
Appeal Decision

Site visit made on 17 December 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2022

Appeal Ref: APP/J0540/D/21/3281686

10 Castle End Road, Maxey, Peterborough PE6 9EP

- 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 Najmal Abba against the decision of Peterborough City Council.
 - The application Ref 21/00560/HHFUL, dated 26 March 2021, was refused by notice dated 24 June 2021.
 - The development proposed is the construction of front porch and single storey side extension (part retrospective).
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Decision

1. The appeal is dismissed insofar as it relates to the construction of a single storey side extension. The appeal is allowed and planning permission is granted for the construction of a front porch at 10 Castle End Road, Maxey, Peterborough PE6 9EP in accordance with the terms of the application Ref 21/00560/HHFUL, dated 26 March 2021, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. The proposed single storey side extension is in place. It broadly reflects the details shown on the submitted plans. I have therefore proceeded on the basis that planning permission is sought for the side extension, as built, and the front porch, as proposed.
3. The Council states that its concerns have been addressed through a recent revised submission for a similar scheme at the site under planning application Ref 21/01538/HHFUL. However, few details of the revised scheme have been provided and so I am unable to fully assess its implications, if any, for this appeal. From the submitted evidence, the Council's objections to the development sought remain in place and the appeal is before me to determine, which I have done having assessed it on its own merits.

Main issue

4. The main issue is the effect of the development, as built and as proposed, on the character and appearance of the local area.

Reasons

5. The appeal property is a part 2-storey, part single storey dwelling that is set back from Castle End Road behind a garden, established planting, driveway

and a solid entrance gate. The walls of the house are brick and the main roof is tiled with hipped ends. No 10 is located within the Maxey Conservation Area (CA), which is mainly residential in character and has a semi-rural feel to it. The CA contains areas of open space and a wide range of buildings many of which are separated by irregular sized gaps. The properties in the vicinity of the site and Castle End Road more generally, exemplify this diversity.

6. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. While the appellant states that the CA has not been reviewed since 2008, the statutory duty and planning policies and guidance relevant to the CA equally apply even in circumstances where the designated area has not been appraised for some time or if its character has recently altered.
7. The Council appears to raise no objection to the proposed front porch. I, too, find this element of the appeal scheme acceptable because it would be modest in scale, height and depth, and appropriate in design and general appearance. It would respect the visual character of the host building and the surrounding area. Therefore, I shall concentrate on the single storey side extension.
8. Because the appearance of the facing brick, mortar and roof tiles of the extension noticeably differ to those used in the host building, there is an awkward visual relationship between them. That the front wall of the side extension is flush with the main house draws the contrast in appearance into sharp focus because there is an abrupt visual transition. As the roof slope of the side extension is shallower than that of the 2-storey building and it projects slightly forward of the main front wall, other aspects of the new addition visually accentuate this uneasy relationship.
9. In views from Castle End Road, the appeal dwelling is partly screened by existing vegetation and the entrance gate. It is also viewed at some distance given the position of the house away from the road. Even so, the side extension still draws the eye notwithstanding its single storey height given the jarring effect primarily caused by the mismatch of external materials between the new addition and the main dwelling. When seen from the highway, the extension appears to have been 'tagged' onto the side of No 10 in a way that in my view has unduly compromised the form and general appearance of the building. As a result, it is obtrusive even among the varied built form along Castle End Road and within the wider CA.
10. I accept there will be circumstances in which materials used to construct the original house might be discontinued and so an alternative would be required for any built extension. Even if that is the case here, the facing brick and tile used do not visually blend in with the main building. I also appreciate that external materials will weather that will alter their appearance in the longer term. However, this process would not resolve the visual harm caused by the extension in the short term nor would it satisfactorily address the differences in appearance caused by using a different type of roof tile on the side extension to that on the main 2-storey house.
11. The appellant considers that the contrast in appearance is less marked between the side extension and the brick within the enclosure surrounding the front entrance. However, the new addition is visually 'read' most readily with the front wall to which it attaches, which is objectionable. I also note that several

interested parties support the appeal scheme and refer to the high standard of work carried out and the contribution made to the wider street scene.

12. Other properties close to the site and within the CA include extensions that in some cases are larger and more visible from the road than the development before me, as the appellant points out and has provided some details and photographs. In some instances, these extensions align with the main front wall and the brick and roof materials used clearly differ to those of the host building. To my mind, these cases exemplify the harm to which I have referred and have not compromised the character or appearance of the local area to such an extent that justifies an unsatisfactory development, particularly given that it is recognised for its heritage value.
13. The appellant also asserts that the Council has previously found some of these house extensions acceptable within the CA because their construction postdates the designation of the area. However, few details have been provided to support this contention. Even if it is the case, and the Council has been inconsistent in its approach to development within the CA, additional harm cannot be justified on the basis that some harm already exists.
14. The appellant has referred to a number of ways that in his opinion could resolve the Council's concerns including jet washing the outside of the main house, tinting the facing brick of the extension to more closely match that of the host building or by introducing new render or cladding. The Council's CA Officer has indicated that the tinting option could potentially work. However, from the limited evidence provided, I am not convinced that any of these measures would satisfactorily mitigate the harmful effect of the extension.
15. I have carefully considered the appellant's suggestion that a condition could be imposed to require matching external materials. However, to do so would significantly change the development for which planning permission is sought. Therefore, it would be inappropriate for me to do so.
16. Given the modest scale of the side extension, the harm to the CA is less than substantial. In those circumstances, the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits. In this case, the appeal scheme would enable the house to better suit the needs of current and future occupiers and so there could be some wider social benefits. It would also contribute to the local economy mainly through the sale of construction materials, which could be a gain to the local community through the support given to business and jobs. However, I find that the public benefits do not outweigh the significant harm that I have identified.
17. On the main issue, I conclude that the side extension causes significant harm to the character and appearance of the local area. It fails to preserve or enhance the character and appearance of the CA. Accordingly, the side extension conflicts with Policies LP16 and LP19 of the Peterborough Local Plan 2016 to 2036. These policies expect development to positively contribute to the character and local distinctiveness of the area, particularly those with high heritage value. There would also be a conflict with the statutory duty and the Framework with regard to the protection of heritage assets.

Other matters

18. The appellant considers that the side extension would qualify as permitted development if the site did not fall within the CA and thus would not require planning permission. Whether or not that is the case, the appellant accepts that planning permission is required for the development and so I am unable to attach more than limited weight to this matter in support of the appeal.
19. The side extension makes an efficient use of the available land. It provides additional living accommodation from which the appellant could work from home, the benefits of which have been brought to the fore given the restrictions introduced during the pandemic. The appellant says that the extension has allowed him to avoid the disruption and costs of moving away from the local area and to better care for an elderly family member. These matters amount to private benefits and weigh in support of the appeal. There would be no significant effect on trees, ecology or the living conditions of others, which neither weigh for or against the development. As such they are neutral in the planning balance. Taken individually and together, these considerations do not outweigh the identified harm.

The front porch

20. As the proposed front porch would be compatible in its context, it would preserve the character and appearance of the local area and that of the CA. As such, it would comply with the planning policies cited by the Council. From my inspection of the plans, this element of the appeal scheme is clearly severable to the side extension, which is objectionable, and so I am able to issue a split decision that grants planning permission solely for it.

Conditions

21. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the new porch, a condition is imposed to require that the external materials match those of the existing building.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be dismissed in part and allowed in part.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) That part of the development hereby permitted shall be carried out in accordance with the following approved plans: Refs 10CAS-01-30, 10CAS-01-31, 10CAS-01-32 and 10CAS-01-32.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.