



Appeal Decision

Site Visit made on 16 November 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Appeal Ref: APP/J0540/W/21/3277374

170 Fulbridge Road, Peterborough PE4 6SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs L Timms-Samour against the decision of Peterborough City Council.
 - The application Ref 21/00295/OUT, dated 1 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is described as 'outline application for the erection of one detached single storey dwelling house including access (with all other matters reserved)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form seeking approval for access. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters of layout, landscaping, scale and appearance.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the proposed dwelling would comply with relevant local policies with regard to refuse collection,
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance; and,
 - whether the development would comply with relevant local policies with regard to the supply of 'prestigious' homes.

Reasons

Character and Appearance

4. Fulbridge Road is located in a predominantly residential area. Dwellings in the vicinity of the appeal property tend to be substantial twentieth century properties, set back from the road on a common building line within large plots that extend considerably to the rear. Despite the large plot sizes, housing

development within residential gardens is rare along this side of Fulbridge Road.

5. The appeal site is located to the rear of the garden of 170 Fulbridge Road (No 170), a large five bedroom detached dwelling. No 170 is consistent with the underlying building pattern. Vehicular access is provided by a single vehicle width driveway running adjacent to the side boundary of the dwelling. A cutting that provides pedestrian access from Fulbridge Road to Witham Way, part of a suburban housing estate, runs along the full length of this side boundary.
6. The appeal proposal would involve the construction of a dwelling set back in excess of 50 metres into the site, a considerable distance from the rear of the host property. The dwelling would fail to front Fulbridge Road and owing to its significant setback, would be remote from the otherwise consistent arrangement of dwellings here. It would also fail to front Witham Way and owing to the vehicle access being from Fulbridge Road and the position of intervening gardens and driveways of the adjacent dwellings, would be unlikely to be viewed as part of the streetscene here either. As such it would appear as an incongruous and ad hoc form of development that would be at odds with the prevailing pattern of development.
7. The proposed dwelling's considerable distance from Fulbridge Road and its backland location would ensure that it would not be particularly visible in the streetscene. Nonetheless, fleeting views of the dwelling's upper walls and roof in particular, could be possible along the access road. Views are also likely to be possible from the cutting. It would also be visible from the neighbouring dwellings. In these views the contrast with the distinctive pattern of development would be clear.
8. The appellant has directed me to the provisions of the National Planning Policy Framework (the Framework) with regard to effective and efficient use of land. However, paragraph 119 states that this is conditional upon safeguarding and improving the environment, which would not be the case here for the reasons set out above.
9. For the above reasons the proposed development would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policy LP16 and Policy LP19 of the Peterborough Local Plan (2019) (the PLP) which, in summary seek to ensure that development is of a high quality that respects and contributes positively to the local character and distinctiveness of the area, amongst other considerations. Similarly, there would also be conflict with Framework paragraph 130 which seeks to ensure new developments are visually attractive, sympathetic to local character and establish a strong sense of place.

Access

10. Notwithstanding that the application was submitted in outline form the proposed dwelling would be some 50 metres from Fulbridge Road. It seems highly likely that the substantial length and narrow width of the access could create day-to-day difficulties for future occupants.
11. The proposed dwelling is likely to generate a demand for vehicular access by larger vehicles including refuse, delivery and emergency vehicles. Access for such vehicles would be difficult and would in turn likely lead to the prolonged

waiting of vehicles in the highway or blocking accesses, creating difficulties for nearby residents. Furthermore, it is likely that the future occupants would be required to carry their refuse or drag their bins a considerable distance along the length of the access to reach the highway, which would be an additional inconvenience.

12. The appellant refers to it being possible to collect waste from Witham Way via the cutting. However, this is dependent on a pedestrian access being provided from the appeal site to the cutting. This is not shown on any drawings and does not appear to form part of the appeal proposal. I therefore cannot be certain if this is possible nor whether it would introduce other concerns.
13. The Council advises that the Cambridgeshire County Council RECAP Waste Management Design Guide Toolkit (2012) guides that the storage location of bins for a single dwelling should not be more than 25 metres from a collection point. Whilst a bin collection area could be provided to the front of the existing dwelling, this would still require the occupiers of the proposed dwelling to move bins a distance exceeding 25 metres.
14. I therefore conclude that the proposal would fail to provide adequate and convenient access with particular regard to refuse collection, contrary to Policy LP16 of the PLP which, amongst other things, seeks to ensure new development maximises permeability and legibility for pedestrians avoiding barriers to movement through careful consideration of street layouts and access routes that are attractive, accessible and easily recognisable.

Living Conditions

15. The proposed access drive would extend along the side of much of the host property and its reduced garden. There are several ground floor openings in No 170's flank wall, the bay window is also close by. As such, vehicles travelling to the proposed dwelling would pass close to the host dwelling and these openings. This would result in noise and vibration being experienced by occupiers of the host dwelling, both within the garden and the dwelling itself. Such a relationship would be atypical in this residential area where parking tends to be to the front of properties allowing for quieter more private areas to the side and rear of dwellings. As such, the proposal would lead to a level of disturbance that would likely exceed levels that the occupiers would reasonably expect within this area, adversely affecting living conditions.
16. I accept that it is the current owners of the host dwelling that have advanced the proposal and that they intend to reside in that property following completion of the proposed development. However, this carries little weight in my reasoning as I am required to consider the effect on all future occupiers of that property.
17. The proposed access would also extend adjacent to much of the side boundary of the garden of No 46 Witham Way and would be positioned close to the side elevation of that dwelling. As a result, a similar adverse effect on the living conditions of occupiers of this property would also occur as a result of noise and vibration from manoeuvring vehicles, and frontage activity in a location that was previously garden.
18. Given that noise and disturbance from vehicles accessing the existing garage adjacent to its rear boundary is already likely experienced by occupiers of No

168, I am of the view that the provision of one additional dwelling with its associated vehicle movements would not result in a significant increase in noise and vibration to a point where it would be significantly harmful to the living conditions of the occupants of No 168.

19. There is no evidence before me that the harm to living conditions for occupiers of No 46 could be resolved solely through the provision of an acoustic fence. I also cannot be certain that the provision of such a fence would not lead to other harms, including to outlook.
20. That said, the proposal would cause harm to the living conditions of existing and future occupiers of the host property and No 46 Witham Way. This would result in conflict with Policy LP17 of the PLP which amongst other things, seek to ensure new development does not result in unacceptable impacts on living conditions including through noise and vibration.

Prestigious Dwelling

21. Policy LP9 of the PLP seeks to protect 'prestigious and top-of-the-market housing' defined as being at the higher end of the market in terms of value (within the highest 10% price bracket of dwellings in the housing market area as a whole); large (perhaps with 5 bedrooms or more); and individually designed, with a high specification, detailing and facilities.
22. The policy states that planning permission for the loss or subdivision of dwellings meeting this need will not be granted unless: 'a) this would itself create one or more prestigious dwellings; or b) there is clear evidence that the dwelling that would be lost has been marketed at a realistic price for an appropriate period of time without genuine interest in its purchase and occupation as a dwelling; or c) the existing dwelling does not contribute to the historic environment'.
23. The proposal would subdivide and significantly reduce the length of No 170's garden. Additional garden would be lost to create the access to the new dwelling, and the existing access forward of No 170 would become shared. Such alterations are likely to significantly reduce the desirability of the existing dwelling to potential purchasers. In all likelihood, the proposed development would compromise the appeal property to such an extent that it would no longer meet the need for prestigious top of the market housing.
24. Although the proposed dwelling would be sited on a reasonably sized plot, it would nonetheless be significantly smaller than the substantial plots nearby. I accept that there could be alternative interpretations of 'prestigious' however, the onus is principally on an applicant to provide appropriate information in support of their proposal¹. Although I recognise that the application was submitted in outline form, nonetheless very little has been supplied to establish that the proposed dwelling would meet the general definition of 'prestigious' outlined in the PLP or any alternative definition. The proposal would therefore not meet criterion a).
25. No marketing evidence has been provided and the proposal would not meet criterion b). Although I appreciate the current owners do not intend to move, there is nothing before me to indicate that No 170 would remain within the definition of a prestigious home if the appeal was allowed.

¹ Section 62(3) of the Town and Country Planning Act 1990 as amended.

26. The appeal property is a twentieth century dwelling in a suburban area comprising similar development. I am not directed to any particular heritage significance of the area or the appeal property. The site does not lie within a Conservation Area. Whilst the Council states that the dwelling contributes to the character of the area, this is not the same as contributing to the historic environment, as set out in the policy. Based on all I have seen and read, the proposal would therefore not contribute to the historic environment. As such, the proposal meets criterion c) of LP9.
27. Whilst the proposal would sub-divide the plot of a prestigious dwelling, the dwelling does not contribute to the historic environment and as such the proposal would comply with Policy SP9 of the PLP.

Other Matters

28. The appellant has referred to a 2015 outline approval, now expired, for a new dwelling to the rear of No 200 Fulbridge Road². Its relevance is limited due to it not being extant. However, this is different to the appeal proposal as it followed three previous approvals, dating back to 2009. In the delegated report provided, the officer accepts the principle of the development on the basis that there is a previous approval. I have not been provided with details of these earlier approvals and therefore I cannot be certain of the precise circumstances that led to them being approved, such as pre-existing development or the policy context at the time. All of these approvals pre-dated the publication of the current Local Plan which, based on the evidence before me, did not include a policy relating to prestigious dwellings.
29. Similarly, reference has also been made to the dwelling at 149 Fulbridge Road, constructed to the rear of No 150. Being located on the opposite side of the road and not within the row of large properties referred to above, I am satisfied that this does not represent a parallel with the appeal proposal and represents an exception to the broader character of the area described above.

Conclusion

30. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson
INSPECTOR

² 15/00077/OUT