



Appeal Decision

Site visit made on 17 January 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/J0540/d/23/3329596

28 Westwood Park Road, Peterborough, PE3 6JL

- 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 Mahmood Hussain against the decision of Peterborough City Council.
 - The application Ref 23/00596/HHFUL, dated 28 April 2023, was refused by notice dated 5 July 2023.
 - The development proposed is a two-storey side and rear extension, single-storey rear extension, loft conversion including dormer windows at the front and rear, erection of porch and alterations to existing dwelling.
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Procedural Matter

1. The description of the development originally varied in the different appeal documents. Subsequently, I sought agreement from both parties that the wording used in the heading above and in my decision below was an accurate description of the development. The appellant and the Council agreed to this on the 7 February 2024.

Decision

2. The appeal is allowed and planning permission is granted for a two-storey side and rear extension, single-storey rear extension, loft conversion including dormer windows at the front and rear, erection of porch and alterations to existing dwelling at 28 Westwood Park Road, Peterborough, PE3 6JL, in accordance with the terms of the application Ref 23/00596/HHFUL, dated 28 April 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Site Location Plan dated 13 April 2022; Existing Site Plan dated 13 April 2022; Existing Site Plan – TH/04/C – Rev C; Existing Ground Floor Plan – TH/05/B – Rev B; Existing First Floor Plan – TH/06/B – Rev B; Existing Elevations – TH/07/A – Rev A; Proposed Site Plan – TH/13/F – Rev F; Proposed Ground Floor Plan – TH/10/H – Rev H; Proposed First Floor Plan – TH/11/H – Rev H; Proposed Second Floor Plan – TH/14/C – Rev C; Proposed Elevations – TH/12/D – Rev D; Existing and Proposed Streetscene – TH/16/A – Rev D; and Tree Protection Plan – TH/15/C – Rev C.

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) At no time shall the flat roof area on the approved single storey rear extension, as shown on drawings numbered TH/10/H and Th/10/11, be used as an amenity, balcony, sitting out space of any kind whatsoever and it shall not be used other than for essential maintenance or repair, or escape in case of emergency.
- 5) All works shall be carried out in strict accordance with Tree Protection Plan, Drawing Number: TH/15/C Rev C dated May 2022.

Main Issues

3. The main issues are

- The effect of the proposal on the character and appearance of the existing dwelling and on the Thorpe Road Special Character Area; and
- The effect on the living conditions of the occupants of numbers 26 and 30 Westwood Park Road (number 26 and number 30), with regard to outlook and privacy.

Reasons

Character and Appearance

4. The appeal property is a large, previously extended, two-storey detached dwelling, which is situated on a relatively large plot on Westwood Park Road. The site contains an outdoor swimming pool at the rear and a detached garage at the front. It is within the Thorpe Road Special Character Area (SCA), which, in the vicinity of the appeal site, is characterised by larger dwellings that sit in spacious plots. The dwellings vary in terms of their age, scale and design.
5. The local area and the streetscene has a verdant character and appearance, due to the presence of trees and other vegetation in the front and rear gardens and on highway verges. The houses are set-back from the road and the spacing between the buildings vary.
6. The proposal is to construct a two-storey hipped-roof extension on its southern side and at the rear, a rear single-storey flat-roofed extension that would enclose a swimming pool, a new front porch and extensions in the roof, including dormers at the front and rear. The proposal also includes an enclosed external staircase that would provide access to a small flat containing a lounge, kitchen and wc/washing area. There is no proposal for this to be a separate planning unit.
7. The proposal follows two earlier applications for similar extensions that were refused by the Council in November 2022 and March 2023. Those applications included an external spiral staircase, which gave rise to concerns of overlooking. The staircase would now be enclosed.
8. The Council considers that the proposal, by virtue of its design, layout. Appearance and scale would be incongruous and an overdevelopment of the site. Therefore, it would have an unacceptable impact on the character and appearance of the area.

9. The Council refers to three policies of the adopted Peterborough Local Plan 2019 (LP) in its decision notice. Policy LP16 seek (amongst other things) to ensure that new development contributes to the character of the area and local patterns of development. Policy LP19 relates to the historic environment and requires development to respect and enhance local character and distinctiveness. I have however noted that the appeal site is not in a conservation area and it is not clear why this policy is relevant. Policy LP20 relates to Special Character Areas and requires alterations and extensions to be sympathetic to the original style and be of an appropriate scale.
10. I consider that these policies accord with paragraph 135 of The National Planning Policy Framework 2023 (The Framework), which contains similar provisions.
11. I acknowledge that the extensions would be large and they would add quite significantly to the mass and scale of the dwelling. However, I consider that the design of the two-storey side and rear extensions would be in keeping with the existing appearance of the dwelling in terms of the roof design, external materials and fenestration details. The side extension would be similar to the existing side extension on the opposite side of the property and it would add some symmetry and balance to the building. I am also satisfied that the proposed spacing between the appeal dwelling and the neighbouring properties would ensure that the character and appearance of the streetscene is maintained.
12. The single-storey rear extension would be different in design terms, largely because of its flat-roof and it's somewhat 'boxy' appearance. However, only a small part would be visible from Westwood Park Road and, therefore, it would have little, if any, impact on the appearance of the SCA. The front porch would also contrast with the existing front elevation, but overall, it would be a relatively minor feature and would not be unacceptably harmful.
13. The preamble to Policy LP20 states that the character of the SCA is defined by low density, large detached family dwellings, set back behind established building lines in large and typically spacious landscaped gardens. I consider that the proposal would preserve this character and there would be no conflict with the provisions of the LP or with The Framework, as referred to above.

Living Conditions

14. The appeal property sits between number 26 and 30, which are two detached dwellings that are positioned relatively close to side boundaries of the appeal site. Both numbers 26 and 30 contain windows on their side elevations facing the appeal site, but the evidence and my observations at my site visit, indicate they are either secondary or non-habitable room windows.
15. The Council states that the proposal would have an adverse impact on the two neighbouring dwellings by overbearing and loss of privacy. In the Council's opinion, it would conflict with Policy LP17 of the LP, which states that new development should not result in an unacceptable impact on the amenity of the of the occupiers of any nearby properties.
16. With regard to the effect on number 30, the main impact would be from the single-storey extension over the swimming pool. Although this would be close to the side boundary it would not project beyond the rear wall of number 30

and it would not have a harmful effect on outlook from the side of that property, because of the windows on the side elevation serve a bathroom and a utility room.

17. In terms of overlooking, the closest first-floor window on the side of the appeal property is already existing, whilst the window in the side of the proposed extension would serve an en-suite with an acceptable separation distance between that and number 30.
18. Turning to number 26, the proposed two-storey extension would sit just under 4m from the side boundary with a distance of over 5m between the dwellings. Whilst part of the extended property would project beyond the rear wall of the dwelling at number 26, it would not be overbearing because of the angular relationship and the separation distance between.
19. The proposed extension would include two first-floor windows facing towards the side of number 30. One of these would serve a kitchen area and the other a bedroom. Given that there are no habitable rooms on the side of number 26, I am not persuaded that there would be any undue loss of privacy to the neighbouring occupants.
20. For these reasons, I conclude on this issue that the proposal would not have an adverse impact on the living conditions of the occupants of numbers 26 and 30. Accordingly, the proposal would not conflict with Policy LP17 of the LP.

Conditions

21. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the time period in which to commence the development and specifying the approved plans, I have also imposed a condition requiring that the external materials match the existing dwelling. This is necessary to ensure a satisfactory external appearance.
22. The Council has also suggested two additional conditions which would prevent the flat roof above the swimming pool being used as a balcony/sitting out area and requiring that the works are carried out in accordance with the submitted tree protection plan.
23. With regard to the potential use of the flat roof, I agree that if it was to be used as a sitting out/balcony area, it could result in a threat to the privacy of the occupants of number 30. Consequently, I consider the condition to be reasonable and necessary.
24. The submitted Tree Protection Plan shows that there is unlikely to be any significant threat to any of the trees on the site from the extensions themselves. Notwithstanding, it is also reasonable to protect them from associated construction activities, including the storage of materials etc. I have therefore imposed the condition as suggested.

Conclusion

25. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR