
Appeal Decision

Site visit made on 9 February 2023

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2023

Appeal Reference: APP/J0540/W/22/3303551

Land off Mill Lane, Castor¹, Peterborough

- 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 H Barton against the decision of Peterborough City Council.
 - The application Reference 22/00103/FUL, dated 26 January 2022, was refused by notice dated 29 April 2022.
 - The development proposed is the erection of detached dwelling including formation of access, integral garaging with annexe over, and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. By way of clarification, the Council has confirmed that it is not pursuing the highway reason for refusal as the objection could be met by conditions if the appeal were to be allowed.

Main Issues

3. The main issues are: firstly, whether the proposal would be well related to the pattern of settlement and its landscape context; secondly, the effect on heritage assets; and thirdly, the influence on neighbouring living conditions.

Reasons

The first main issue: Settlement pattern

4. The appeal site is located outside the settlement boundary for Castor in an area where the well-defined built up area gives way to the open countryside. In such locations the Peterborough Local Plan (2019) indicates that new development will not be permitted unless it meets key criteria, none of which would be fulfilled by the appeal proposal.
5. The Castor Neighbourhood Plan (2017), whilst seeking steady housing growth of around 10% during the plan period, would support new dwellings that would be located within the village or where they would immediately abut the village envelope and, amongst other things, where they respect the village built character and the surrounding landscape character.

¹ Also referred to as land to the rear of Ambleside, Peterborough Road, Castor

6. The appeal site is bordered on each side by a single large dwelling in generous well-kept domesticated surroundings. A 'ribbon' of 'prestigious' houses in extensive mature landscaped grounds are to be found along the southern side of Loves Hill. Nonetheless, although not designated as '*an important green space*', the site forms part of a sweeping tract of undeveloped land which has an integral relationship with the wider open countryside.
7. Despite its location between established dwellings, the proposal would not only consolidate a sporadic and loose knit arrangement of buildings but also seriously erode the transition, and distinction, between the settlement proper and the embracing rural landscape and its marked character and qualities.
8. In particular, with a narrower frontage to Mill Lane than its neighbours, the sprawling footprint of the building, occupying a substantial part of the width of the site, would be at odds with the manner in which adjoining properties sit within their own landscaped settings.
9. It follows, therefore, that the proposal would not be well related to the pattern of settlement and its landscape context. Moreover, it would conflict with the vision, objectives and development strategy embedded in the Local Plan with particular reference to Policies LP2, LP11, LP16, and LP27 and also at odds with Policy CH2 of the Neighbourhood Plan.
10. It is said, in the appeal statement, that the proposal would be a self-build or custom build scheme² which finds support in Local Plan Policy LP9. However, there is no formal mechanism before me to secure this; the Local Plan is up to date; the Council has a five year housing land supply and it is meeting 145% of its Housing Delivery Test; and, as asserted by the Council, '*the demand for self-build and custom housing is comfortably being met*'. In my opinion, the self-build or custom build aspiration does not outweigh the harm that I have already identified.

The second main issue: Heritage

11. The appeal site is located outside the Castor Conservation Area. The designated area, in general terms, embraces the historic core with an eclectic mixture of buildings defined by age, style and materials. The grounds to Castor House, behind an estate like boundary wall, with its abundance of impressive trees form a notable part of the designated area.
12. Corresponding trees, mainly on the opposite side of Loves Hill, add to the setting of the designated area. The positioning of the thatched cottage on the south-western side of Peterborough Road provides a visual 'end-stop' and the ensuing 'paddock', within the Conservation Area, affords a tangible link with the wider countryside beyond. Although the appeal site forms part of that broader countryside, the area proposed to be developed lacks direct affinity with the designated area due to a combination of intervening topography and tree cover. The contribution of the appeal site to the Conservation Area is neutral.
13. In terms of Listed Buildings, the Council focuses on one particular property and indicates, without demonstrable assessment, that '*the proposal would loom in the backdrop above the grade II listed thatched cottage*', referred to above. Whilst some backcloth trees on the hillside along Mill Lane are evident,

² This is at odds with the basis on which the application was made – Application Form Q16 'Market Housing'

neither of the existing dwellings is perceivable and there is nothing to suggest that the proposal would impinge on that element of setting, as alleged, or the manner in which the heritage asset is experienced and appreciated.

14. Overall, in light of my statutory duties, I conclude that the proposal would not have an adverse effect on the significance and setting of the Listed Building identified by the Council. Additionally, the character and appearance of the Conservation Area would be preserved. As such, there would be no conflict with Local Plan Policy LP19.

The third main issue: Living conditions

15. The proposed dwelling would have a considerable footprint and its principal elevations would be characterised by extensive fenestration and glazed amenity balconies. However, apertures in the north elevation, facing Ambleside, would be minimal in form and nature and established boundary planting would avert intrusive overlooking of the side elevation of the neighbouring property and its garden.
16. By comparison, the majority of its primary aspect would have a south-westerly or westerly outlook with the former gazing in the direction of Millane House. The neighbouring dwelling appears to have similar principal aspect, and it is positioned at a distance from its well-defined boundary, beyond a generous drive and parking area. Nonetheless, filtered or glimpsed views towards a facing elevation dominated by glazing, in one form or another, would result in an inevitable perception of being overlooked.
17. Moreover, the proposed dwelling would have limited separation from its side boundaries and stretch almost to the full depth of the plot where it borders Ambleside. As a result, its unapologetic, imposing, bulk and scale and its striking form would, despite partially screened and filtered views, have an overbearing impact on the adjoining curtilages as a whole.
18. In summary, despite the spacing that would remain between the proposed dwelling and the neighbouring houses, the nature of established landscaping, and the extent of each curtilage, I consider that the project would have an adverse influence on neighbouring living conditions and there would be conflict with Local Plan Policy LP17.

Other matters

19. In my consideration of this appeal I have focused on the main issues that I have identified. I have also taken account of the letters of representation which identify a number of other matters. In this regard, the Council has not raised any technical concerns on highway safety and I see no reason to disagree.
20. As to the cedar tree within the garden of Ambleside, and the relationship of intended excavations on the appeal site, the planning application was accompanied by a tree survey which acknowledged the importance of this tree and recommended protection measures. The Council's tree officer did not raise any objections.
21. I have also had regard to the appeal decision referred to by the Appellant, but find it to have little relevance in that the respective locations and site specific circumstances are materially different.

The planning balance

22. Flowing from the main issues, although I have found that the effect of the proposal on heritage assets would be neutral, there would be fundamental inconsistency with the plan-led strategy set out in the development plan with particular reference to the pattern of settlement and its landscape context. The scheme would also have an adverse impact on neighbouring living conditions.
23. On this basis, I conclude that the proposal would be in conflict with the development plan as a whole and the thrust of the Government's planning policies set out in the National Planning Policy Framework.
24. Accordingly, the appeal is dismissed.

David MH Rose

Inspector