



Appeal Decision

Site visit made on 28 May 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/J0540/W/25/3361539

Land to the North East of 2 Marholm Road, Walton, Peterborough PE4 6AY

- 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 Mr M Uddin (Marholm Estates Ltd) against the decision of Peterborough City Council.
 - The application Ref is 24/00420/FUL.
 - The development proposed is the erection of 4 semi detached homes, landscaping and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted an amended plan with this appeal titled 'Existing Site Plan Proposed Site Plan Location Plan' ref. OS0001B (dated 22nd August 2024) which shows a greater separation gap between the two pairs of semi-detached houses. This amendment does not make a substantial difference or fundamental change to the development when compared to the plan upon which the Council made its decision. The Council has also had the opportunity to review and comment on this evidence such that it would not cause unlawful procedural unfairness to anyone involved in the appeal. I have therefore determined the appeal on the basis of this amended plan.
3. Whether the proposed development would provide acceptable living conditions for future occupants was not listed as a reason for refusal on the decision notice. However, it was raised as an issue within the officer report. Harm was identified in respect of outlook, daylight and sunlight, with the Council finding conflict with Policy LP17 of the Peterborough Local Plan 2016 to 2036 (the PLP). I therefore consider it to be a main issue in this appeal. The appellant was given the opportunity to comment on this matter and I have had regard to their comments as part of my determination of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on highway safety;
 - whether the proposed development would provide acceptable living conditions for future occupants with particular regard to outlook, daylight and sunlight; and
 - the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

Highway safety

5. The appeal site relates to a broadly rectangular parcel of grassland located on the corner of Marholm Road and Lincoln Road. Lincoln Road is subject to a 40mph speed limit, and the site lies adjacent to its slip road which provides access onto Marholm Road, where the speed limit reduces to 30mph. Marholm Road has two-way traffic but is a non-through road for vehicles. However, at the bottom of the road is a railway bridge which provides access to commercial and residential areas to the west and the road is identified as an advisory route for cyclists. Broadly opposite the site Marholm Road merges into The Mead which is a one-way street for vehicles in a northerly direction. However, The Mead is a two-way route for cyclists and there is a pedestrian/cycle crossing point off the slip road.
6. Along the boundaries of the site, adjacent to the highway, there is various street furniture including directional street signage and a pedestrian guard railing which prevents pedestrians crossing on the bend. The appeal scheme proposes the construction of two pairs of two-storey semi-detached dwellings, set behind a row of parking spaces, with direct access off Marholm Road. The positioning of existing street furniture has not been shown on the proposed plans, however, to facilitate vehicular access it would be necessary to remove the guard railing that extends along Marholm Road. The proposed parking spaces are shown perpendicular to the highway with no space for on-plot turning and would be partially on the radii of the bend.
7. The plans do not show the full extent of the junction of Marholm Road with Lincoln Road. However, the positioning of parking spaces on the radii of the junction is contrary to Peterborough City Council's Local Highway Authority Standard Design Requirements v.1 (2025) (the SDRs). The SDRs sets out that a minimum separation distance of 10m from the radii of a junction is expected, dependant on the level of usage and speed of traffic and the Highway Authority have advised that the first four parking spaces would need to be omitted due to their proximity with the junction to accord with these design requirements.
8. The speed limit of Lincoln Road reduces to 30mph on the slip road and there are 'give way' road markings where the slip road joins into Marholm Road, however, I observed that these are very worn. Just before these markings is the joint pedestrian/cycle crossing point. However, given Marholm Road is a no through road, it is likely that most vehicles exiting the slip road to access this road regularly, would be familiar with the road layout and know that The Mead is a one-way street carrying vehicular traffic in the opposite direction and there is a shared pedestrian/cycle pavement free of the carriageway. Given there is no 'stop sign' at the end of the slip road, these factors could conceivably impact driver behaviours. The Highway Authority also identify the possibility of vehicles entering onto Marholm Road at higher speeds, particularly as they continue to decelerate after exiting the slip road. I note the appellant estimates that speeds of vehicles exiting the slip road around the bend would be much lower than the 30mph speed limit. However, this is not supported by any evidence of actual traffic speed data.
9. Given no turning facilities are proposed within the appeal site, vehicles reversing out of the proposed parking spaces would have to cross the carriageway of vehicles exiting Lincoln Road via the slip road or would have to perform a manoeuvre on the highway to reverse into the spaces. No vehicle-to vehicle visibility splays have been provided on

