

Appeal Decision

Site visit made on 14 May 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2024

Appeal Ref: APP/J0540/D/24/3336363

2a Broadway Gardens, Peterborough PE1 4DU

- 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 Dr & Mrs P J van den Bent against the decision of Peterborough City Council.
 - The application Ref 23/01148/HHFUL, dated 17 August 2023, was refused by notice dated 26 October 2023.
 - The development proposed is new vehicular access, replacement of pedestrian gate and fence, and installation of railings above existing wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description of development is provided in a more succinct form in the decision notice. Therefore, the above description reflects this amended description.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Park Conservation Area;
 - the effect on highway safety; and
 - whether the proposal has sufficient regard to the effect on trees.

Reasons

Park Conservation Area

4. The appeal property is a two storey detached dwelling in a residential cul-de-sac of detached and semi-detached properties within the Park Conservation Area. The conservation area is located to the north of the city centre and is principally an area of housing but also includes commercial uses, shops, and churches. No 2a is located on a corner plot next to the junction of Broadway Gardens with Broadway, a principal road in the area. This part of the area is characterised by wide tree-lined streets with largely detached dwellings in generous plots, giving a spacious and verdant character and appearance.
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5. Policy LP16 of the Peterborough Local Plan 2016-2036 (2019) states that all development proposals are expected to positively contribute to the character and local distinctiveness of the area, and to respect the context of the site and surrounding area. Policy LP19 requires that development must respect the local character and distinctiveness of the area in which it would be situated, particularly in areas of high heritage value, with particular emphasis on the protection of designated heritage assets and their settings.
6. The principal element of the overall proposal is a new vehicular access close to the junction with Broadway, to provide access to a new parking area next to the Broadway frontage. I am not aware that the Council has raised concerns about the other elements and I consider that these would preserve the area's character and appearance.
7. With regard to the location of the proposed access, the boundary treatments to the appeal property and the dwelling on the opposite side of Broadway Gardens are uniform in their design and appearance. Both include extensive close-boarded timber fences of similar height for most of their length, with gated pedestrian accesses, with the appeal property also having an existing vehicular access further along the street.
8. These openings are set into the fence line and help to create the impression of strong, uninterrupted linear boundaries with grass verges fronting these to either side of the road. This provides a good degree of uniformity to the street scene and informs the character and appearance of the entrance to the tree-lined street in views from Broadway.
9. The proposal involves brick piers and gates that would be set back from the line of the existing boundary, with hardstanding for access across the grass verge. This would create a prominent break in the boundary fence, the effects of which would be heightened compared to the existing access due to the set back of the gates from the boundary line and by the prominent gap created in the grass verge. Consequently, the access would harmfully disrupt the appearance and uniformity of the street scene, which would be readily apparent in public views, particularly due to the proximity to the road junction.
10. The proposed access would also require the removal of a tree planted in the grass verge. While this appears to be a relatively recent addition I note that the Park Conservation Area Appraisal recognises the importance of street trees and that these should be reinstated where possible. It is not clear that this particular tree could readily be removed and planted elsewhere without disrupting the planting strategy to replace trees in appropriate locations.
11. There are examples of similar set back accesses to the frontages of properties on Broadway, near the appeal property. However, the Conservation Area Appraisal notes that changes to front boundary walls and hedges, particularly to create vehicular accesses, has led to a far less continuous frontage, including in Broadway. While the principal effects relate to the complete removal of front walls, nonetheless it is clear that the integrity of frontage boundary treatments is an important characteristic of the conservation area. As such, these existing access points that have been created over time should not be seen as a positive precedent in this case.

12. Therefore, for these reasons, I find that the proposal would fail to preserve the character and appearance of the Park Conservation Area. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation¹. Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
13. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal². I am not aware that any such benefits have been suggested and, therefore, for the above reasons, I conclude that the proposal would not preserve the character and appearance of the Park Conservation Area. Consequently, the proposal is contrary to Policies LP16 and LP19 of the Peterborough Local Plan 2016-2036, as described.
14. In reaching this conclusion I am mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area³.

Highway safety

15. Three new parking spaces to be served by the proposed access from Broadway Gardens are shown on the submitted drawing. The Council contends that the parking spaces are of insufficient size, although I am unaware of further details of the shortfall from minimum requirements. Nonetheless, I agree that due to the configuration of these spaces and the area in front of them, there would be limited space to turn and manoeuvre vehicles such that they could leave the site in forward gear.
16. The proposed access would be relatively close to the junction of Broadway Gardens with Broadway. Consequently, as the Highway Authority (HA) indicates, there is the potential for conflict between vehicles turning right into Broadway Gardens and vehicles manoeuvring in the road as a result of using the new access. Despite the appellants' arguments to the contrary, there is no reasonable basis for me to disregard the HA's view that Broadway is a busy road in terms of volume of traffic and that Broadway Gardens is a cul-de-sac which requires use of the junction for access to all properties.
17. The appellants provide a response to the HA's requirements for an acceptable access and parking. While I note this, including the plan showing an alternative parking arrangement, I am required to determine the proposal as submitted. Accordingly, for the reasons given, I conclude that the proposal would result in material harm to highway safety. As such, it is contrary to Policy LP13 of the Local Plan, which requires that development must make appropriate provision for safe, convenient and sustainable access.

Trees

18. In addition to the effect of the proposed access on the street tree, considered above, there is a semi-mature tree within the site to the right of the existing

¹ Paragraph 205.

² Paragraph 208.

³ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

pedestrian access, which also makes a positive contribution to the character and appearance of the conservation area. Due to its proximity to the proposed access and in the absence of an appropriate arboricultural assessment, it is unclear whether the works associated with the driveway would have an adverse effect on this tree.

19. Accordingly, based on the available evidence, I must conclude that it has not adequately been demonstrated that the proposal would not be harmful to the relevant tree. Consequently, the proposal is contrary to Policy LP29 of the Local Plan concerning the effects of development on trees.

Other Matters

20. The appellants raise the alleged lack of opportunity to negotiate matters raised by the Council. While I acknowledge this frustration with the process involved in pursuing this proposal, this matter is outside the scope of this appeal, which is concerned with the planning merits of the proposal.

Conclusion

21. For the reasons given the appeal should not succeed.

J Bell-Williamson

INSPECTOR