



Appeal Decision

Site visit made on 11 September 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2024

Appeal Ref: APP/H0520/D/24/3344770

5A Oundle Road, Chesterton, Peterborough, PE7 3UA

- 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 Martin Parker against the decision of Huntingdonshire District Council.
 - The application Ref is 23/02465/HHFUL.
 - The development proposed is a single-storey entrance, two-storey kitchen/living/bedroom extension at rear and loft extension over existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey entrance, two-storey kitchen/living/bedroom extension at rear and loft extension over existing garage at 5A Oundle Road, Chesterton, Peterborough, in accordance with the terms of the application Ref 23/02465/HHFUL, subject to the following 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 following approved plans - Drawing Numbers: 1600-P-01; 1600-P-06A; 1600-P-07A; 1600-P-08A; 1600-P-09AB; 1600-P-10AB; 1600-P-11A; 1600-P-12B; 1600-P-13; and 1600-P-14.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.
 - 4) No development, demolition, clearance, or preparatory operations (including excavations and archaeology), hereafter referred to as "the works," shall commence on site in connection with the development hereby approved, until a Tree Protection Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved Tree Protection Plan shall be implemented before any equipment, machinery, or materials are brought on to the site in connection with the works and retained intact for the duration of the works.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of the occupants of number 5 Oundle Road; and

- The effect of the proposal on biodiversity.

Reasons

3. The appeal property is a detached single-storey bungalow, which is situated in a relatively spacious plot. It is accessed from Oundle Road via a private drive, which is partly shared with the neighbouring dwelling at number 5 Oundle Road (number 5). Houses in the vicinity of the appeal site vary in terms of their age, scale and design and there is no distinctive architectural character to the area.
4. The proposal is to significantly alter and extend the property, as described in the heading above. A new single-storey entrance way would be built at the front of the property and a two-storey extension would be built at the rear. The rear extension would provide additional living/dining and bedroom areas. In addition, a first-floor extension (loft area) with two dormers would be built over the existing detached garage at the side of the dwelling. I have no concerns regarding the design of the extensions, which would not be at odds with the appearance of the property or the character of the area.

Living Conditions

5. The Council considers that the proposal would have an adverse impact on the living conditions of the occupants of number 5, because of overlooking into the rear garden from an upper window serving one of the bedrooms. Policy LP14 of the adopted Huntingdonshire Local Plan (LP) seeks to ensure that development (amongst other things) provides a high standard of amenity for the occupiers of neighbouring land and buildings. In particular, the policy requires proposals to not result in overlooking or loss of privacy. In addition, the Council's Supplementary Planning Guidance – Huntingdonshire Design Guide 2017, states that windows that give rise to privacy issues are rarely acceptable.
6. During my site visit, I considered the impact of the proposal on number 5. This included viewing the garden of the neighbouring dwelling from a stepladder. The proposed bedroom fenestration has been designed to ensure that views would be restricted to a narrow view at an oblique angle towards the rearmost section of the neighbouring garden. Whilst I observed a garden table and chairs, the layout of this section of the garden appears quite informal with trees and large shrubs. Furthermore, the garden around number 5 is relatively large and the proposed extension would not overlook areas close to the dwelling, where the need for privacy is likely to be greatest. For these reasons, I am not persuaded that the proposal would have an unacceptably harmful effect on the living conditions of the occupants of number 5 and that the proposal would not conflict with Policy LP12 of the LP.

Biodiversity

7. Policy LP30 of the LP seeks to ensure that all potential impacts on biodiversity have been investigated. I have also given consideration to Chapter 15 of the National Planning Policy Framework 2023, which requires proposals to minimise impacts and provide net gains for biodiversity.
8. The Council considers that the appellant has failed to provide adequate information to enable it to assess the impact of the proposal on biodiversity. The officer's report refers to the existence of a ditch/watercourse at the bottom

of the rear garden and to an ornamental pond within the garden of the appeal property.

9. The appellant contends that the site and the proposal would not have an adverse impact and points to a recent ecological appraisal in connection with new residential development on adjoining land at the rear, which concluded that there was “no probability” of protected species.
10. During my site visit, I observed both the ditch and the pond. The latter has been drained and there was no evidence of any ecological features or species. Regarding the ditch/watercourse, this was dry on the day of my visit and whilst I accept that that will not always be the case, the proposed extension will not directly impact on the ditch itself and much of the ditch and its surroundings will remain unaffected by the development. Consequently, I conclude on this issue that the proposal would not have an adverse impact on biodiversity.

Conditions

11. The Council has suggested conditions in the event of the appeal being allowed. I have considered these. In addition to the standard conditions relating to the commencement of development and the list of approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory external appearance.
12. It has also been suggested that a pre-commencement condition be imposed requiring the submission of a tree protection plan. The Council also suggests that any trees, shrubs, or hedges that are damaged or die either from natural causes or by construction works within five years are replaced. I have considered imposing this condition and whilst I agree that the submission and implantation of a tree protection plan is justified, the second requirement to replace trees, shrubs, and hedges, particularly if they die of natural causes, would be onerous, as it removes any flexibility that the appellant would have to re-landscape his garden in the future.

Conclusion

13. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR