



Appeal Decision

Site visit made on 11 June 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/J0540/W/23/3333349

33 Eye Road, Dogsthorpe, Peterborough PE1 4SA

- 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 Ms N L Darrington (Little Land Company (Oundle) Ltd) against the decision of Peterborough City Council.
 - The application Ref is 23/01201/FUL.
 - The development proposed is the demolition of garage and outbuildings and erection of single 2no. bed bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An Ecological Appraisal (EA) was provided with the appeal documents that the Council did not have the opportunity to consider as part of the application. Although the Council did not provide a statement in relation to this appeal, I am satisfied that it has had the opportunity to comment upon the EA.
3. The National Planning Policy Framework was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

4. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area;
 - b) whether the proposed development would provide acceptable living conditions for the future occupants with particular regard to overlooking; and
 - c) the effect of the development on ecology.

Reasons

Character and appearance

5. The site is set along Eye Road which, particularly on this side of the road, is formed of detached bungalows and chalet bungalows that are set back from the road. There are examples of backland development in the area, most notably Willow Gate which is adjacent to the site and features a small development of modestly sized bungalows. There are also numerous examples

of detached outbuildings in the vicinity. A variety of trees punctuate the area, including a distinctive weeping willow at the front of the appeal site. Overall, these trees provide a pleasing and verdant character.

6. A previous Inspector¹ considered an alternative scheme for a single dwelling to be detrimental to the character and appearance of the area due to the position of the proposed dwelling appearing cramped within its plot and effect on trees. Whilst the proposed development before me has moved the dwelling away from trees on the site, the footprint of the dwelling and its position have not changed to a material degree. The development remains in a backland position and, although it is in a location with limited visibility in the public realm, would still be apparent to many neighbouring homes which are in proximity to the site.
7. There is no evidence before me to demonstrate that the proposed dwelling would have a harmful effect on trees, however, its size and position would not align with that of other homes nearby, including those on Willow Gate. Its orientation would appear awkward in relation to surrounding buildings whilst its position towards the rear boundary and proximity to houses on Sherborne Road would result in the plot having a cramped appearance. Other non-frontage dwellings exist in the locality however these homes are positioned centrally between Eye Road and Sherborne Road and consequently sit more comfortably with their surroundings. Whilst Willow Gate is an example of this, it is a small development that has created its own character in a discrete location. 25/25a Eye Road does have an infill dwelling which occupies a recessed portion from the main road but even so, it retains a semblance of presentation to the Eye Road. In any case, the appeal proposal would not continue this pattern of development. The numerous outbuildings that exist in the area are all smaller and clearly of a subservient nature and are expected features in back gardens.
8. Therefore, I conclude that the development would be harmful to the character and appearance of the area and as such the proposal does not comply with policy LP16 of the Peterborough Local Plan 2019 (PLP), National Design Guide or provisions of the Framework. These policies, read together, require development to respect the context of the site and surrounding area and respond appropriately to it including local patterns of development, including street plots and blocks and spaces between buildings.

Living conditions

9. There are two storey houses adjacent to the rear boundary of the site. First floor windows in combination with short gardens, afford occupiers of the neighbouring houses direct views into the appeal site. As a result of the siting of the proposed dwelling on the plot, overlooking of habitable rooms within the dwelling would compromise privacy.
10. Furthermore, whilst the new building would screen some views into parts of the proposed garden, other areas would be exposed to full views. The extent of overlooking would affect the useability of this private amenity space. There are trees along the boundary, however even in full leaf they would not provide adequate screening to mitigate the overlooking that I have identified.

¹ APP/J0540/W/22/3304277

11. For the reasons set out above I conclude that the proposed development would not provide acceptable living conditions for the future occupants with particular regard to overlooking. Therefore it would not comply with policy LP17 of the PLP. This policy requires that development proposals are designed and located to ensure that the needs of future occupiers are provided for including adequate privacy.

Ecology

12. An EA was submitted with the appeal. This appraisal concluded that no protected species or evidence of their use was found on site and only moderate potential for breeding birds exists. Therefore, with mitigation which could be secured through the use of conditions, the proposed development would not have an adverse effect on the ecological value of the site. I have not been provided with any evidence to dispute this assessment and therefore conclude that the effect of the development would be acceptable from an ecological perspective and in compliance with policy LP28 of the PLP. This policy, amongst other things, promotes the creation of an effective, functioning ecological network.

Conclusion

13. The development would have a harmful effect on the character and appearance of the area and it would not provide acceptable living conditions for the future occupants with particular regard to overlooking. The development would not be harmful to ecology. Nevertheless, the harms which I have identified are sufficient to justify dismissing the appeal. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

Nick Bowden

INSPECTOR