



Appeal Decision

Site visit made on 1 August 2023

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2023

Appeal Ref: APP/J0540/W/23/3317995

4 Church Walk, Peterborough PE1 2TP

- 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 Ruth Smart against the decision of Peterborough City Council.
- The application Ref 22/01536/FUL, dated 25 October 2022, was refused by notice dated 19 December 2022.

The development proposed is described as the “conversion into 4 flats with loft dormer conversion to rear”.

Decision

1. The appeal is allowed and planning permission is granted for the conversion into 4 flats with loft dormer conversion to rear at 4 Church Walk, Peterborough PE1 2TP in accordance with the terms of the application, Ref 22/01536/FUL, dated 7 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1867-00 Site Location Plan, 1867-01 Existing and Proposed Block Plan, 1867-02 Existing Site Plan, 1867-03 Rev A Existing Plans, 1867-04 Existing Elevations, 1867-05 Existing Sections, 1867-06 Rev A Proposed Site Plan, 1867-07 Rev A Proposed Plans, 1867-08 Proposed Elevations and 1867-09 Proposed Sections.

Preliminary Matters

2. The appellant has provided amended drawings to overcome the concerns raised by the Council. I have carefully considered whether to accept these drawings and find that they do not alter the scheme to such a degree that to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. In any event, the Council has had the opportunity to consider the drawings as part of its submissions.

Main Issues

3. The main issues in this appeal are the effect of the development on:
 - parking and highway safety, and
 - the living conditions of future occupiers with particular regard to privacy, noise and disturbance and outlook.

Reasons

Parking and Highway Safety

4. The development seeks to convert the existing building into 4 flats with a dormer conversion to the rear of the property. The Council state that although parking would be provided, the red line does not extend to the access for the proposed parking areas, and as such it has not been demonstrated how the parking area would be accessed. The Council accept that this is an academic argument, but nonetheless require the access to be provided.
5. In this instance, the appeal site is close to the town centre and a short walk to bus stops. One is able to walk and cycle to a variety of services, facilities, and amenities and indeed, catch a bus further afield. Church Walk and the surrounding roads are the subject of parking controls for residents only. However, it is accepted by Peterborough Highways Services that overspill of 2 or 3 vehicles from the proposed development can be accommodated within that scheme. Therefore, given the current capacity for additional residents parking and access to services and amenities, it is not strictly necessary for the development to provide a full complement of parking for future residents.
6. That said, the amended drawing¹ provided by the appellant indicates that the adjoining property, where the access into the appeal site parking area is located, is also within the appellant's ownership. Thus, given that there are now details of the proposed access and that three parking spaces can be provided within the appeal site, I am satisfied that sufficient parking will be provided and that vehicles parking in unsafe locations within the public highway is unlikely to occur.
7. Therefore, the development would provide sufficient parking. It would not be in conflict with Policy LP13 of the Peterborough Local Plan 2019 (LP) which seeks, amongst other things, to ensure that adequate parking is provided for the development.

Living Conditions

8. The current layout of the proposed flats places the living/dining/kitchen area of unit four above the bedroom to unit two, which has the ability to cause a potential nuisance through footfall noise of the users above. This is especially concerning should the ground floor be occupied by shift workers. To overcome this issue, the appellant has provided an amended drawing² detailing the conversion of the building, which will include a sound reduction system to alleviate sound transmission between the flats. Whilst I acknowledge the Council's concerns that this matter should be addressed through the planning process and not through Building Regulations, there is a clear intention to construct the flats with noise transmission in mind. Therefore, I am satisfied that this can be controlled through the amended plan as submitted.
9. The Council also raise the issue of the adverse impact on the living conditions of future occupiers of the ground floor flats. Essentially, it is argued that access to the parking area to the rear requires users to pass habitable rooms, which would force occupiers of the ground floor flats to close curtains or blinds to

¹ 1867-06 Rev A

² 1867-07 Rev A

ensure privacy is maintained. This would result in a poor outlook and indeed give a greater reliance on the use of artificial light.

10. I have carefully considered this particular issue in conjunction with the level of development proposed. There would be four flats in total and, based upon the bedroom size, each unit has the capacity to be occupied by two people. As occupiers of the ground floor would pass their own flat, that leaves only six movements between the car park and the entrance. Additionally, unit two has its own access along the side further reducing potential movements. Moreover, one has to consider the highly sustainable location of the appeal site, which can access services and facilities by foot, cycle, and public transport which could reduce the reliance on the private car and indeed the use of the car park.
11. Furthermore, the appellant has provided an amended drawing which indicates that the lower pane of the window can be obscurely glazed, so that the limited amount of people passing through the circulation space cannot look inside the ground floor flats, whilst still allowing natural light to enter the rooms. Moreover, although the side elevation facing onto the circulation space may have a poor outlook, it is evident that the ground floor flats also have additional windows at the front and rear.
12. Thus, I am satisfied that the level of living conditions for occupiers would be satisfactory. The development would not be in conflict with Policy LP17(b) of the LP and paragraph 154(b) of the National Planning Policy Framework, which seek, amongst other things, to ensure that developments provide an acceptable level of amenity for its occupiers.

Conditions

13. The Council has not suggested any conditions should I find that the development is acceptable. Therefore, along with the standard time condition, the approved plans should also be specified to provide certainty and to ensure that the development is carried out as per the amended plans submitted in support of the appeal.

Conclusion

14. Thus, I have found that the development would not result in harm to highway safety and would provide adequate parking. The development would not result in harm to the living conditions of future occupiers. Therefore, the appeal is allowed.

Graham Wyatt

INSPECTOR