a self-build home. Therefore, this point has not altered my overall decision.
17. I note concerns regarding the service provided by the Council. However, I have necessarily assessed the scheme based on its planning merits.

Conclusion

18. For the reasons given above the proposed development would conflict with the development plan and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR