
Appeal Decision

Site visit made on 13 January 2025

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 27 January 2025

Appeal Ref: APP/J0540/W/24/3347997

Land opposite Chestnut House, off First Drift, Wothorpe PE9 3JL

- 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 A Jaggard against the decision of Peterborough City Council.
 - The application Ref 23/01735/FUL, dated 22 December 2023, was refused by notice dated 22 March 2024.
 - The development proposed is the erection of a 5 no. bed dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of Kirkwood House in relation to privacy; and
 - the conflict with planning permission 18/01641/REM.

Reasons

Character and appearance

3. The proposal is for a two-storey detached dwelling on a plot of land opposite Chestnut House and Rosewood, two large detached houses recently built on a short driveway off First Drift under planning permission 18/01641/REM. On either side the site adjoins Orchard House and Long Acre, two houses screened by thick hedgerows on their boundaries, whilst at the back the plot abuts the rear garden of Kirkwood House. A public footpath runs alongside the site between it and Long Acre.
4. As noted in the Peterborough Local Plan 2019 (the PLP), the post enclosure village of Wothorpe is characterised by low density development of individually designed family houses set in generous well landscaped gardens and this is reflected in its designation as a Special Character Area. Within this area the additional controls in PLP Policy LP20 apply together with detailed guidance in the earlier Design and Development in Selected Villages SPD 2011 (the SPD).
5. The housing on either side of First Drift and its side roads is notable for its spacious plots with the dwellings set well back from the road behind front

gardens/driveways and with front boundaries formed of tall hedges, sometimes walling, providing a considerable level of screening and privacy for the dwellings behind¹. Chestnut House and Rosewood in large plots opposite the appeal site are also set back with significant landscaping required but not yet delivered along their frontages and the other side of the access road, providing in time a similar verdant setting².

6. By contrast, the appeal proposal is for a substantial five-bedroom house on a significantly smaller plot than those in the immediate vicinity, set back only 0.68 m from the access road³ and close to the side boundary of Orchard House. This would give minimal opportunity for meaningful boundary landscaping, particularly in front of the property, although there would be more scope next to the public footpath where a 1.4 m setback is proposed. Despite its position at the end of the access road, screened from First Drift by the tree cover within the grounds of Orchard House, the result would be an unduly intrusive building when seen in its context, starkly out of character with its verdant surroundings given the cramped plot and lack of opportunity for soft landscaping. Reliance on 'borrowed landscape' of adjacent properties is unreasonable in Wothorpe where each development should make its own contribution to the overall verdant character of the village.
7. The proposal would thus significantly harm the character and appearance of the area in conflict with PLP Policy LP20. This requires development where possible to enhance the character and appearance of the area, respecting the scale, massing, depth, materials and spacing of established properties. The proposed integral garage would be contrary to the requirement that they should be avoided. In relation to the Wothorpe specific section of the policy, the scheme would provide no opportunity for the mature landscape character of the area to be maintained and would intensify the use of a plot in a way that adversely affects the current integrity of the area. In relation to the general design Policy LP16 the proposal would not respect the context of the site or respond appropriately to local patterns of development including street plots, spaces between buildings and boundary treatments⁴.
8. The proposal also conflicts with the guiding principles for Wothorpe in the SPD, particularly relating to the scale and bulk of development, the need to provide opportunities for landscaping and the space for it to grow, an appropriate level of enclosure, and the need to avoid overdevelopment such as a large scale dwelling with minimal space separating buildings and little opportunity for landscaping or amenity space.

Living conditions

9. The back-to-back distance between the new dwelling and Kirkwood House to the rear would be about 26 m. Whilst this would normally be sufficient to meet standards of privacy between opposing first floor windows in a built-up urban setting, Wothorpe is an unusually low-density rural settlement and neither main party provide details of the usual distances here. The garage, garden room, tree and hedge at the end of the rear garden of Kirkwood House should screen the garden immediately behind the house from views out of first floor

¹ The appellant draws attention to a small number of examples of buildings close to the road in First Drift but these are primarily garages and The Maltings, one of the original buildings on the road.

² Landscaping plan approved under Ref 19/01786/DISCHG

³ According to the Council's delegated report

⁴ In the absence of existing tree cover there would be no significant conflict with PLP Policy LP29.

windows but judging from the appellant's cross-section there would appear to be inter-visibility between first floor windows over the garden room. In the absence of examples of similar distances elsewhere this would not meet the standards of privacy expected by residents in the village. The rooflights could be conditioned to ensure no possibility of overlooking.

10. For this reason the proposal would adversely affect the living conditions of the occupiers of Kirkwood House in relation to privacy contrary to PLP Policy LP17 which seeks to protect the privacy of occupiers of nearby property. The vegetation along the intervening public footpath would sufficiently protect the privacy of the occupiers of Long Acre.

Planning permission 18/01641/REM

11. The appeal site is the subject of condition no. 4 of the planning permission for Chestnut House and Rosewood opposite which requires the provision of a parking/turning area on the site and its use for no other purpose. The Council states that the condition is still required⁵ and unless and until the condition is varied or deleted so there is no conflict it would not be appropriate to grant an alternative planning permission for the site. The site is also involved in the landscaping scheme required under condition no. 5 which would also need to be amended or varied.

Conclusion

12. The proposal would provide an additional family dwelling which would have economic and social benefits for the area and help meet housing needs. However, these benefits are outweighed by the harm that would result to the character and appearance of the area, the loss of privacy to the occupiers of Kirkwood House and the conflict with planning permission 18/01641/REM which has been implemented.
13. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

⁵ Email dated 15 January 2025