



Appeal Decision

Site visit made on 22 February 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal Ref: APP/J0540/W/22/3304277

33 Eye Road, Dogsthorpe, Peterborough PE1 4SA

- 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 Ms N.L. Darrington of Little Land Company against the decision of Peterborough City Council.
 - The application Ref 22/00046/FUL, dated 10 January 2022, was refused by notice dated 29 April 2022.
 - The development proposed is demolition of garage and outbuildings and erection of a 2 bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal 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 neighbouring residents, with regard to privacy, noise and disturbance;
 - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to privacy; and,
 - the effect of the proposed development on the safety of pedestrians, cyclists and drivers using Eye Road.

Reasons

Character and appearance

3. Eye Road benefits from wide grass verges. The properties on the same side of the road as the appeal site include large front gardens and driveways. A series of very tall trees are present within the immediate vicinity of the site, as well as one within the appeal site which is subject to a Tree Protection Order (TPO). These aspects combined to create a verdant character.
4. Most of the properties on this side of Eye Road, benefit from very long, rectangular rear gardens. There are numerous outbuildings accommodated in the rear gardens and there are a small number of examples of properties to the rear of others, notably properties to the rear of 25 Eye Road and on Willow Gate. Whilst these properties have smaller gardens than the surrounding houses, they still benefit from well-proportioned external areas and spacious plots.

5. The relationship between No. 33 and the proposed dwelling would be similar to the aforementioned back land development. However, the proposed dwelling would be sited nearer to the rear boundary. Due to the orientation of the proposed dwelling, size of the plot and footprint of the proposed dwelling, the extent of outside space would be restricted. Consequently, the siting and orientation of the proposed dwelling would make it appear cramped within the plot and, in comparison, to the prevailing character of the surrounding area.
6. Whilst the proposed dwelling would be largely screened from wider views, it would be viewed from surrounding properties and the incongruity of the scheme would have a negative effect on the surrounding character and appearance of the area.
7. The Council's Tree Officer has referred to 'trees' protected by a TPO, whereas the application plans show a single tree near to where the TPO trees are shown on the Order, and I only observed one tree on site.
8. Whilst the appellant has suggested that the driveway could be widened or resurfaced, the plans and details submitted as part of the application show the existing driveway would be retained in its current form and extended towards the rear of No. 33. Even if, there was an increase in vehicular journeys on the section of the driveway nearest to the tree subject to a TPO, the increase would be minor given the scale of the proposed development and no works are proposed to the driveway near the TPO tree. As such, the appeal proposal would not harm the tree subject to a TPO.
9. The application plans show a loss of trees to the rear of the appeal site. I have not been provided with evidence of the condition of these trees and details of any replacement planting. This significant loss of trees would harmfully affect the character and appearance of the area, as they contribute to the verdant character.
10. I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The appeal scheme would therefore be contrary to policies LP16 and LP29 of the Peterborough Local Plan 2016 to 2036 (LP), adopted July 2019 which require all development proposals to positively contribute to the character and local distinctiveness of the area; and proposals must provide evidence that the impact on trees has been subject to adequate consideration.

Living conditions of neighbouring residents

11. There would likely be an increase in vehicles using the access to the side of No. 33. However, that increase is likely to be limited given it can already be used by residents of No. 33 and it would only be used to access an additional two-bedroom dwelling. The side elevation of No. 33 facing the proposed driveway includes an entrance door and three windows. Whilst the increase in usage of the access would lead to some disturbance to residents of No. 33 from vehicles manoeuvring, it would not be to a harmful extent given the limited increase in movements and the orientation of the property.
12. The presence of tall boundary treatments, orientation of neighbouring properties, the separation distances and presence of outbuildings would prevent any unacceptable noise and disturbance for the occupiers of the other neighbouring properties.

13. I conclude that the proposed development would not have a harmful effect on the living conditions of neighbouring residents with regard to privacy, noise and disturbance. The appeal scheme therefore would therefore comply with LP Policy LP17, with respect to the effect of the development on the living conditions of existing neighbouring residents, only.

Living conditions of future occupiers

14. Properties on Sherborne Road are two storey and their rear elevations are in close proximity to the siting of the proposed dwelling. Whilst the existing tall vegetation would screen some views, residents of the properties on Sherborne Road would overlook the appeal property over the vegetation from their rear first floor windows. Future occupiers of the proposed dwelling would therefore suffer from a lack of privacy in their garden and rear habitable rooms. There would be short range, direct views into the rear garden and rooms of the proposed dwelling.
15. The appellant has suggested a condition requiring details of the boundary treatments to be submitted to and approved by the Council. However, I have not been provided with any details of the proposed boundary treatments and given the height and position of the windows I cannot be sure that satisfactory boundary treatments could be provided. Therefore, a condition for such details would not be appropriate.
16. I conclude that the proposed development would not provide acceptable living conditions for future occupiers, with regard to privacy. The appeal scheme would therefore be contrary to LP Policy LP17 which requires proposals to be designed and located to ensure the needs of future occupiers are provided for, including adequate privacy.

Highway safety

17. The proposed vehicle access does not meet the Council's standards for shared accesses. However, given the limited extent of the shortfall and the small amount of traffic generated by the appeal scheme, the potential for conflict between oncoming traffic is low. Also, the access would widen once it gets past the front wall of the appeal site and separate shortly after. Therefore, it would not lead to vehicles needing to reverse out on to the road and there would not be an issue in regard to the free flow of traffic.
18. This section of Eye Road is subject to a 30mph speed limit, and I have no evidence to suggest that vehicles do not observe this speed limit. Exiting vehicles could see a significant distance in either direction as this section of the road is relatively straight and free from obstructions on the verges. Whilst visibility splays have not been shown on application drawings, from my observations the visibility from the site access is sufficient for road users to any vehicles emerging from the site.
19. There is sufficient space on site for appropriate bin storage facilities and parking arrangements; and could be conditioned were the appeal to be allowed. Likewise, given the scale of development there is sufficient space on site to accommodate construction vehicles, materials and plant without affecting the public highway, details of a construction management plan could also be conditioned.

20. I conclude that the proposed development would not have a harmful effect on the safety of pedestrians, cyclists and drivers using Eye Road. The appeal scheme therefore complies with LP Policy LP13 which indicates planning permission will only be granted where appropriate provision has been made for safe, convenient and suitable access to, from and within the site.

Other Matters

21. The appeal site not being subject to any statutory historic or environmental designations is a neutral factor.
22. The site being in an appropriate and accessible location for residential development, and the provision of a bungalow to help meet the varying needs of members of the community weigh in favour of the scheme. However, these factors do not alter my conclusion on the acceptability of the appeal scheme.

Conclusion

23. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
24. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR