

Appeal Decision

Site visit made on 30 March 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/J0540/W/22/3306513
52 Priory Road, Peterborough PE3 9ED

- 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 W Beecham, Futurtech UK Ltd against the decision of Peterborough City Council.
 - The application Ref 22/00831/FUL, dated 14 June 2022, was refused by notice dated 11 August 2022.
 - The development proposed is the change of use of residential outbuilding to self-contained studio.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide acceptable living conditions for future and existing occupiers in relation to privacy.

Reasons

3. The proposal is for the single storey outbuilding behind No 52 Priory Road, a two-storey detached property used as a house in multiple occupation, to be converted into a self-contained studio. The building, which runs across the back of the rear garden, would include a double bedroom, shower room and living area/kitchen, thus forming self-contained living accommodation with no need to use any facilities in the main house. The main house comprises six bedrooms each with an ensuite shower room and a shared kitchen.

4. The occupiers of the studio would gain access via an open undercroft/car port through the main house. This involves passing the back door of the main house, which enters the shared kitchen, and then crossing the rear courtyard/garden to the front door of the studio to enter the living area/kitchen. The front door has a small window, with the other windows on the elevation being a medium sized window in the kitchen section of the living area, an obscure glazed window serving the shower room and finally a pair of french doors leading to the bedroom.

5. However, these windows would directly face the rear elevation of the main house, which at its closest, a ground floor extension containing bedroom 5, is only about 8 m away. This has a medium sized window. There is also a small window in the back door which serves the kitchen and, a few metres further away from the proposed studio at first floor level, two larger windows serving bedrooms 2 and 3.

6. The unduly short distance and clear intervisibility between the windows of the studio and the three bedrooms and kitchen in the main house would result in a mutual lack of privacy for their occupiers. Net curtains or blinds would provide some protection but this would be unsatisfactory, reducing the amenity of the rooms, and even with these the close proximity of unrelated residents within view would be unsettling. Communal use of the adjacent courtyard/garden, albeit perhaps infrequent, must be accepted by the occupiers of Room 5, but this would add to the lack of privacy for the occupiers of the studio who would have no relationship with those in the main house.

7. Although the window to bedroom 5 is relatively small it would be particularly close to the windows of the studio and the occupiers of the studio would be in clear view regularly passing back and forth across the courtyard/garden to gain access.

8. The lack of privacy would also be serious for the occupiers of the studio. In addition to clear views across from Room 5, the windows of the studio would be overlooked from Rooms 2 and 3 at first floor level which would be unsettling and oppressive. The slightly oblique views from Room 2 and the back door into the french doors serving the bedroom would be particularly problematic as a high standard of privacy would be expected in this room.

9. The use of No 52 as a house in multiple occupation does not reduce the level of privacy that should be provided for its occupiers and a condition to prevent the separate ownership of the studio would do nothing to address privacy. A fence or hedge between the main house and studio to ensure privacy would have an unduly overbearing effect in the rooms concerned and would adversely affect the area of external amenity space provided for the respective occupiers.

10. For these reasons the proposal would not provide acceptable living conditions for future and existing occupiers in relation to privacy and would conflict with Policy LP17 of the Peterborough Local Plan 2019. This seeks to avoid the loss of privacy for the occupiers of nearby property and ensures that future occupiers are provided with adequate privacy. No distinction is made for houses in multiple occupation.

Conclusion

11. The proposal would provide a unit of relatively inexpensive accommodation which would have social and economic benefits for the city. However, the scheme would not provide acceptable levels of privacy for existing occupiers of the main house or the occupiers of the studio, and this tips the planning balance firmly against the proposal.

12. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR