



Appeal Decision

Site visit made on 24 January 2023

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Appeal Ref: APP/J0540/W/22/3292383

**Land to north east of 2 Marholm Road, Walton, Peterborough,
Cambridgeshire PE4 6AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M Uddin, Tameer Homes, against Peterborough City Council.
 - The application Ref 21/01220/FUL, is dated 28 July 2021.
 - The development proposed is 10 x 1 bed apartments with access and soft/landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is against the failure of the Council to determine the planning application in the prescribed period. The Council advised that, if it were now in a position to make a decision, it would refuse the application due to concerns relating to character and appearance, highway safety, car parking provision, cycle and refuse storage and the impact on the proposed development on the living conditions of neighbouring residents.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the use of the proposed access on the safety of pedestrians using Marholm Road.
 - whether the proposal would provide adequate car parking;
 - whether the proposal would provide adequate cycle and refuse storage facilities; and
 - the effect of the proposal on the living conditions of the occupiers of 64 Walton Park, with particular regard to outlook.

Reasons

Character and appearance

4. The properties to the west of Lincoln Road are characterised primarily by two storey detached, semi-detached dwelling and terraced houses set back a short distance from the pavement with well-defined 'building lines'. They have a

limited range of designs, with hipped roofs and projecting bay windows being a prominent features in Marholm Road and on Lincoln Road.

5. Although the proposed building would be set back from Marholm Road by a short distance it would sit forward of the 'building line' formed by the properties in the street and would be significantly taller than its immediate neighbour. Furthermore, whilst the front wall of the proposed building would be set at an angle to Lincoln Road, and at a variable distance back from the pavement, it would nonetheless project well forward of the nominal 'building line' extending from the gable wall of 64 Walton Park to the front wall of properties that lie to the north of Marholm Road. It would directly abut the pavement close to the junction of Marholm Road and Lincoln Road. The combination of these factors would result in the proposal appearing as a prominent and discordant feature within the street scene which would cause significant harm to the character and appearance of the area.
6. The prominence of the proposal would be accentuated by its bulk and scale with only limited relief being provided by the materials proposed and window/door openings. This contrasts significantly with the scale and vernacular architecture that lies within the immediate vicinity of the site. Consequently, it would appear out of keeping with its surroundings to the detriment of the character and appearance of the area.
7. I have taken into account the appellants reference to a 3 storey care scheme that has been erected to the east of Lincoln Road. Whilst accepting that the development comprises of a substantial building, I saw on my site visit that it sat within a spacious site. Moreover, its siting relative to Lincoln Road and neighbouring properties was different to that of the appeal proposal. Consequently, I do not consider that the schemes are directly comparable. It does not justify the appeal proposal, which I have considered on its own individual merits.
8. I conclude, on this main issue, that the proposal would harm the character and appearance of the area, contrary to Policy LP16 of the Peterborough Local Plan 2016-2036 (LP) which, amongst other matters, seeks high quality design that respects the context of the site and surrounding area.

Highway safety

9. During my site visit, which took place in the afternoon, I saw that the footpath on the southern side of Marholm Road was in regular use by pedestrians providing access to properties within the street, and over a railway bridge to commercial and residential areas to the west. I also noted that the road is identified as an advisory route for cyclists. Whilst some properties had in curtilage parking a significant number of vehicles were parked on the public highway. Whilst I appreciate that circumstances may change at different times of the day and week, I have no compelling evidence to suggest that the pedestrian and vehicular activity that I saw was not representative of a typical situation.
10. The introduction of a bellmouth style junction would exceed the highway authorities requirements for a development of the scale proposed leading to a potential for higher entry speeds. This would be to the detriment of the safety of highway users, and in particular pedestrians and cyclists, who would have to navigate a wider access resulting in a greater risk of collision. Whilst noting

that the appellants assertion that they were 'steered towards a bellmouth away from a pedestrian dropped crossing' this is not reflected in the consultation response from the highway authority. Furthermore, I do not accept that a condition could be imposed to enable a change to a pedestrian dropped crossing, as suggested by the appellant, as this may lead to other implications for the scheme without the benefit of scrutiny by interested parties.

11. The scheme before me, as indicated on drawing number OS0004 dated 14 November 2019, shows a pedestrian splay to the west of the proposed junction that crosses third party land. The appellants assert that the splay has been incorrectly determined, and the neighbouring development has been built on an open plan principle with no prospect of fences etc. being erected. However, I have no compelling evidence before me to indicate the proposal would provide adequate visibility for drivers emerging from the site. Moreover, in the absence of full control of the land required provide the visibility there is no certainty that it would be provided for the lifetime of the development. Consequently, drivers would be unable to clearly see pedestrians as they approach the access to the car park, which would be to the detriment of the pedestrians safety.
12. Accordingly, on this main issue, the proposal would be contrary to Policy LP13 of the LP which seeks, amongst other matters, safe access to and from developments by all user groups.

Car parking

13. Policy LP13, and Appendix C, of the LP sets minimum parking standards for the City. Judged against the standard the proposal would require a minimum of 13 car parking spaces, set against the proposal which indicates 12 spaces.
14. Whilst the shortfall in off street parking provision is small, I have also taken into account the concerns expressed by the highway authority that some of the spaces along the southern boundary would be difficult to access. In this regard the parking arrangement proposed is tight and, in the absence of a tracked path analysis, I am not convinced that all of the spaces would be easy to access. Consequently, I find that it likely that future occupiers would seek alternative arrangements which would result in an increased demand for on-street parking.
15. Notwithstanding the observations that I made on my site visit I have no evidence before me to indicate if any shortfall in off-street parking could be accommodated by allowing further on-street parking. In particular I have no survey data relating to parking demand at peak times. Even if spare capacity is available, I find it could lead to dangerous parking close to junction of Marholm Road with Lincoln Road. This could result in potential conflict between vehicles entering and egressing Marholm Road. This would have a detrimental impact on highway safety.
16. I conclude, on this main issue, that the proposal would be contrary to Policy LP13, and Appendix C, of the LP which, amongst other matters, supports developments that make appropriate and deliverable parking provision.

Cycle and refuse storage

17. No details have been provided indicating cycle or refuse facilities. The appellant asserts that the provision of cycle and refuse storage facilities could be provided either internally or externally and could be the subject of a suitably worded condition. That said, the facilities would occupy an appreciable amount of space and would have to be accessible for occupiers and refuse collection services.
18. Given the small amount of communal space available within the scheme I find that there would be only limited opportunity for the provision of either internal or external cycle and refuse facilities in an accessible location. Moreover, any opportunities that might exist would potentially have an impact on the character and appearance of the development, or the living conditions of future residents. Consequently, I do not accept that this is a matter that could be addressed through the imposition of a planning condition.
19. Accordingly, on this main issue, I conclude that the proposal would be contrary to Policies LP13 and LP17 of the LP. These policies, amongst other matters, seek to reduce the need to travel by making journeys by cycle an attractive option, with provision of appropriate storage facilities. They also require the provision of well-designed and located bin storage and collection areas.

Living conditions

20. 64 Walton Park is a two storey detached house with habitable rooms at ground and first floor level. The rear windows to No 64 face northwards, over a modest sized rear garden, towards the proposed development. The two storey gable end wall of the proposed development would be set at an angle to the boundary and sit a short distance beyond the fence located on the common boundary. It would have a hipped roof and contain no windows. On my site visit I saw that there was no appreciable difference in levels between No 64 and the appeal site. I also noted that tall conifers were located, within the curtilage of No 64, close to the boundary of the appeal site.
21. I acknowledge that the gable end of the proposed development would be in close proximity to the rear boundary of the garden of No 64 and would overlap it to a degree. That said, I find the relationship proposed is a typical arrangement found in urban areas, including within the vicinity of the appeal site. Moreover, I am satisfied that due to the height and density of the existing trees the proposed development would be well screened from No 64. Consequently, I find that the proposal would not have an overbearing impact on the occupants of the property, or significantly affect their outlook.
22. I conclude, on this main issue, that the proposal would not harm the living conditions of the occupiers of 64 Walton Park. Therefore, the proposal would comply with Policy LP17 of the LP which, amongst other matters, seeks to prevent significant adverse impacts on the amenities of any nearby property.

Other Matters

23. I acknowledge that the appellant has sought the advice of the Council as to what would be acceptable development, and has made amendments to the proposal, however this does not alter the conclusions that I have reached.

24. I accept that the proposal would make a contribution to the supply of housing in the area and utilise a brownfield site. That said, the appeal proposal does not represent the only option for the development of the site. I also acknowledge that the appeal site is located close to services and facilities and in this regard, it is well located to services and facilities. However, this is not a benefit in favour of the proposal, but a matter that would be expected from a well-located residential development.
25. I note that the Council has raised no objection with regards to internal space requirements, outdoor amenity space, noise, flood risk and sustainable drainage and landscaping matters subject to appropriate conditions being imposed. However, the absence of harm in respect of these matters are neutral factors in my consideration of this case.

Conclusion

26. I have found that the proposal would not have an adverse effect on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook. However, the absence of harm in this regard is a neutral factor and does not outweigh the significant harm, and subsequent policy conflict, that I have found with regards to the character and appearance of the area, highway safety, car parking and storage for cycles and refuse.
27. There are no other material matters, of sufficient weight, that indicate the application should be determined other than in accordance with the development plan as a whole. The appeal is therefore dismissed.

John Gunn

INSPECTOR