



Appeal Decision

Site visit made on 23 April 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2024

Appeal Ref: APP/J0540/W/23/3333365

27 High Street, Maxey, Peterborough PE6 9EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Anne Jeffs against the decision of Peterborough City Council.
 - The application Ref is 23/00825/FUL.
 - The development proposed is described as proposed construction of a new dwelling on land to the rear of 27 High Street, Maxey.
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Decision

1. The appeal is allowed and planning permission is granted for new dwelling at 27 High Street, Maxey, Peterborough PE6 9EB in accordance with the terms of the application, Ref 23/00825/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. In allowing the appeal I have deleted the words from the description of the proposal, as set out on the application form, given they repeat the application site address and are not a description of development.
3. Since the submission of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

4. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the area, including the Maxey Conservation Area (CA); and
 - ii) the living conditions of existing occupiers with particular regard to noise and disturbance.

Reasons

Character and appearance

5. No 27 is a single storey detached dwelling located on the south side of High Street. The dwelling is set back from the back edge of the pavement and is positioned within an elongated plot. The immediate vicinity of the site is

residential where there is variety in the scale and architectural styles of properties. High Street extends from the village centre into the countryside. Vegetation is present to the frontage of many dwellings, giving it a verdant appearance.

6. The appeal site is within the Maxey CA. I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA.
7. The CA encompasses the historic core of the village and is predominantly residential but also includes farms, commercial uses, and a public house. The significance of the CA is partly informed by the quality and range of its buildings that together, with traditional materials, historic boundary treatments, plot layouts, land uses and associations, reveal its evolution over many centuries. Significance is also derived from the CA's connection to the countryside that surrounds it. At my visit I observed, within the vicinity of the appeal site, a number of large, detached, contemporary dwellings. These sit alongside more historic buildings, including No 25 High Street, which is a distinctive feature within the streetscene. Adjacent to the appeal site is a stone barn, identified as a non-designated heritage asset (NDHA). I have no reason to reach a different view in this regard.
8. The appeal site comprises part of the garden to No 27. The site has an open frontage, with the existing access visible within the streetscene. The proposed dwelling would be accessed via the widening and continuation of the existing access towards the rear of the site, following the demolition of the garage currently *in situ*. The parking for the existing dwelling would be to the site frontage. Whilst these elements would have some visual impact on the streetscene, a landscaped frontage would remain. Consequently, the open aspect to the front of the appeal site would be retained, and the widening of the access would not appear unduly conspicuous within the streetscene. In addition, the access would run parallel with the access to No 25, extending the current arrangement, and would not be an incongruous feature within the streetscene.
9. Whilst some nearby properties benefit from long rectangular gardens, I observed properties in backland positions, including dwellings at Ladds Lane where properties are set back from the highway and accessed via an elongated driveway. Accordingly, High Street is not characterised as being a wholly linear pattern of development and properties along the side of the street that includes the appeal site do not follow a rigid building line.
10. Directly adjacent to the appeal site's eastern boundary is a barn in residential use (the NDHA) that is set back from High Street. My attention has also been drawn to planning permission¹ for residential development at No 21 for dwellings set back into the site on a similar alignment to the appeal scheme. Accordingly, having regard to local context, the siting of a dwelling, as proposed, would not be wholly out of character with the pattern of development in the locality.
11. Whilst the division of land would result in a reduced rear garden for the host property along High Street, particularly to the west of the appeal site and the

¹ 20/00609/OUT

adjacent No 25, existing dwellings have gardens of varying depths. The proposal would therefore not represent an incongruous layout and built form that would be visually harmful, or alien, to the site and the surrounding area.

12. The design and external finish of the proposed dwelling is not in dispute. I concur that the height and design, including the external finish, of the proposed dwelling would be reflective of development within the locality. Furthermore, there would be limited views of the proposed dwelling from High Street.
13. I have not identified harm in respect of the effect of the proposal on the character and appearance of the area. In the context described above, I am therefore satisfied that the proposal would preserve the character and appearance of the CA, and would not harm its significance.
14. For the reasons stated above, I conclude that the proposed development would have an acceptable impact upon the character and appearance of the area, including the Maxey CA. It would, therefore, not conflict with Policy LP16 of the Peterborough Local Plan 2019 (LP). Amongst others, this requires development proposals to contribute positively to the character and distinctiveness of the area and make effective and efficient use of land and buildings and use appropriate high-quality materials. Nor do I find conflict with Policy LP19 of the LP which seeks to protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value. Furthermore, it would accord with the Framework which seeks to secure high-quality design which takes account of the local character and reflect the local surroundings while not preventing or discouraging innovation or change and safeguarding heritage assets.

Living Conditions

15. The construction of a new dwelling would result in some noise created by vehicle movements once the dwelling is occupied. However, the additional movements would only affect the site and surrounding properties for short periods of time while the vehicles are accessing or egressing the property. As the proposal is only for one property the number of additional movements would be limited.
16. Furthermore, whilst an external wall of No 21 forms the shared boundary with the appeal site this property has no habitable room windows directly facing the appeal site. I observed rooflights and a north facing window, however, I am satisfied that the occupiers of the property would not be adversely affected by the proposed development for the reasons stated above.
17. The side elevation of No 25, which faces the proposed access, has no windows. Furthermore, given the limited scale of development, and that there is already an access used by the residents of No 27, any disturbance would not be to a harmful extent.
18. There are no windows to the side elevation of No 27 adjacent to the proposed access. Whilst the dwelling has habitable room windows to its front and rear elevation, a suitable boundary treatment would be provided to the rear elevation. Given the limited scale of the development I am satisfied that the proposal would not result in unacceptable harm to the occupier's living conditions.

19. The rear garden of No 29 includes a number of substantial outbuildings and landscaping. This coupled with the separation distance of the dwelling to the proposed development, leads me to be satisfied that the proposal would not result in material harm to the living conditions of the occupiers of this property.
20. For the reasons stated above, I conclude that the proposed development would not result in any unacceptable harm to the living conditions of the occupants of neighbouring properties, with particular regard to noise and disturbance. The development would therefore accord with Policy LP17 of the LP insofar as it seeks to avoid unacceptable impacts on the amenity of existing occupiers of any nearby properties. Nor do I find conflict with the Framework that seeks a good standard of amenity for all existing occupants of land and buildings.

Other Matters

21. I have had special regard to whether the setting of the Grade II listed The Laurels, 25, High Street (List Entry No. 1126756), which lies to the eastern boundary of the application site, would be preserved. Section 66(1) of the Act requires special regard to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The statutory list description identifies it as an early 19th century house of coursed stone construction. The significance of the listed building is derived in part from its age, surviving historic fabric and its relationship to the evolution of the village. The appeal site lies within the setting of the listed building. There has been development surrounding the listed building over many years, including No 27, which has changed its immediate setting. Although the proposed access and dwelling may be visible from within the setting if the listed building, it would be largely screened from view by intervening development and landscaping. The proposal would be of a high-quality design and would preserve the character and appearance of the area. Accordingly, I am satisfied that the proposal would not cause harm to the significance of the listed building or its setting.
22. The Parish Council has raised concerns regarding privacy. Given the scale of the proposed development and the separation distance between existing dwellings and the proposed dwelling, I am satisfied that there would be no harmful loss of privacy by reason of overlooking.

Conditions

23. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development, enforceable, precise, and reasonable in all other respects.
24. I have considered the conditions put forward by the Council against the Framework and the Planning Practice Guide (PPG). I have included those which meet the six tests set out in the Framework and reworded, where necessary, for clarity. The appellant has provided their written agreement to the pre-commencement conditions.
25. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity. I will impose a condition for external materials in the interests of preserving the character and appearance of the area.

26. Given the potential for archaeological interest I will impose a pre-commencement condition for a Written Scheme of Investigation (WSI) to be undertaken.
27. In the interests of highway safety, I attach a pre-commencement condition to secure an appropriate access.
28. A condition for the external materials is required in the interests of the character and appearance of the area, including the CA.
29. In the interests of the visual appearance of the development and for ecological benefits a condition is included regarding landscaping.

Conclusion

30. The proposed development would accord with the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

R Gee

INSPECTOR

Schedule of 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 submitted documents and the following approved plans:
2023-244-01_PA Existing Site Location & Block Plan
2023-244-02_PA Proposed Dwelling Ground Floor Plan
2023-244-03_PA Proposed Dwelling First Floor Plan
2023-244-04_PA Proposed Dwelling Roof Plan
2023-244-05_PA Proposed Dwelling Principal & Rear Elevations
2023-244-06_PA Proposed Dwelling Side Elevations
2023-244-07_PA Proposed Site Plan
3. No demolition/development shall commence until a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved by the Local Planning Authority in writing. The approved programme shall then be implemented in accordance with the approved details and timetable prior to any other works taking place on site.
4. Prior to commencement, detailed access plans shall be submitted to and approved in writing by the Local Planning authority. Details should include:
 - a. A shared access width of 5.5m for the first 10m into the site;
 - b. Swept path analysis to demonstrate that vehicles parked on the forecourt of the existing dwelling can turn and leave the site in a forward gear; and
 - c. Vehicle to vehicle visibility splays measuring 2.4m x 43m measured from and along respectively the channel line of the carriageway.

5. No development other than groundworks and foundations shall take place until samples and details of all external materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out on accordance with the approved details.
6. Notwithstanding the submitted details, no development shall be carried out above the damp proof course of the dwelling hereby approved until full details of landscaping works have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*****End of Schedule*****