



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: 24 November 2023

Appeal Ref: APP/J0540/W/23/3321588

264 Oundle Road, Woodston, Peterborough PE2 9QA

- 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 Anthony Cowell against the decision of Peterborough City Council.
 - The application Ref 22/01287/FUL, dated 15 September 2022, was refused by notice dated 4 November 2022.
 - The development proposed is demolition of two existing garages and construction of two new detached two storey dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the banner heading I have set out a truncated form of the description of development in the application form, omitting that which is unnecessary to accurately describe the scheme.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would provide adequate car parking arrangements and the effect on highway and pedestrian safety;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy and the provision of private outdoor space; and
 - Whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to privacy, light and the provision of private outdoor space.

Reasons

Character and appearance

4. The appeal site comprises a rectangular parcel of land to the rear of 264 and 266 Oundle Road. The site is currently partially enclosed by a metal fence and features two detached garages with hard surfacing to the front. It sits close to the junction of Brancepeth Place and The Dell and is therefore in a relatively prominent location. The site also encompasses a portion of the rear garden

area of the existing properties. There is a noticeable decrease in ground levels across the site from the garden areas to the public highway at the rear.

5. The surrounding area is characterised by a mix of house types of various sizes. On the appeal site's side, Oundle Road is primarily lined by traditional semi-detached or terraced two storey houses, set back from the footpath behind modest front gardens. To the rear, private garden spaces are typically elongated and narrow, and often lead to detached outbuildings or garages with access onto Brancepeth Place.
6. On its northern side, Brancepeth Place is therefore lined by garages, off-street parking spaces and tall fencing of rear gardens. On the opposite side however, there is a more contemporary residential development of two storey terraced and semi-detached houses in a staggered arrangement. The front elevations of these dwellings are significantly set back from the footpath behind long unenclosed front gardens and driveways. This provides a degree of separation and distinguishes these residential frontages from the enclosed garden spaces and ancillary structures opposite.
7. The proposal would introduce two detached dwellings on the northern side of Brancepeth Place, directly to the rear of Nos 264 and 266, truncating their existing rear garden spaces. The proposed dwellings would sit closer to the road on Brancepeth Place than the existing garages on the appeal site.
8. The form of the proposed dwellings would be similar to garages found elsewhere along the street and they would sit on a lower level than the existing dwellings fronting Oundle Road. However, the proposal would be unmistakable in its residential character and appearance due to their two-storey height and domestic fenestration.
9. The proposal would extend residential development into an area that currently has an ancillary and subservient function. It would erode the sense of separation between the traditional properties on the north side of Brancepeth Place, and the more contemporary development to the south. The considerably elongated form of the proposed dwellings would also set them apart from other dwellings in the street scene.
10. Despite their modest height and sympathetic materials, the proposed dwellings would therefore appear as an incongruous addition to the area, in a prominent location.
11. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to Policy LP16 of the Peterborough Local Plan 2016 to 2036 Adopted 24 July 2019 (the Local Plan). This policy, among other provisions, seeks to ensure development proposals respect the context of the site and surrounding area and respond appropriately to local patterns of development, including street plots and blocks, spaces between buildings and boundary treatments, and building form.
12. The proposal would also conflict with paragraph 134 of the National Planning Policy Framework (the Framework) in respect of its aims of ensuring development that is not well designed is refused.
13. Policy LP2 of the Local Plan sets out the settlement hierarchy and measures to restrict residential development outside of village envelopes and the

Peterborough Urban Area boundary. I have not identified any direct conflict with this policy in respect of this main issue.

Car parking and highway and pedestrian safety

14. Policy LP13 of the Local Plan indicates that planning permission for new development within residential use classes will only be granted if the proposal makes appropriate and deliverable parking provision. Appendix C of this policy sets out minimum parking standards and indicates that dwellings with two or more bedrooms should have two spaces. Houses in Multiple Occupation (HMOs) should have one space per bedroom.
15. The appeal site currently accommodates garaging and vehicle parking areas, with direct access into the rear garden areas of Nos 264 and 266. The evidence indicates that the host properties are in use as HMOs. The proposal would result in the loss of the space to the rear for parking for these properties and this would increase parking demand elsewhere in the public highway, and most likely on Oundle Road.
16. While the appellant maintains that the existing garages are currently unused, this does not preclude them from being used at some point in future. The appeal proposal would however result in the permanent loss of this space for parking that could otherwise have served Nos 264 and 266.
17. Oundle Road is a main thoroughfare into the city centre and includes a cycle lane alongside the public parking bays to the front of properties. At the time of my site visit, I saw that there was some limited capacity to accommodate additional parking along this stretch of the road, and I did not observe any parking restrictions in the vicinity of the site. However, there is no parking survey or similar evidence to demonstrate the levels of on street car parking in this area at various times of day.
18. The proposal would fail to ensure the requisite parking provision would be retained for the existing properties, as required by policy LP13. There is no compelling evidence before me to justify a departure from this policy. It is likely that this would result in undue parking pressure on Oundle Road and would increase conflict between vehicles, cyclists and pedestrians.
19. In addition, there are no pedestrian visibility splays shown on the proposed plans. Based on the evidence before me, the proposal could pose a risk for pedestrians who may be difficult to see for vehicles exiting the site, particularly in a reverse gear. This is pertinent given the proximity of the adjacent public footpath alongside the site, and lack of a formal pedestrian footway on the north side of Brancepeth Place.
20. The appellant indicates that they would comply with any conditions laid out by the Council in respect of visibility splays. However, even if I were to accept that this issue could be resolved through use of planning conditions, this would not overcome the other identified harm arising from the proposed parking arrangements.
21. Notably, the Local Highway Authority objected to the application due to the loss of existing off-road parking and lack of safe pedestrian access.
22. I therefore conclude that the proposal would fail to provide adequate car parking arrangements and would have a harmful effect on highway and

pedestrian safety. It is contrary to Policy LP13 of the Local Plan. This policy, among other provisions, seeks to ensure new development makes appropriate provision for the transport needs it will create, including improving walking connections, allowing for the safe and efficient movement of all modes of transport and assisting those with access and mobility difficulties.

Living conditions of neighbours

23. The proposed dwellings would both feature bedrooms at first floor level, with bedroom 2 featuring windows in the side and rear elevations. The rear bedroom window would be obscurely glazed, however the side facing window in both dwellings would look across the site boundaries.
24. In respect of Plot 1, this side facing first floor window would overlook the rear garden areas of the neighbouring terrace of dwellings at 268 to 274 Oundle Road. In particular, the angle and proximity of views towards the immediate rear garden areas of Nos 270 and 272 would result in an appreciable loss of privacy for the occupiers of these neighbouring properties.
25. While I recognise that the proposed dwellings are set lower in the ground, the plans before me do not demonstrate that this would be sufficient to ensure that views over the boundary fence and across the alleyway from the first-floor side bedroom window could not be achieved. The presence of the existing large building on the opposite side of these gardens would not negate the identified harm due to loss of privacy.
26. Given the rear facing window within this same bedroom is already proposed to be obscurely glazed, it would not be appropriate to require the side facing window to also be obscurely glazed. This would eliminate any outlook from this bedroom, and effectively restrict any outlook from this dwelling at first floor to the front facing windows only. This would be detrimental to the living conditions of future occupiers and would not amount to good design. This would therefore fail to provide an acceptable solution to the above concerns.
27. In respect of Plot 2, views from the side facing first floor window would be considerably obscured by the existing detached garage structure to the rear of No 262. This garage appeared to be useable and in good condition at the time of my site visit. There is no compelling evidence before me to indicate that there is any prospective of it being removed in future. Moreover, views from this window to the rear garden and rear elevation of No 262 would be considerably oblique. There would therefore be no harmful overlooking arising from this window. Overlooking from the rear facing first floor bedroom window of Plot 2 towards No 262 would also be prevented using obscure glazing.
28. Given the modest height of Plot 2, its domestic nature and its distance from, and oblique relationship to, the rear elevations and immediate rear garden area of No 262, it would not unduly harm the living conditions of occupiers of this property through loss of outlook, loss of light or noise. Notably, the Council also found that the relationship to this property would be acceptable.
29. The appeal proposal would also result in an appreciable reduction in the external space available to the occupiers of Nos 264 and 266. However, there is no development plan policy before me setting out minimum space standards for this type of accommodation. Though the retained spaces would be smaller, they would not be of a size that would be harmful to the living conditions of

occupiers of Nos 264 and 266. The proposal would not reduce the size of the rear garden area of No 262.

30. Notwithstanding the above, the proposal would have an unduly harmful effect on the living conditions of the occupiers of neighbouring properties at Nos 270 and 272, with particular regard to privacy. In respect of this main issue, it would be contrary to Policy LP17 of the Local Plan. This policy, among other provisions, seeks to ensure that new development does not result in an unacceptable impact on the amenity of existing occupiers of any nearby properties, including through loss of privacy.
31. The proposal would also conflict with Paragraphs 130 and 134 of the Framework, in respect of their aims of ensuring that developments create places with a high standard of amenity for existing users and development that is not well designed is refused.

Living conditions for future occupiers

32. The separation distances between the rear elevations of the proposed dwellings and the closest rear facing elevations in the host properties would be somewhat limited. However, I saw on my site visit that Nos 264 and 266 both feature only a single window at first floor level in this elevation, and these are both obscurely glazed. Views from ground floor windows in the host properties would be largely obscured by the proposed 1.8-metre-high timber fence and planting along the shared boundary. Opportunities for overlooking from Nos 264 and 266 to the proposed dwellings would therefore be limited.
33. The proposed ground floor rear living spaces, though considerable in depth and on the northern side of the dwellings, are served by large, glazed doors spanning almost the entire width of the rear wall. Given the limited opportunities for overlooking set out above, I see no reason why future occupiers could not benefit from natural light provided through this opening. I therefore do not find that light levels to these rooms would be unduly restricted to such an extent as to be harmful to the living conditions of future occupiers.
34. While I recognised the proposed private outdoor spaces are limited in size, there is no development plan policy before me setting out minimum space standards for this type of accommodation. The proposed dwellings would have two bedrooms only, and so a modest rear garden would be commensurate. An area for bin storage would be provided alongside a separated patio area that would be of a useable shape and sufficient size to accommodate garden furniture.
35. Given the primarily residential nature of the immediate area, there is no compelling evidence to indicate the proposed private outdoor spaces would be subject to undue noise from adjoining uses. Though they would be on the northern side of the dwellings, these spaces would still benefit from direct sunlight at times given the lack of development to the immediate west, the relatively low height of the proposed dwellings in relation to the upper patio area and the orientation of their dual pitched roofs.
36. I therefore conclude that the proposal would provide satisfactory living conditions for future occupiers, with particular regard to privacy, light and the provision of private outdoor space. It would be in accordance with Policy LP17 of the Local Plan in this respect. This policy, among other provisions, seeks to

ensure development proposals are designed and located so that the needs of future occupiers are provided for, including adequate natural light, privacy and noise attenuation, and well designed and located private amenity space.

37. The proposal would also be in accordance with Paragraph 130 of the Framework, in respect of its aims of ensuring that developments create places with a high standard of amenity for future users.
38. I have not identified any conflict with paragraph 154(b) of the Framework, which seeks to ensure new development can help to reduce greenhouse gas emissions through its location, orientation and design.

Other Matters

39. The proposal would reuse previously developed land and garden land in an existing urban area, with associated access to services and public transport. It would contribute to the housing supply and would provide a temporary boost in employment during construction. Additional residents may also 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.
40. Paragraphs 69 and 120 of the Framework indicate that planning decisions should give weight to the benefits of using suitable windfall and brownfield sites within settlements for homes. Paragraphs 119 and 124 of the Framework advocate for the effective and efficient use of land, respectively. This is echoed in Policy LP16 of the Local Plan.
41. However, the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places must be taken into account. Given the harm identified, it has not been demonstrated that the appeal site is a suitable site for development in the form proposed, or that the proposal would be an effective or efficient use of land.

Conclusion

42. The proposal would result in significant harm and development plan conflict with respect to the effect on the character and appearance of the area, the living conditions of the occupiers of neighbouring properties and highway and pedestrian safety, and would fail to provide adequate parking arrangements. I am satisfied that the proposal would provide satisfactory living conditions for future occupiers. 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.
43. 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