



Appeal Decision

Site visit made on 21 May 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2024

Appeal Ref: APP/J0540/W/23/3334737

43A Churchfield Road, Walton, Peterborough, PE4 6HE

- 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 Mr Gohir Anwar against the decision of Peterborough City Council.
 - The application Ref is 23/00479/FUL.
 - The development proposed is construction of 2 new bungalows with parking.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. Planning permission was granted for the erection of a new two-storey building comprising two, 2 bedroom apartments, the conversion of an existing house (No.43) into three apartments, and the creation of a dedicated car park area. The new building comprising two apartments (now known as 39 and 41 Churchfield Road) is built and occupied. I am advised that No.43 has not been converted into three apartments, but as the planning permission has been implemented, this development could still be undertaken. The appellant states that the conversion of No.43 cannot be undertaken due to difficulties in complying with Building Regulations. However, there is no evidence before me to confirm what these difficulties are and that they cannot be overcome. It is not possible to revoke part of an implemented planning permission by condition and whilst the appellant states that he would be willing to sign a legal agreement to prevent the conversion of No.43 from going ahead, I have no such completed agreement before me. As such I have dealt with the appeal on the basis that there is an extant planning permission for the conversion of the existing dwelling into three apartments.
3. I have not been provided with a copy of the decision notice or approved plans for the extant planning permission. The information before me suggests that the approved plans included a communal garden. If the part of the development undertaken does not accord with the approved plans and conditions in terms of the provision of car parking, garden space, landscaping, bin storage etc, the Council would have enforcement powers to address this.
4. The submitted plans do not accurately reflect the existing situation on the ground. I noted on my visit that the fence enclosing the rear garden area is set further back into the site than shown, with additional hardstanding in front of it, the enclosed garden area to the rear of No.43 is larger than that shown and

does not include vehicular access or car parking, and the bin storage area to the rear of Nos.39 and 41 is not shown.

Main Issues

5. The main issues are the effect of the development on i) the character and appearance of the area, ii) living conditions of existing and future residents with regard to privacy and the provision of outdoor space, and iii) highway safety.

Reasons

Character and appearance

6. The appeal site comprises a parcel of land to the rear of Nos.39-43 Churchfield Road. The evidence before me suggests that the land was originally garden to No.43, and that following the construction of Nos.39 and 41, it became shared access, parking and garden land to Nos.39-43.
7. At the time of my visit the shared space had been sub-divided. The majority of the appeal site is overgrown garden land and is enclosed by a high timber fence and gate. The area shown as parking spaces for the proposed new bungalows on the submitted plans is already hard surfaced and provides off street parking and turning for occupiers and visitors of Nos.39-43. There are small, enclosed yard areas to the rear of these existing dwellings as well as some bin storage space.
8. The surrounding area is characterised by a mix of two storey houses, which are pre-dominantly semi-detached and terraced properties. These houses are set back from the highway behind small front gardens. Views through gaps between dwellings are of long narrow gardens to the rear and small ancillary outbuildings. The regularity of the development pattern and areas of green space to the rear of properties make a positive contribution to the appearance of the area.
9. The proposal would introduce new residential development into a back land garden area. This would be clearly visible in views through the site from Churchfield Road and from the shared access road. There would be insufficient space to provide any meaningful landscaping other than some limited climbing plants along the rear garden boundary of the bungalows. The proposal would also require new lighting in an area that is currently unlit.
10. Whilst I acknowledge the modest scale of the proposed bungalows, all that would be seen in public views would be a hard surfaced area, dominated by cars, buildings and high fences. This would detract from the pattern of development in the area and the loss of the remaining visible greenery would detract from the pleasant garden environment that currently exists to the rear of the frontage dwellings and is unlit at night.
11. I therefore conclude that the proposed development would harm the character and appearance of the area, contrary to Policy LP16 of the Peterborough Local Plan 2016 - 2036 (the local plan). This policy seeks to ensure, amongst other things, that development proposals respect the context of the site and the surrounding area and respond appropriately to the local pattern of development. The proposal is also inconsistent with the design objectives of the National Planning Policy Framework.

Living conditions

12. The appellant states that there would be a separation distance of 14 metres between the first-floor windows in the rear elevation of the existing frontage buildings and the front bedroom windows of the proposed bungalows. Whilst the separation distance on the plans appears slightly less than this, 14 metres falls substantially short of the separation distance generally expected between habitable rooms. As such the bedroom windows of the bungalows would be unacceptably overlooked from the first-floor rear windows of the existing dwellings.
13. Although the proposed bungalows would have an adequate area of private garden space to the rear, the garden area to No.43, which if not converted to three apartments would remain a generous family sized house, would be further reduced in size and largely taken up by car parking, bin and cycle storage space. The gardens to Nos.39 and 41 would also be woefully small and are already partially taken up by bin storage. As such the loss of the communal garden approved as part of that development is not acceptable.
14. As no front garden space is proposed, the front doors and bedroom windows of the proposed bungalows would be directly onto the shared access, parking and turning areas, which would require some form of lighting. Given that the access, parking and turning areas would be used by occupiers and visitors of both the existing and proposed dwellings, future occupiers of the proposal would be subject to further loss of privacy, as well as some noise and disturbance associated with other users of this area.
15. I therefore conclude that future occupiers of the proposed bungalows would not have acceptable living conditions with regard to privacy and that the proposed development would harm the living conditions of the occupants of Nos.39, 41 and 43 Churchfield Road with particular regard to the inadequate provision of garden space. The proposal is therefore contrary to Policy LP17 of the local plan, which seeks to ensure that development proposals protect the amenity provision of existing occupiers and are designed and located to ensure that the amenity of future occupiers is provided for.

Highway safety

16. I have not been provided with a copy of the Council's car parking standards and I have not been advised how many bedrooms there are in the existing dwelling at No.43, or how many bedrooms there would be in that property if it was converted into three apartments. The submitted plans indicate that the proposed bungalows would each have one bedroom and a study. However, there would be nothing to stop future occupiers using the study as a second bedroom.
17. The Local Highway Authority has advised that a minimum of 9 car parking spaces are required to serve the existing and proposed dwellings. This is based upon 3no. 2-bedroom dwellings, 2no. 1-bedroom dwellings and 1 visitor space and does not take account of the fact that the proposed study rooms could be used as bedrooms and the potential conversion of No.43. Each car parking space should measure a minimum of 2.5 metres x 5 metres.
18. The submitted plans show only 6 spaces, which do not all appear to comply with the minimum dimensions required. Cars parked directly in front of the

proposed bungalows would not be able to reverse out of those spaces and exit in forward gear, and turning would also be very tight for users of the other spaces shown, particularly if an additional car was to park in front of the bungalows at any time. I am advised that a previous Inspector did not agree with the Council's concerns relating to parking and turning. However, I have not been provided with a copy of that decision or the scheme which it related to and as such I am unable to make any comparisons.

19. Concerns have also been raised by the Council regarding the visibility splays. However, given the residential nature of the road and that traffic speeds are low due to the restricted carriageway width and on street parking, I am satisfied that the existing visibility splays would be adequate to serve the development.
20. In the absence of adequate on-site parking, it is likely that future occupiers and their visitors would park on Churchfield Road, which is of limited width with little off street parking provision. Due to the limited carriageway width, vehicles park half on and half off the pavements. This reduces the already narrow footways, which is detrimental to the safe and free flow of pedestrians, particularly those with pushchairs, wheelchairs or other mobility aids. The on-street parking also creates problems for passing traffic. I note that there is a school at one end of Churchfield Road, which together with deliveries and customers to the shops at the other end is likely to generate additional parking stress, vehicle movements and pedestrian activity in the area. The absence of satisfactory on-site turning space could also result in vehicles having to reverse out of the site, which would be detrimental to pedestrian and highway safety.
21. I therefore conclude on this matter that it has not been demonstrated that there would be adequate on-site parking and turning provisions for existing and future residents and their visitors. Accordingly, the proposal would be detrimental to pedestrian and highway safety, and contrary to Policy LP13 of the Local Plan.

Other Matters

22. Whilst the land is currently underutilised for its lawful use as garden, I do not agree that residential development would be a more efficient use of it, given the harms that I have identified. I note from the appellant's submissions that a letter regarding untidy land has been sent out by the Council. This related to waste that had been left adjacent to the new access driveway serving the existing dwellings. This issue has since been resolved and subject to good management, there is no reason why it should re-occur. Maintenance of the approved communal garden area could also be secured by a simple management plan. I therefore afford these matters little weight.

Conclusion

23. For the reasons given above the appeal is dismissed.

R Bartlett

INSPECTOR