



Appeal Decision

Site visit made on 5 March 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2024

Appeal Ref: APP/J0540/W/23/3329759

67 London Road, Peterborough PE2 9BB

- 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 Zylfi Kupa against the decision of Peterborough City Council.
 - The application Ref is 23/00639/FUL.
 - The development proposed is described in the application form as "change the existing residential (C3) use into a bed and breakfast hotel (C1) with solar panels at the rear elevation".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - Highway safety, with particular regard to the proposed access, service arrangements, and car parking provision; and
 - The living conditions of the occupiers of neighbouring properties, with particular regard to noise.

Reasons

Highway safety and car parking

4. The appeal site is located on a main route into Peterborough city centre. At the time of my site visit, I saw that the road is relatively busy. It is served by a bus route, with a bus stop close to the site. Parking along this stretch of the road is restricted however there are some on street parking bays limited to permit holders and short stays.
5. The appeal proposal would provide 8 guest bedrooms. A dining room/lounge would also be provided for guest use only. The submitted Transport Statement¹ anticipates maximum parking demand for 6 spaces on a weekday. An 8 bay car park would be formed to the rear. The proposed parking bays would sit at an

¹ Dirmak Transport Statement – 18/05/2023 Final Issue

- angle to the side boundary of the site. A visitor drop off/pick up and loading area would also be provided to the front of the site.
6. The proposed loading area would be used by commercial vehicles. The submitted swept path analysis shows such vehicles could enter and exit the site in a forward gear. However, the manoeuvres depicted may be difficult for the average driver, requiring multiple movements and precision. It would require service vehicles to cross the footpath at an angle and is likely to encourage drivers to instead reverse across the footpath and into the carriageway to exit. This would pose a significant risk to other vehicles, cyclists and pedestrians.
 7. Access to the rear car park would be provided by a new driveway, part of which would be through a vehicular underpass beneath the first-floor bedrooms. This would not be wide enough for two vehicles to pass simultaneously and so would be subject to a 2-way priority system. The plans before me depict a waiting space within the site's forecourt area. This would potentially enable one vehicle entering the site to wait while an exiting vehicle passes.
 8. However, the swept path analysis provided suggests vehicles using the loading area would likely block part of the waiting space. It would therefore unlikely be available at all times. Moreover, cars bound for the rear car park are likely to cross the access on the right-hand side to allow a clear view and a more direct approach to the narrow vehicular underpass. This would encourage vehicles to stop in the road when waiting to enter.
 9. Signage is proposed to manage the priority system. However, given the change in levels and obstruction created by the host building, boundary structures and vehicles using the front forecourt, it has not been demonstrated that there would be sufficient intervisibility between entering and exiting cars. This is likely to result in conflict at times and require either vehicle to reverse to provide passing space. Vehicles that have already crossed the footpath would likely reverse back over it and into the carriageway on London Road, again posing a significant risk to other vehicles, cyclists and pedestrians.
 10. The appellant has suggested a Service & Delivery Management Plan could be agreed to ensure that servicing and delivery activities and times will be managed and to control the size of service vehicles accessing the site. The details of this are not before me however, and it is not clear that this would sufficiently mitigate the risk of commercial vehicles blocking the waiting space. Moreover, restricting the manoeuvres that vehicles can make by way of planning condition is unlikely to be enforceable.
 11. I recognise that the vehicle trip rates presented within the Transport Statement indicate arrivals and departures during peak hours would be minimal. However, there would be 24 trips generated per day, an appreciable increase over the current use. Given the number of arrivals and departures, it is conceivable that the conflicts described above would occur on a daily basis.
 12. As part of their final comments, the appellant has provided a satellite image and additional plan to demonstrate vehicle-to-vehicle forward visibility and vehicle-to-pedestrian visibility splays at the site access. However, given the late stage of submission, the Council and interested parties have not had an opportunity to review and respond to this additional evidence through the appeal process. In the interests of fairness and as this would not alter my findings above, I have not had regard to this in my assessment.

13. In respect of car parking, policy LP13 of the Peterborough Local Plan 2016 to 2036 Adopted 24 July 2019 (the Local Plan) states that planning permission for new development will only be granted if the proposal makes appropriate and deliverable parking provision. Appendix C indicates that the maximum car/van parking provision for hotels of this nature is one space per bedroom.
14. I saw on my site visit that the width of the existing rear garden in which the proposed car park would be located is somewhat constrained. Nevertheless, the number of car parking spaces proposed would comply with the standards set out in Appendix C. It is noted that these are expressed as maximum standards and thus a lower provision would also be in compliance.
15. The dimensions of the proposed parking bays and manoeuvring aisle are smaller than required by The Local Highway Authority (LHA). However, it is not clear from the evidence where these local standards are derived from. On the other hand, the supporting text to Policy LP13 of the Local Plan indicates that the Manual for Streets (2007) (MfS) and Manual for Streets 2 (2010) provide guidance on the principles that should normally be followed. The proposed parking bays would be larger than the bay sizes recommended in MfS for this type of parking. The proposed manoeuvring aisle would be marginally narrower than recommended by MfS, though this would be somewhat offset by the provision of slightly wider bays.
16. Drivers would be encouraged to drive forward into the proposed bays and reverse out. An area would be reserved to the rear of the site for vehicles to turn around. The swept path analysis provided suggests that a car could carry out a 3-point turn in this location. However, it is not clear that the manoeuvre depicted would be possible without crossing the adjacent parking bay. Even if it were, the space available is clearly limited, and it is likely that many drivers would require more movements to reorientate a standard size car, let alone larger vehicles. The LHA raised similar concerns regarding the size of this area.
17. Nevertheless, it is improbable that drivers would attempt exiting the parking area in a reverse gear, given the complexities of the proposed access arrangements. Moreover, given the low speeds that vehicles would be travelling, the proposed parking layout and turning provision would not pose a significant highway safety risk. I therefore find that, while not particularly convenient or easy to navigate, the proposed rear parking provision would be functional and can be counted towards parking provision for the development.
18. While I have found that the proposal would provide adequate car parking provision, I conclude that it would nevertheless have an unduly harmful effect on highway safety by virtue of the proposed access and service arrangements. It would therefore be contrary to Policy LP13 of the Local Plan. This policy, among other provisions, seeks to ensure that appropriate provision is made in new development for the transport needs it will create, and for safe, convenient and sustainable access to, from and within the site by all user groups. The proposal would also conflict with paragraph 115 of the Framework, which indicates that development may be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Living conditions

19. The appeal site comprises an existing dwelling and its associated curtilage. The surrounding area is predominantly residential in character. The host dwelling

- sits in a tight arrangement between two neighbouring dwellings, the rear garden areas of which extend down both sides of the proposed parking area. Beyond the rear boundary of the site are the dwellings on Chartwell Close.
20. The appeal proposal would fundamentally change the nature of the existing rear garden of the host property. I observed on my site visit that, though some degree of traffic noise could be heard, the area to the rear of properties on London Road is otherwise a comparatively tranquil space.
 21. This area would become a car park available to future occupants throughout the day. The vehicle trip rates presented indicate there would be 24 trips generated per day. Given there are currently no vehicles operating in the rear garden area, this would be a significant increase in activity. It would inevitably introduce various noises associated with vehicle movements and parking.
 22. Noise generated by the operation of the car park would be exacerbated by its constrained size, which is likely to require numerous vehicle manoeuvres per trip and would span the length of neighbouring gardens. The use of metal gates and a vehicular underpass, as proposed in this instance, also has the potential to cause noise through banging of parts and motorised operation, in addition to noise from vehicles passing through the building. Similar concerns were highlighted in representations from the Council's Pollution Control section.
 23. Due to the proximity of the car parking, circulation and turning spaces to neighbouring dwellings and their associated gardens, this would result in a harmful increase in noise that would have a deleterious effect on the living conditions of neighbouring occupiers.
 24. I recognise that there are other commercial properties in the vicinity, including hotels which are also bound by residential properties. However, I did not observe any nearby examples of rear parking areas of the nature proposed in this case. The presence of such activity to the rear of properties along this stretch of London Road is thus not a prevailing characteristic of the area and does not demonstrate that the appeal proposal would not result in undue noise.
 25. The appellant has suggested a condition could be used to restrict the hours of operation for the proposed bed and breakfast. However, the wording for such a condition has not been advanced and it is not clear how this could practically prevent noise in the parking areas, or if it would be reasonable or enforceable given the nature of the proposed business.
 26. The Council's third reason for refusal relates to the potential for undue noise and disturbance arising from mechanical plant equipment. It is not clear what equipment this is specifically referring to. Nevertheless, the appellant has confirmed that the proposal would not include any mechanical plant. The Council also indicate in their Officer Report that suitably worded conditions could be used to control noise from kitchen extraction equipment. I have therefore not identified any harm arising from mechanical plant equipment.
 27. Notwithstanding this, I conclude that the appeal scheme would have a harmful effect on the living conditions of the occupiers of neighbouring properties, with particular regard to noise generated by the operation of the proposed car park. It would therefore 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 noise and/or vibration. It would also conflict with paragraph 135 of the Framework, which seeks to ensure developments create places with a high standard of amenity for existing and future users.

Other Matters

28. The proposal would reuse previously developed land in an existing urban area with access to public transport and local services. It would provide visitor accommodation and employment for up to 6 full time staff, with 1 part time cleaner, in addition to temporary employment during the construction phase.
29. Solar panels with battery storage are also proposed, as are electric vehicle charging points. However, the extent to which this would represent an enhancement in terms of energy use and efficiency over and above the existing use of the site, rather than simply mitigate the effects of the proposal, is not clear from the evidence.
30. These would be modest economic and environmental benefits, given the small scale and context of the development.
31. I recognise that the proposals for this site have been amended and have sought to address concerns raised through previous applications. However, this does not indicate that the appeal scheme before me is acceptable with regard to the main issues.
32. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Conclusion

33. The proposed development conflicts with the development plan, taken as a whole. The modest benefits would not outweigh the identified harm and development plan conflict. I have therefore found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR