



Appeal Decision

Site visit made on 6 December 2022

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/J0540/W/22/3302361

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 22/00105/FUL, dated 28 January 2022, was refused by notice dated 26 May 2022.
 - The development proposed is construction of 2 new dwellings including private parking and turning.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although notified that access to the appeal site was required, the appellant was not in attendance at the site visit. Whilst I was unable to access part of the appeal site, I was able to adequately view the site from the adjacent land. My consideration of the appeal proposal was therefore not prejudiced.
3. Planning permission was granted for the erection of a two-storey building to create two no. 2-bed apartments, conversion of existing house into 3x separate apartments and creation of dedicated car park at No 43 Churchfield Road under Council reference 17/01623/FUL (the approved scheme). Whilst the 2 new apartments have been constructed, I am told by the appellant that the conversion of the existing house cannot be completed due to technical issues. Nevertheless, in the absence of any formal mechanism prohibiting the provision of the 2 additional apartments, the permission remains extant. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the occupants of Nos 39, 41, 43 and 45 Churchfield Road with particular regard to privacy and the provision of garden space; and,
 - whether the proposed development would provide adequate living conditions for future occupiers with particular regard to outlook and garden space.

Reasons

Character and appearance

5. The appeal site comprises an enclosed parcel of overgrown green space which was identified as a communal garden area within the approved scheme together with an area of hardstanding, currently utilised as a turning and parking area for the residents of the approved units. The surrounding area is characterised by a mix of two storey detached, semi-detached and terraced properties. These properties typically front the highway and comprise of relatively narrow and long plots with compact frontages and well-proportioned, verdant linear gardens to the rear. The regularity of the development pattern and areas of green space to the rear of properties are notable characteristics of the area.
6. The proposed semi-detached dwellings would occupy a central position within the appeal site and would each provide off street parking for 2 vehicles. Reasonably sized, private gardens would feature to the rear of the properties. Although common within the area, traditional features including bay windows, stone lintels and corbelled eaves are not incorporated into the proposal. That said, given the variety of finishes noted within the area, the appearance of the proposed units would be generally in keeping with the site's surroundings. The overall scale and proportions of the proposed dwellings would also largely reflect neighbouring dwellings.
7. Nevertheless, the back land location of the proposed development would be at odds with the established development pattern and would disrupt the regularity of the built form. Furthermore, the proposal would result in the loss of the communal garden area which would detract from the spacious and mature rear garden environment. Consequently, the proposal would read as an incongruous and obtrusive form of development.
8. For these reasons, I find that the proposed development would harm the character and appearance of the area and is therefore contrary to Policy LP16 of the Peterborough Local Plan 2019 (LP). Amongst other aspects, LP Policy LP16 seeks to ensure that development proposals respect the context of the site and the surrounding area and respond appropriately to the local pattern of development. The proposal is also inconsistent with the design objectives of the National Planning Policy Framework and the National Model Design Code.

Living conditions - neighbouring occupants

9. The main habitable room windows of the proposed dwellings would face the rear elevations and private garden areas of Nos 39, 41, and 43 Churchfield Road. There would also be views into the rear garden of No 45 Churchfield Road.
10. The proposed dwellings would directly overlook the rear gardens of Nos 39 to 43 at relatively close proximity. There would also be uninterrupted views into the internal living space. Whilst the proposed plans indicate that the first-floor windows of the proposed dwellings would be obscurely glazed to a height of 1.5 metres above floor level and that the extent of opening could be restricted, these measures would fail to provide suitable living conditions for future occupiers with regards to daylight and outlook. Therefore, whilst the distances may not be uncommon of more densely populated areas, in absence of any

intervening features to offset the proximity, I find that the proposed development would result in an unacceptable degree of overlooking such that there would be a significant loss of privacy.

11. The Council alleges that the proposed development would compromise the privacy enjoyed by the occupants of No 45, with particular regard to the rear garden area. However, I find that the oblique angle of view and proposed boundary treatments would adequately mitigate any adverse impacts in relation to overlooking and therefore there would be no loss of privacy.
12. In addition to the communal garden area, the approved scheme indicates the provision of a shared garden area for the 3 apartments and a separate shared space for the 2 new units, now No 39 and 41. Contrary to the details shown on the approved plans, each unit has access to a private garden area. Although limited in size, the garden to No 43 provides reasonable space for social and domestic use. The garden areas allocated to No 39 and 41 were much smaller and therefore the usability of this space appeared to be limited. As such, given the scale of the existing provision, I find that the loss of the communal garden would harm the living conditions of the occupants of No 39 to 41. This harm would be exacerbated should the additional apartments at No 43 be provided.
13. Household bins belonging to No 43 were contained within the site frontage. There was however no evidence of bin storage within the frontage of Nos 39 and 41 at the time of my visit. In any case, if I were minded to allow the appeal, it would seem to me that there is sufficient space within the appellant's ownership to secure appropriate bin storage by condition.
14. Overall, I find that the proposed development would harm the living conditions of the occupants of Nos 39, 41 and 43 Churchfield Road with particular regard to privacy and the provision of garden space. The proposal is therefore in conflict with LP Policy LP17 which, amongst other objectives seeks to secure the amenity of existing occupiers and avoid the loss of privacy and amenity space.

Living conditions - future occupiers

15. The proposed plans indicate that the garden areas for Plot 01 and Plot 02 would measure 70m and 58m respectively. Whilst the layout of the proposed garden area would be uncharacteristic of the area, there would be sufficient space to accommodate a patio area and other garden paraphernalia commensurate to the scale of the proposed dwellings. Therefore, there is no reason to conclude that the proposed development would not provide suitable garden space.
16. Whilst the outlook for the proposed dwellings would be limited, it would not be dissimilar to the existing dwellings fronting Churchfield Road or indeed the wider area. There would be oblique views of the surrounding green gardens from the first floor windows whilst the rear ground floor windows would overlook the respective garden area. Although the front ground floor windows would predominantly look out onto the rear elevations of No 39 to No 43, there would be sight of the road beyond between the building gap whilst the separation distance would ensure that the outlook is not of a solid feature.
17. Accordingly, I find that the proposal would provide suitable living conditions for the future occupiers of the proposed development. The proposal is therefore in

accordance with Policy LP 17 of the LP which, amongst other aspects, seeks to ensure that development proposals are designed and located to ensure that the needs of future occupiers are provided for.

Other Matters

18. My attention has been drawn by the appellant to a nearby house in multiple occupation consented by the Council and the undesirable increase in on-street parking resulting from the development. Whilst the appeal proposal would not contribute to additional on-street parking, this is a neutral effect and does not outweigh the harm identified above.
19. Whilst acknowledging the appellant's comments regarding Baxter Close, the layout and appearance of this development does not compare to the appeal proposal. Furthermore, as it is not located within the immediate context of the proposed development, it does not form part of the character and appearance of the locality.
20. The appellant contends that the appeal site has recently been used for fly tipping and anti-social behaviour. Whilst mindful of the appellant's concerns regarding the use of the site, this has no bearing on my considerations of the merits of the proposal.

Conclusion

21. For the reasons outlined above, having regard to the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Wilkinson

INSPECTOR