

Appeal Decision

Site visit made on 3 March 2023

by S.Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 20th March 2023

Appeal Ref: APP/J0540/D/22/3310041

322 Oundle Road, Woodston, Peterborough PE2 9QP

- 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 M. Akhtar against the decision of Peterborough City Council.
 - The application Ref: 22/01007/HHFUL, dated 11 July 2022, was refused by notice dated 21 October 2022.
 - The development proposed is a detached dayroom and non-porous paving to the backyard.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dayroom and non-porous paving to the backyard at 322 Oundle Road, Woodston, Peterborough, PE2 9QP in accordance with the terms of the application ref. 22/01007/HHFUL, dated 11 July 2022, subject to the following condition:-

The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes incidental to the residential use of the dwelling known as No. 322 Oundle Road, Woodston, Peterborough, PE2 9QP and shall not be used as a separate dwelling.

Procedural Matter

2. The proposed development has already taken place. I have therefore determined the appeal on a retrospective basis.
3. During my site visit, in accordance with a request from the local planning authority and with the consent of the occupier, I viewed the development from the neighbouring property, No. 320 Oundle Road.

Main Issues

4. The main issues are the effect of the proposed development upon (i) the character and appearance of the application site and wider area and (ii) the living conditions of the occupiers of Nos. 318B, 320 and 324 Oundle Road in respect of outlook.

Reasons

Character and appearance

5. The appeal site is a detached, two-storey, residential property with an enclosed rear amenity space and located within a mainly residential area. Within its rear space is the constructed, single storey appeal building. Other adjoining properties have outbuildings located within their respective rear spaces.
6. The LPA has previously granted approval for a detached storage shed on the same site as that for the appeal proposal¹. The appellant considered that the approval granted permission for the building now constructed on the site. While both sides agree that the approved footprint and location of the building are consistent with what has been constructed, other aspects of the design including its shape, height and the external materials do not accord with the approved plans.
7. In addition, whereas the approval is for a detached storage shed, the current application is described as for a detached dayroom and non-porous paving to the back yard area.
8. The appeal proposal is a separate planning application to be considered upon its individual planning merits. However, while the approved plans have not been followed, thus giving rise to the current appeal proposal, the earlier planning approval remains extant. I afford the earlier approval significant weight in the appeal decision making process.
9. While the extant approval and the appeal building occupy the same site and have the same sized footprint, the appeal building is higher, both at eaves level (about 2.8 metres as opposed to 2.4 metres) and at ridge height (about 4.5 metres as opposed to 3.7 metres). It also includes an approximately 1.6 metre wide roof overhang, whereas the extant permission does not. Door and fenestration details differ, as does the use of Upvc for the window frames whereas the extant permission is for the use of wood.
10. On my site visit, I was able to see that adjacent properties have outbuildings in their rear amenity spaces. Several have a height and bulk greater than the appeal building. I consider that by its size, shape, height, location and the use of external materials, the appeal building does not adversely affect the character and appearance of the host property or that of the local area.
11. The LPA raises no objections to the paving, and I have no reason to disagree.
12. For the above reasons, I conclude that the development accords with policy LP16 of the Peterborough Local Plan 2019 (LP) which requires development to respond appropriately to local patterns of development and with paragraph 13 of the National Planning Policy framework 2021 which requires development to be responsive to the surrounding built form.

¹ 20/01486/HHFUL

Outlook

13. The appeal building lies to the rear of the host property. While it is visible to the occupants of Nos. 318B, 320 and 324 Oundle Road, it is set obliquely from them. On my site visit, I was able to see the appeal building from No 320 Oundle Road. It has a metal container sited in its rear amenity space which impedes in part the view of the appeal building. This significantly reduces any adverse effect of overlooking caused by the appeal building. Even if the metal container was to be removed, the appeal building, by its limited height against the common boundary and by its location facing the adjoining amenity space, would not have a significantly adverse impact upon outlook for the occupiers of the adjoining property. The other properties included in the LPA's decision notice are sufficiently far removed from the appeal site to have no significant impact in terms of outlook for their occupiers.
14. Approval has already been granted for a building with the same location and footprint. The appeal building, while it is higher than the previously approved outbuilding and has an overhang, it is not so much higher to appear to be overbearing or unduly dominant when seen at a distance and at oblique angles, in relation to the outlook from the above properties or from their garden areas.
15. Therefore, I conclude that the development accords with policy LP17 of the LP which requires that development does not result in any unacceptable impact upon the living conditions of the existing occupiers of nearby properties.

Conditions

16. In the interests of certainty, I have imposed a condition that the approved development is to be used for purposes relating to the residential use of the host property.

Conclusion

17. For the reasons outlined above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR