



Appeal Decision

Site visit made on 18 October 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/J0540/W/23/3317466

39 Crowland Road, Eye, Peterborough PE6 7TP

- 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 Ernie Head against the decision of Peterborough City Council.
 - The application Ref 22/00813/FUL, dated 8 June 2022, was refused by notice dated 8 September 2022.
 - The development proposed is erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would provide a suitable location for housing with respect to the Council's spatial strategy;
 - The effect of the proposal on protected species, with particular regard to nesting birds and bats;
 - Whether the proposal would provide satisfactory living conditions for occupiers of 39 Crowland Road and future occupiers of the proposed dwelling, with particular regard to noise;
 - Whether the proposal would provide adequate car parking arrangements for the existing dwelling at No 39 and the effect on highway safety; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Spatial strategy

3. Policy LP2 of the Peterborough Local Plan 2016 to 2036 Adopted 24 July 2019 (the Local Plan) sets out a settlement hierarchy, in which the village of Eye (including Eye Green) is identified as a Large Village. It seeks to achieve more sustainable communities, bringing houses, jobs and services closer together in settlements that already offer the best range of services and facilities.
4. The policy indicates that in the countryside (i.e. outside the boundary of all settlements in the hierarchy) only certain forms of development will be permitted. This includes residential development which satisfies the 'exception' test set out in policy LP8, and development in accordance with Policy LP11.

5. Policy LP8 sets out criteria for 'Rural Exception Sites', which comprises affordable housing outside of but adjacent to village envelopes, which meets an identified need, has demonstrable local support and where there are no constraints or harms arising. Policy LP11 permits certain development in the countryside, including re-use and conversion of non-residential buildings for residential use, replacement of an existing dwelling, mobile homes and new dwellings related to agriculture, forestry or other enterprises where a countryside location is essential, subject to various criteria.
6. The appeal site sits adjacent to, albeit outside of, the settlement boundary for Eye Green. The proposal comprises provision of a single dwelling, indicated to be market housing within the application form. There is no compelling evidence to indicate that the proposal would fall within any of the categories of development permitted in such locations by Policy LP2, including those benefitting from the exception set out in policy LP8 or pursuant to policy LP11.
7. Policy LP2 clarifies that all other residential development outside of village envelopes and outside of Peterborough Urban Area boundary will, by definition, be contrary to the vision, objectives, development strategy and policies of the Local Plan, and should be refused, unless otherwise acceptable within a made Neighbourhood Plan. There is no evidence to indicate there is a made Neighbourhood Plan in which the proposal would be found acceptable.
8. I therefore conclude that the proposal would not provide a suitable location for housing with respect to the Council's spatial strategy. It is contrary to Policies LP2, LP8 and LP11 of the Local Plan, for the reasons set out in detail above.
9. In respect of this main issue, I have not identified any direct conflict with Policy LP4 of the Local Plan, which sets out the Council's spatial strategy for employment, skills and university development.

Protected species

10. I saw during my site visit that the site contains several outbuildings of various sizes. The western portion of the site, along with the site boundaries, is also populated by numerous trees and shrubs, including some of considerable size.
11. The Council's Wildlife Officer contends that the buildings are of the kind of construction where they may be used by bats as roosts and the trees may be of appropriate ages and size to be used similarly. There is no compelling evidence before me to conclude otherwise. The site also appears to have the potential to provide suitable habitat for nesting birds.
12. The proposal would result in loss of the existing outbuildings on site, several trees, and an appreciable amount of vegetation. However, a preliminary ecological appraisal (PEA) setting out the ecological potential for the trees, habitats and buildings on site has not been provided.
13. In the absence of further information to establish the full effects of the proposal on protected species, it is not clear to what extent they are using the site for roosting. Circular 06/2005¹ indicates that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. This is to ensure that their presence is fully taken into account. It is

¹ ODPM Circular 06/2005, Office of the Deputy Prime Minister, 16 August 2005

not appropriate for such a matter to be dealt with by condition, not least as it is unclear if further surveys, mitigation measures or amendments to the proposal may be required to negate any undue harm, and what form these might take.

14. I therefore conclude that the proposal would have a harmful effect on protected species, with particular regard to nesting birds and bats. It is contrary to Policy LP28 of the Local Plan. This policy, among other provisions, seeks to ensure all development proposals conserve and enhance the network of habitats, species and sites of international, national and local importance, avoid negative impacts on biodiversity, deliver a net gain in biodiversity and, where adverse impacts are unavoidable, be adequately and proportionately mitigated.

Living conditions

15. In respect of future occupiers, the proposed dwelling would be close to the neighbouring commercial use to the south at 12A Green Road. The evidence indicates that this property is occupied by a motorcycle repair, engine building and light engineering business. Representations from the owner indicate that it employs 12 full time workers and the proposed dwelling would be located at the back of an engineering workshop where machinery is used daily.
16. To the opposite side, the appeal site is adjoined by a bar and restaurant at 41 Crowland Road. No 41 features a car park and garden area to the rear which runs along the length of the appeal site. The evidence indicates that patrons of the business can use these spaces. Even if this business is currently closed or up for sale, there is no compelling reason to believe it would not reopen at some point in the future in a similar format.
17. Given the size, nature and proximity of these neighbouring operations and as they flank the appeal site on both sides, it is reasonably likely that they will generate considerable noise at times that, either in combination or individually, would be harmful to the living conditions of future occupiers.
18. There is no evidence to otherwise indicate that the level of noise from these businesses at various times of day would be acceptable or could be adequately mitigated. In the absence of clarity in respect of this matter, I cannot conclude that the proposal would provide adequate living conditions for future occupiers.
19. As it is unclear what, if any, mitigation measures or amendments to the proposal could be applied to negate any undue harm, I do not consider that this matter can be reserved to a planning condition.
20. In respect of the occupiers of 39 Crowland Road, I note that the proposal would include the provision of a private road adjacent to this property to provide vehicular access to the proposed dwelling. This would be formed in the existing gap between No 39 and No 41, which is currently in use as a vehicular access for No 39 only.
21. This vehicular access would run along the side elevation of the host dwelling, and along the full length of its retained rear garden area. Nevertheless, given the modest scale of the proposed development, the level of traffic movements is likely to be limited. There is no compelling evidence to otherwise indicate that this would have an unduly harmful effect on the living conditions of the occupiers of No 39 due to undue noise.

22. While I have not identified any harm to the living conditions of the occupiers of No 39, I conclude that the proposal would fail to provide adequate living conditions for future occupiers of the proposed dwelling, with particular regard to noise. It is therefore contrary to Policy LP17 of the Local Plan. This policy, among other provisions, seeks to ensure development proposals are designed and located so that the needs of future occupiers are provided for and include adequate noise attenuation, adequate amenity for the living needs of prospective occupiers and well designed and located private amenity space.

Car parking and highway safety

23. Vehicular access to the proposed dwelling would be provided via the existing access for No 39. The appellant has confirmed that this access, and the off-street parking and garaging that it would lead to, would be used solely by the occupiers of the proposed dwelling. No designated off-street parking would be provided for the occupiers of No 39.
24. The proposal would not result in intensification of the existing access, as this would continue to be used by a single dwelling only. The access is of sufficient width for this purpose and, given its existing use, it is not necessary for visibility splays to be shown.
25. In respect of parking arrangements for No 39, while the proposal would result in an increase in parking demand in this area, this would be limited. I saw during my site visit that there are public parking bays to the front of properties along this stretch of Crowland Road. I did not observe any parking restrictions. There is no compelling evidence to indicate that the modest increase in parking demand would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
26. The Local Highway Authority (LHA) had objected to the application due to the lack of information regarding parking and access arrangements, with particular concerns pertaining to the potential for intensification of the existing access. In view of the clarification provided through the appeal, the LHA has confirmed that they no longer object to the proposal.
27. I therefore conclude that the proposal would provide adequate arrangements for car parking for the existing dwelling at No 39 and would not have a harmful effect on highway safety. It is therefore in accordance with Policy LP13 of the Local Plan. This policy, among other provisions, seeks to ensure that appropriate provision is made for the transport needs of development and for safe, convenient and sustainable access to, from and within the site, and proposals provide appropriate vehicle parking.

Character and appearance

28. Eye Green is set out in a predominantly linear arrangement, with rows of dwellings lining Crowland Road. This is punctuated in places by short cul-de-sacs extending east or west away from the main road, behind properties on Crowland Road. Dwellings accessed via Crowland Road typically face the public highway, albeit are setback from the footpath to varying degrees. Plots are typically long and narrow, with elongated rear gardens.
29. The appeal site comprises an end terrace two storey dwelling and adjoining garden land, leading to a large square parcel of land extending to the rear of Nos 33 to 39. Examples of development towards the rear of plots and behind

frontage buildings can be found locally. In particular, outbuildings and other ancillary structures can be observed to the rear of residential buildings along Crowland Road, including at the appeal site. There are also commercial uses to the rear of some nearby properties. Additionally, I observed isolated examples of what appeared to be similar forms of “backland” residential development elsewhere along Crowland Road.

30. The proposal would introduce a single storey dwelling into the square parcel of land to the rear of Nos 33 to 39. The proposed dwelling would be substantially set back from Crowland Road, and from the existing dwellings along the frontage. The host dwelling at No 39 would retain a commensurately sized and characteristically elongated rear garden.
31. While it would be glimpsed in the narrow gaps between existing buildings along Crowland Road, the proposal would otherwise be considerably screened by these buildings and therefore have little appreciable effect on the street scene. Furthermore, the size of the appeal site and neighbouring plots allows opportunities for considerable tree and shrub planting, and the site is currently well screened in several views by mature vegetation along the site boundaries.
32. The proposal would be visible in some views from Green Road across the allotments to the rear. However, it would not project any further westward than the existing development along Green Road immediately to the south, nor the cul-de-sac development to the north. In this context, it would sit comfortably amongst the adjacent development and wider village around it.
33. I recognise such “backland” forms of development are not particularly characteristic of the area, despite there being some examples locally. Nevertheless, given its siting, modest height and surrounding context, I do not find that the proposal in this instance would significantly detract from the prevailing character and appearance of the surrounding area.
34. I therefore conclude that the proposal would not unduly harm the character and appearance of the surrounding area. With regard to this main issue, it is therefore in accordance with Policies LP16 and LP27 of the Local Plan. These policies, among other provisions, seek to ensure such development proposals respect the context of the site and surrounding area and respond appropriately to local patterns of development, building forms and existing views, and are located and designed in a way that is sensitive to landscape setting.
35. Policy LP17 of the Local Plan concerns the amenity of existing and future occupiers. I have not identified any conflict with this policy in respect of this main issue.

Other Matters

36. The proposal would contribute to the housing supply, including the supply of bungalows, which can encourage downsizing and may free up a larger family home elsewhere. It would provide a temporary boost in employment during construction, and additional residents would contribute to the local economy and vitality of the community. However, these benefits would be modest, given the small scale and context of the development.
37. Permanent occupation of the land may improve its upkeep. Nonetheless, the existing natural condition of the land is not particularly harmful to the character and appearance of the area and so this would be of limited benefit.

38. The use of the land for residential purposes may also preclude any potential future commercial use, which can have a greater impact on neighbouring residential properties. Nevertheless, there is no compelling evidence to indicate there is any prospect of the land being used for commercial purposes, or for any other alternative use.
39. My attention has been drawn to several other examples of other development completed or approved in Eye Green, which the appellant considers relevant to the appeal. Limited information with respect to these examples has been provided, and so I am unable to draw any meaningful comparisons to the appeal proposal. Ultimately, each case must be considered on its individual merits, and this does not lead me to a different conclusion on the main issues.

Conclusion

40. The proposal would conflict with the Council's spatial strategy and would result in significant harm and development plan conflict with respect to the effect on protected species and the living conditions of future occupiers. I am satisfied the proposal would provide adequate car parking arrangements and would not have an unduly harmful effect on highway safety, the living conditions of existing occupiers of 39 Crowland Road, or the character and appearance of the area. However, this does not outweigh the identified harm and development plan conflict. I therefore find that the proposal would be contrary to the development plan, taken as a whole.
41. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR