



Appeal Decision

Site visits made on 20 and 21 May 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2024

Appeal Ref: APP/J0540/W/23/3334494

15 Wordsworth Close, Peterborough, PE4 6SU

- 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 H Khan against the decision of Peterborough City Council.
 - The application Ref is 23/01020/FUL.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling at 15 Wordsworth Close, Peterborough, PE4 6SU, in accordance with the terms of the application, Ref 23/01020/FUL, and subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether future occupiers of the proposed dwelling would have appropriate living conditions, with particular regard to traffic noise experienced in the rear garden.

Reasons

3. The site is located within a residential estate location and comprises an area of garden land to the north of the A47 dual carriageway. Notwithstanding the details on the submitted drawings, the carriageway of the A47 appears higher than the existing ground level of the site and the existing brick boundary wall between the site and the road is lower than that shown, measuring approximately 1.4 - 1.5 metres high, with landscaping on either side.
4. I visited the site on both the evening of 20 May 2024 and on the morning of 21 May 2024. At both times the traffic noise was obvious and was relatively constant.
5. It is undisputed, that subject to the use of normal double glazing, that internal noise levels within the proposed dwelling would be acceptable, when windows and doors are closed. This would require alternative room ventilation and heat escape to be provided to meet Building Regulation requirements. There would be no openings in the wall facing the road and subject to the mitigation measures recommended in the submitted noise report being incorporated into the building, the internal noise environment of the proposed dwelling would be acceptable and future occupants would not suffer from sleep disturbance. I note that other dwellings behind and opposite the appeal site have been constructed or extended equally close to the adjacent dual carriageway as the appeal proposal.

6. External noise levels in the rear garden would exceed the levels recommended by the World Health Organisation. However, given that the site is already in use as a garden, and is no closer to the noise source than other gardens that are adjacent to either side of the dual carriageway, the proposed development would not introduce a new, or more sensitive use, closer to the noise source.
7. The submitted plans include the provision of a 2.8 metre high acoustic fence along the boundary between the proposed new dwelling and the dual carriageway. No objections have been raised to any visual effect of such a structure, and I am satisfied that given the existing landscaping within the highway boundary this would not be harmful. Whilst I note that on the proposed site plan, the positioning of the acoustic fence focusses on reducing noise experienced within the dwelling rather than its garden, with the proposed acoustic fencing shown not extending up to the rear boundary of the site, this could be addressed by a suitable planning condition. The appellant is also willing to incorporate an 'acoustic haven' into the garden area, which would provide future occupiers of the new development with an outdoor area in which additional measures have been incorporated, to create a pleasant outdoor space to sit. Details of such a space could be controlled by a condition. The illustrative examples provided include semi-enclosed covered structures and seating areas without air gaps, garden pods, ornate feature structures and landscaping.
8. The new development and acoustic fencing, together with the fencing to be erected between the existing and proposed dwellings, would also be likely to result in some noise reduction for residents of the existing dwelling on the site and those further north.
9. Future occupiers of the dwelling would be aware of the road noise and although a noisy garden is not ideal, it would not prevent its practical use as an enclosed private amenity space for children to play out in or for hanging out the washing. I note that there is also a large public park, less than 5 minutes' walk from the site, which would be easily accessible by future occupiers of the proposal and would offer them a quieter outdoor space to enjoy should they wish.
10. I therefore conclude that the living conditions of future occupiers of the development would be acceptable and would accord with Policy LP17 of the Peterborough Local Plan 2016-2036, which requires development proposals to be designed and located to ensure that the needs of future occupiers include, amongst other things, adequate noise attenuation and well designed and located private amenity space.

Other Matters

11. The proposed plans show that a very small part of the landscaped area at the head of the cul-de-sac would be utilised to widen the dropped kerb access into the site so that it would be suitable to serve both the existing and proposed dwellings. I am advised that this land has not yet been purchased from the Council. However, it is included within the red line boundary and notice has been served. As the widened access is required to make the development acceptable in highway safety terms, it would be necessary to impose a Grampian condition to ensure that the construction of the dwelling does not commence until the additional land has been obtained and the access widened to the required standard.

Conditions

12. The Council has not submitted a statement or suggested any conditions. I have imposed the statutory time limit for commencement of the development, and a condition listing the approved drawings, in the interests of certainty. It is necessary to condition the external materials to ensure the development would be in keeping with the appearance of the area.
13. I have conditioned the widening of the access and the provision of parking spaces for the existing and proposed dwellings in the interests of highway safety. As the provision of EV charging facilities for new dwellings is covered by Building Regulations and there is clearly sufficient space for future occupiers to securely store cycles within the site, it is not necessary to condition such matters.
14. To ensure that future occupiers of the dwelling have a suitable living environment with regards to noise, it is necessary to impose conditions requiring the installation and retention of appropriate double glazing. Also, as windows would need to be closed to restrict internal noise, appropriate alternatives are required to ventilate the house and to ensure it does not overheat. Acoustic fencing and havens are also necessary to increase the useability of the garden.
15. Given that the site forms part of a garden in an existing developed housing estate adjacent to a major road, it is unlikely that any previously undiscovered archaeology is present below the surface of the site. I note that discoveries have been made at Itter Park, but that is at the other side of the housing estate. As such, I do not consider a written scheme of investigation to be necessary. However, as a precaution, I have imposed a condition requiring work to cease and appropriate action to be taken in the event any unexpected archaeology is uncovered when excavating the site.

Conclusion

16. For the reasons given above, the appeal is allowed.

R Bartlett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not 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: drawing Nos. 221341-01 rev B, 221341-02 rev B and 221341-03.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing no. 221341-01 rev B, or alternative materials that have first been submitted to and approved in writing by the local planning authority.
- 4) Construction of the dwelling hereby permitted shall not commence until the dropped kerb and vehicular access to serve it has been widened to a minimum of 6 metres, surfaced and made available for use, in accordance with the details shown on the proposed site plan, drawing no. 221341-02 rev B. The improved access shall be retained thereafter.
- 5) Construction of the dwelling hereby permitted shall not commence until the 2 parking spaces to be retained for No.15 Wordsworth Close have been provided and made available for use in accordance with the details shown on the proposed site plan, drawing no. 221341-02 rev B. These parking spaces shall be retained for their intended use thereafter.
- 6) The dwelling hereby permitted shall not be occupied until the 2 parking spaces to serve it have been provided and made available for use in accordance with the details shown on the proposed site plan, drawing no. 221341-02 rev B. These parking spaces shall be retained for their intended use thereafter.
- 7) All windows in the dwelling hereby permitted shall have, as a minimum, a double-glazed format of 4/12/4mm, rated 31dB Rw or equivalent. These windows shall be installed prior to the first occupation of the dwelling and retained thereafter. Any future replacement windows shall be of the same acoustic standard or higher.
- 8) Prior to the first occupation of the dwelling hereby permitted, a cooling system and mechanical or passive ventilation system, to meet Building Regulations Part F and Part O requirements, shall be installed to provide ventilation and cool air to all habitable rooms with windows closed. If using passive ventilation, the typical "through the wall" acoustic ventilators should have a noise insulation performance of at least 33dB Dn,e,w. The ventilation and cooling systems shall thereafter be retained, and any future replacement systems shall be of the same acoustic standard or higher.
- 9) Construction of the dwelling hereby permitted shall not commence until an acoustic fence, measuring 2.8 metres high above the existing ground level of the site, has been constructed inside the existing brick boundary wall on the southern boundary of the site. Details of the fencing, including its appearance, thickness, construction and materials shall first be approved in writing by the local planning authority and the fence shall be constructed in accordance with the approved details. Notwithstanding the detail shown on the proposed site plan, this fence shall be erected

along the full length of the southern site boundary and shall be retained thereafter.

- 10) Construction of the dwelling hereby permitted shall not commence until details of an acoustic haven or havens, to be provided within the rear garden of the permitted dwelling, have been submitted to and approved in writing by the local planning authority. The approved haven(s) shall be provided in accordance with the approved details prior to the first occupation of the dwelling and shall be retained thereafter.
- 11) Any historic or archaeological features which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within 3 working days of them being revealed. Works shall be immediately halted on the site until provision shall have been made for the retention and/or recording in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The developer shall thereafter afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow that person to observe the excavations and record items of interest and finds.