



Appeal Decision

Site Visit made on 16 November 2021

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2021

Appeal Ref: APP/J0540/W/21/3274311

land rear of 43A Churchfield Road, Walton, Peterborough PE4 6HE

- 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 Gohir Anwar against the decision of Peterborough City Council.
 - The application Ref 20/01310/FUL, dated 5 October 2020, was refused by notice dated 25 March 2021.
 - The development proposed is construction of 2 new dwellings including private parking and turning area.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 and I have considered it in reaching my decision.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of Nos 39, 41, 43A, 43B, 43C and 45 Churchfield Road with particular regard to privacy and the provision of garden space;
 - the living conditions of the future occupiers of the proposed dwellings with particular regard to privacy and the provision of garden space;
 - highway safety; and
 - the location and availability of bin storage.

Reasons

4. Planning permission was granted for the erection of a two-storey building to provide two, 2 bedroomed apartments and conversion of existing dwelling into 3 separate apartments with dedicated parking area at 43 Churchfield Road in 2017¹ (2017 permission). This scheme appears to have been implemented,

¹ Local Authority planning ref 17/01623/FUL

although based on the evidence before me, the scheme is not fully in accordance with the approved details.

Character and appearance

5. Churchfield Road is a residential area where dwellings are a mix of two storey detached, semi-detached and terraced properties fronting the road. Plots are relatively narrow and long with mostly good-sized rear gardens that include mature landscaping.
6. The proposed dwellings would be located on land identified as a communal garden area in the 2017 permission. Part of this area is currently utilised as parking and turning space for the existing apartments and the remainder is fenced off and unused. The proposed dwellings would be sited close to the rear boundary of the appeal site with main aspects towards the frontage properties. Garden/amenity space would be provided above a carport to the side of each dwelling.
7. The gardens of surrounding properties are to the rear and at both sides of the land. Together, these rear gardens provide a spacious backdrop to the built development along Churchfield Road and Southview Road frontages. The undeveloped space and the mature and attractive landscaping within rear gardens are apparent from existing properties and positively contribute to the area's character and appearance.
8. The proposed dwellings would have a footprint occupying a significant part of the appeal site. Their overall height would be noticeably higher than the surrounding boundary treatment and the development would notably intrude into the open attractive rear garden surroundings. The dwellings would introduce significant built development and areas of hard surfacing with little opportunity for tree planting or other landscaping. The back land location of the proposal would be at odds with the established neighbouring development and the lack of rear garden space would not reflect the area's character. The dwellings would appear as prominent and incongruous features which would detract from the spacious and mature garden environment. As such the development would harm the character and appearance of the area.
9. The appellant identifies that the site is waste land, but this is not consistent with the communal garden use in the 2017 permission. The communal garden would provide a setting for the existing buildings commensurate with the character of the area.
10. The development at Baxter Close incorporates similar house types to those proposed here. However, Baxter Close is a large area that appears to have been comprehensively redeveloped, including open green spaces to the front of the dwellings. Baxter Close is not evident in the immediate appeal site context and does not alter my concerns about the appeal proposal.
11. Overall, the proposal would detract from the character and appearance of the area in conflict with Policy LP16 of the Peterborough Local Plan 2016 to 2036 (PLP) where it requires development to respect the surrounding context including features that contribute positively to local character and distinctiveness. It would also conflict with the Framework where it seeks to ensure that development is visually attractive and sympathetic to local character.

Living conditions

12. The proposed dwellings would be largely single aspect properties with main habitable room windows facing towards the rear gardens and rear elevations of Nos 39, 41, 43A, B and C and 45 Churchfield Road. Living, kitchen and dining spaces would be at first floor and double door openings with Juliet balconies would provide light to the first-floor spaces. Because of their elevated position the living spaces would have clear views into the rear of gardens facing Churchfield Road. The amenity spaces for these frontage properties would be overlooked at relatively close proximity. There would also be views into ground and first floor rear windows.
13. Due to the single aspect nature of the accommodation, the size of the window openings and the living accommodation being on the upper floors near to the rear garden spaces and rear facing windows of Nos 39 to 45, the proposed development would result in a significant loss of privacy to the rear garden areas and rear facing living spaces of these properties.
14. Notwithstanding the above, the rear garden shown on the plans for Nos 43A, B and C is a reasonably sized space for social and domestic use such as clothes drying. The garden area would be south west facing and would receive good levels of sunlight. Even so, the garden for Nos 39 and 41 is much smaller and its size would limit its usefulness as a social and domestic space for two properties. There would be some limited harm to the occupants of these dwellings associated with the small size of the garden area which would be exacerbated by the privacy concerns I have set out.
15. Consequently, overall, I conclude that the development would detract from the living conditions of Nos 39, 41, 43A, 43B, 43C and 45 Churchfield Road with particular regard to privacy and provision of garden space in conflict with Policy LP17 of the PLP which seeks to protect nearby properties from loss of privacy and amenity space.

Living conditions – future occupiers

16. The provision of gardens for the proposed dwellings in the form of first-floor external terrace areas is not characteristic of the neighbouring properties. However, the terraces are reasonably sized and private and there is no reason to conclude that these areas would not provide a suitable outside space.
17. The drawings indicate that the proposed development would have separate turning and parking facilities to the frontage dwellings. Appropriate boundary treatment could reinforce this layout. The elevated position of the living rooms would limit the effect of the movement of vehicles on these spaces. The bedrooms are adjacent to the turning areas, but vehicles parked in front of bedroom windows would largely be limited to the occupants of the properties. Therefore, I am satisfied that the living conditions of the future occupiers of the proposed dwellings would not be detrimentally affected by the proposed car parking arrangements.
18. For these reasons, the development would provide satisfactory living conditions for the future occupiers of the proposed dwellings with particular regard to privacy and the provision of garden space and in this respect would accord with Policy LP17 of the PLP.

Highway safety

19. Churchfield Road is a through route. The road is 5.5 metres wide with narrow footpaths approximately 1.5 metres to either side. There are no car parking restrictions along the road but as most dwellings do not have driveways on street parking is in higher demand.
20. Policy LP13 of the PLP requires 2 parking spaces for a two bedroomed dwelling plus 1 visitor space for every six dwellings. The Council indicates that 13 spaces are required to serve the approved apartments under the 2017 permission and the proposed development. The car parking requirements for the two dwellings is 4 spaces and the 2017 permission provided 6 spaces including 1 visitor space. I therefore cannot see any justification for requiring a further 3 car parking spaces in this case.
21. The Council considers that utilising the turning area as a parking space for the proposed dwellings would result in vehicles reversing on to the highway. Although the limited space for turning would require tight manoeuvres it is unlikely with the set back of the appeal site from the road frontage that vehicles would reverse out on to the highway. I am satisfied that the proposed development can provide car parking to meet the Council's parking standards. Cycle parking provision is also indicated on the drawings.
22. A different parking arrangement has been implemented to serve the apartments approved under the 2017 permission. In its current layout the surrounding fencing and close proximity between the spaces results in turning within the site being very limited. The restricted size of the parking and manoeuvring space would likely reduce the overall car parking provision from the 5 spaces said to be achievable within the site.
23. As a result of the limitations of the parking arrangements, some vehicles may not park within the site. The Council's concern is that the proposed development would result in unsafe manoeuvring within the highway and parking in unsafe locations on Churchfield Road. However, the access into the development is sufficiently wide to allow two vehicles to pass and because of this and the length of the access, additional manoeuvring within the site is unlikely to result in vehicles reversing onto the highway. Further, there is no evidence before me that the parking arrangements would lead to occupiers of the proposed development parking in unsafe locations on Churchfield Road.
24. There is some concern that the visibility splays at the site entrance are inadequate because of the increased number of vehicles anticipated. However, I am satisfied that the visibility splays I observed at my site visit are acceptable to serve the additional two dwellings.
25. Therefore, I conclude that the proposal would not result in unacceptable risks to highway safety and would comply with Policy LP13 of the PLP which seeks among other things to ensure that appropriate provision is made for the transport needs of new development and the need to travel is reduced, especially by car.

Bin storage

26. I accept that bin storage for the existing and proposed dwellings is not shown on the submitted plans and that the proposed development would result in the removal of the bin storage provision for the existing properties shown on the

2017 permission. Even so, I am satisfied that there is space within the appeal site and the appellant's land ownership to provide bin storage for the existing and proposed development including to meet the Council's standards in relation to maximum drag distances for wheelie bins. Bin storage could be sought through an appropriately worded condition.

27. In this respect, therefore, I conclude that there is no conflict with Policies LP16 or LP17 in so far as these policies seek appropriate design of the public realm. Nor would the development conflict with the Cambridgeshire County Council RECAP Waste management Design Guide Supplementary Planning Document (2012) where it requires designated storage areas to be not more than 25 metres from the collection point.

Other Matters

28. I acknowledge the concerns of the neighbours to the side and rear of the appeal site that the proposal could harm their living conditions. However, given that I am dismissing the appeal based on the main issues, I have not considered this matter further.

Conclusion

29. I am satisfied that the development would be acceptable in terms of highway safety, the location and availability of bin storage and the living conditions of its future occupiers. However, for the reasons given above the proposal would be detrimental to the character and appearance of the area and the living conditions of Nos 39 to 45 Churchfield Road.
30. Overall, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR