



Appeal Decision

Site visit made on 18 March 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/J0540/W/24/3357146

236 Clarence Road, Millfield, Peterborough PE1 2LE

- 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 Tariq Mahmood against the decision of Peterborough City Council.
 - The application Ref is 24/00511/FUL.
 - The development proposed is described as 'divide property into 2 flats.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council amended the description of development from that on the application form. It is not clear if the appellant agreed to the change. Therefore, I have used the appellants description in the banner heading above which adequately reflects the proposal, omitting reference to elements that are not acts of development.
3. Apart from the provision of the external cycle storage racks, I observed on site that the development is now complete. The development that has taken place accords with the submitted plans and I have determined the appeal on that basis.

Main Issue

4. The main issue is whether the development provides acceptable living conditions for occupants, with particular regard to noise, internal floor layout and higher accessibility standards, as well as external amenity space.

Reasons

5. Policy LP8 of the Peterborough Local Plan (2019) (PLP) states that in order to meet local housing needs, housing should be adaptable to meet the changing needs of people over time. It expects high quality homes of various sizes, types and tenures and states that all dwellings should meet the higher access standards under Building Regulations Part M4(2), unless there are exceptional design reasons for not being able to do so. Policy LP17 of the PLP seeks to protect the amenity of existing and future occupiers. Amongst other things, it states that permission will not be granted for development that would result in noise issues or other disturbance. It also expects development to be designed and located to ensure that they provide for the needs of the future residents, including noise attenuation, adequate amenity for the living and storage needs of prospective occupiers, well designed and located private amenity space and/or communal space in the case of apartments or flats.

6. The appeal property comprises a narrow fronted two storey mid-terrace in residential use. Rows of similar terrace properties line both sides of Clarence Road in what is a predominantly residential area. The terrace is set back off the highway and has a modest sized front garden enclosed by a low brick wall. This is accessed by a step up from the footpath that leads to a solid front door with top light. An enclosed passageway, also with a slight step up, provides pedestrian access to the rear of the property, where there is a linear garden matching the plot width. The property has already been divided horizontally providing two 1-bedroom dwellings. The first-floor flat is accessed from the front door facing Clarence Road and the ground-floor flat takes its access from the rear, via the shared passageway located between 232 and 234 Clarence Road.
7. The bedroom of the ground floor flat is located immediately adjacent to the living room of neighbouring 238 Clarence Road. Due to the intensification of the residential use, I have concerns that the relationship between the properties is inadequate with regards to noise transfer and there is no technical evidence to show otherwise. Bedrooms are particularly noise sensitive and being located immediately adjacent to a habitable room, it is reasonable to suppose that noise disturbance could unduly impact on residents of the flat through sleep disturbance.
8. The appellant states they are prepared to implement noise mitigation measures to remedy this. However, in the absence of any details as to what that would involve, I cannot be assured that this could be addressed satisfactorily. The proportions of this bedroom are already reduced as a result of the original room's subdivision to create the corridor access to the first floor flat. I observed during my site visit, that due to its small size, furniture placement within this room is already constrained with minimal space available to allow access to the bed within the room. It is likely that a noise mitigation strategy would have some physical implications, and in these circumstances, this could lead to knock-on undesirable effects, such as making accessibility to furniture impractical. Therefore, this is not a matter that can be left to a condition.
9. The first-floor flat is accessed via a narrow passageway, which is afforded limited natural light, spanning the full length of the original front room. Owing to its narrowness and configuration, it feels oppressive and contrived. Moreover, the layout plan shows the first-floor flat comprises a bedroom, kitchen and bathroom. As such, it lacks meaningful living and dining space other than the very modest kitchen. These factors render the living environment cramped, convoluted and unsatisfactory. As a result, the internal living environment would represent a gloomy, confined and oppressive form of residential accommodation.
10. In addition, whilst the shared rear communal garden is directly accessible from the kitchen of the ground floor flat, occupiers of the first-floor flat are not afforded convenient access to it. They must navigate the steep internal staircase and the narrow hallway, walk along the public footpath, down the enclosed passageway and across the rear of No. 234 Clarence Road to gain access into the garden. This convoluted route is unlikely to induce occupants to utilise the space for practical purposes such as drying laundry and sitting outside. Provision of appropriate external space is all the more important in this particular instance given the limited internal living space for the first floor flat. Therefore, I find that the outdoor amenity space is not well designed and located, in direct conflict with the requirements of Policy LP17 of PLP.

11. The appellant has suggested that subdivision of the external space could be achieved by condition. However, this would not remedy the shortcomings that I have identified.
12. My attention is drawn to the presence of Gladstone Park, a short walk away from the appeal site. However, the location of the community park would not compensate for the lack of appropriate outdoor space for practical usage adjacent to the dwellings themselves.
13. Access to both flats is inhibited by the step up from the adjacent footpath to the front door and passageway. These barriers were in existence when the property was in use as a single dwelling. Topography is an exception provided within Policy LP8 of the PLP as a reason why the application of these standards may not be appropriate in every case. Therefore, despite the intensification of the use, on this element, I am not persuaded that failure to adequately comply with the higher accessibility requirements enshrined within this policy is fatal to the scheme on its own. However, taking in account the shortcomings I have already identified, this does not alter my overall conclusions with regards to the unsatisfactory living conditions that the proposal creates. It follows that I cannot agree that the proposal does result in a high standard of amenity for users that would accord with paragraph 135f of the National Planning Policy Framework.
14. Therefore, for the reasons I have set out, the appeal proposal fails to provide for acceptable living conditions for occupiers, both internally in respect of noise, floor layout or in relation to adequate provision of appropriate external amenity space. This conflicts with Policies LP8 and LP17 of the PLP.

Other Matters

15. My attention is drawn to two planning approvals¹ granted for the conversion of similar sized terrace dwellings into two flats in the city. However, unlike the appeal before me, the example on Clarence Road benefits from a side access arrangement to the upper flat. Moreover, both examples have differing internal layouts including living space that is more open plan and less contrived than the appeal scheme. Furthermore, both applications were determined under a previous 2011 Development Plan that had different policy expectations.
16. The appellant also refers to 186 and 205 Clarence Road which they assert have each been operating as two flats since 2011 and 1995 respectively. Be that as it may, limited details have been provided on these. Given the considerable passage of time and the absence of planning history, I do not find any of the cases cited directly comparable to the appeal before me. Therefore, they do not lead me to alter my conclusions on the appeal.
17. In addition to the main issues, interested parties have raised concerns regarding a number of other matters. These include the effects of the proposal from anti-social behaviour, noise and parking issues. However, I have seen little substantive evidence to show that there would be unacceptable harm in these respects arising from the development. Therefore, I see no reason to reach a different conclusion on these matters than the Council.

¹ Application Ref: 12/01824/FUL at 314 Clarence Road, Millfield Peterborough for 'change of use from single 2-bed dwelling to two 1-bed flats (retrospective), approved 23 November 2012; and application ref: 02/00914/FUL at 1050 Bourges Boulevard, Peterborough for 'use as two one bed flats' approved 02 October 2002.

18. There are social and economic benefits arising from the scheme, including boosting the supply of housing in the city where future occupants would be within close reach of local facilities and public transport. It also represents a more efficient use of land. Whilst these matters weigh in favour of the proposal, their extent would be modest given the scale of the development and they do not outweigh the significant harm I have identified with regard to the unsatisfactory living conditions of occupiers.

Conclusion

19. For the reasons set out above, the proposal would conflict with the development plan as a whole, and there are no other considerations which outweigh the adverse effects on the living conditions of occupiers. Therefore, the appeal fails.

C Walker

INSPECTOR