



Appeal Decision

Site visit made on 27 May 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

Appeal Ref: APP/J0540/D/22/3292323

3 Church View, Orton Longueville, Peterborough, PE3 7DW

- 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 J Bass against the decision of Peterborough City Council.
 - The application Ref: 21/01532/HHFUL, dated 24 September 2021, was refused by notice dated 19 November 2021
 - The development proposed is demolition of existing outbuilding and erection of single storey outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing outbuilding and erection of single storey outbuilding at 3 Church View Orton Longueville Peterborough PE3 7DW in accordance with the terms of the application, Ref 21/01532/HHFUL, dated 24 September 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The proposal will be carried out in accordance with the following approved plans: 485/02 (revision A); 485/03 (revision A); 485/04 (Revision A) and in the materials appearing thereon.

Main Issue

2. The main issue is the effect of the proposed development upon living conditions of neighbouring users.

Reasons

3. The proposed development would replace an existing timber outbuilding within the large rear garden of the appeal site which is located in the Orton Longueville Conservation Area. The proposal would extend some 2.3m further than the existing outbuilding along, but not immediately adjacent to, the shared boundary with the adjacent dwelling, a detached bungalow with an open easterly aspect and good-sized garden lying to the south-east of the proposed structure.
4. Other than the increased L-shaped footprint the proposed building would be broadly similar to the existing building at 3.5m in height to the ridge and eaves at 2.5m above ground level. Whilst it is not before me to consider whether such rights would be available in the circumstances here set out, that these dimensions fall within the limits set in schedule 2 Part 1 of the Town

and Country Planning (General Permitted Development) (England) Order 2015 (as amended) at E.1(e) and (f) would indicate that in general terms similar buildings to that here proposed would be erected in gardens by virtue of the permission granted in that Order. It follows that it would be reasonable to assume that buildings erected under the provisions of that general order and within those height limits are typically found to not harmfully impact upon neighbouring occupiers by virtue of their size, height or proximity to a boundary.

5. My observations from the garden of No.2 Trienna lead me to concur with that position; any additional enclosing effect upon the garden of No.2 Trienna of as suggested by the Council would be both nominal and incidental to the outlook from the dwelling. Indeed it appears that the primary concern of the adjoining users was the curtailment of a specific seated oblique view towards trees in the recreation ground at the rear of the appeal site beyond the Conservation Area, a matter to which I can give little weight.
6. Therefore, as the proposal would neither be overbearing nor have any measurable effect upon the living conditions of the neighbouring users, and taking all matters raised into account, I conclude there is no conflict with policy LP17 of the Peterborough Local Plan (2019) and that the proposal would accord with the Development Plan as a whole. Consequently, the appeal succeeds subject to the usual time limit and what is necessary to ensure the proposal is built according to my reasoning.

Andrew Boughton

INSPECTOR