the plans to demonstrate whether vehicles exiting the site would have sufficient visibility, particularly of vehicles exiting the slip road. However, the Highway Authority state that suitable vehicle visibility splays would not be achievable due to the geometry of the road layout and position of the car parking spaces in any event. Therefore, due to the proximity of the parking spaces to the slip road and their location on the radii of the bend and in the absence of any evidence of whether appropriate vehicle-to-vehicle visibility splays can be achieved, the development could lead to collisions with vehicles existing Lincoln Road or congestion as vehicles wait to allow vehicles associated with the proposed development to finish their manoeuvres.

10. I acknowledge that parking for the commercial unit opposite the appeal site is perpendicular to the highway and does not have turning facilities in a similar arrangement to the appeal scheme. However, vehicles reversing out of these spaces reverse into traffic leaving Marholm Road rather than from the slip road and would not need to cross the other side of the carriageway. As such, they are not directly comparable and do not alter my findings.
11. To facilitate vehicular access to the dwellings it would be necessary to remove the guard railing that extends along Marholm Road, to which the Council has raised concerns. The appellant contends that pedestrian guard railings are not required on 30mph roads in accordance with Manual for Streets (MfS). However, MfS explains that such street furniture is generally installed to restrict movements of vulnerable road users, such as blocking potentially unsafe desire lines. Whilst MfS acknowledges that in most cases, guard railings are unlikely to be required on residential streets covered by the document, it does provide for scenarios where such features are necessary in the interest of pedestrian safety.
12. The appellant has supplied accident records for Marholm Road over the last 5-years which show that no accidents have occurred on Marholm Road itself and only two accidents have occurred on the slip-road between cars and cyclists. As such they consider that, as no accidents have been reported on Marholm Road, the guard railing along this boundary is not required. The appellant further asserts that the reported accidents were avoidable given there is a joint footway/cycleway adjacent to the slip road, separated by the guard rail adjacent to Lincoln Road. However, the exact locations of the accidents are unclear from the evidence and this information only covers incidents that have been formally reported. Moreover, given the guard railing separates cyclists from vehicles on the slip road, it is possible that the reported cases could have occurred at the dedicated pedestrian/cyclist crossing point between the two guard railings where vehicles are supposed to give-way before proceeding onto Marholm Road.
13. To my mind, the fact that no personal injury accidents have been reported to have occurred between vehicles and pedestrians on Marholm Road does not demonstrate that the guard railing is not required. Rather, it may demonstrate that the guard railings are performing an important function in preventing unsafe pedestrian movements. The appeal scheme would result in a change to the highway arrangement adjacent to the slip road and would enable pedestrians to cross unrestricted on the bend on Marholm Road. There is insufficient evidence before me to demonstrate that this would not compromise pedestrian safety. Moreover, the lack of recorded personal injury accidents does not provide confirmation of the appeal scheme's future effect on safety, which is the issue under consideration. The appellant suggests a condition could be imposed to detail the extent of the retained guard rail adjacent to the slip road. However, given the above, this would not overcome or address the harm identified from the removal of the rail along Marholm Road.

14. The appellant also contends that the proposed site layout is the same as that previously approved by the Council and supported by the Highway Authority. However, I note that the previous permission on the site was in outline only, with all matters including access and layout reserved. Given all matters were reserved, any plans submitted with this outline application were for indicative purposes only and thus, the existence of this previous permission for the principle of four dwellings on the site, which has expired in any event, does not alter my findings in respect of this matter.
15. Reference has also been made to two developments with direct access on to Lincoln Road¹. However, I have not been supplied with the full details of either case. Nevertheless, I note that in both examples the planning applications related to buildings with existing parking and access arrangements off Lincoln Road, and thus different site contexts that are not directly comparable to this appeal scheme, which in any case must be considered on its individual planning merits.
16. Furthermore, I note the appellant contends there is no requirement in policy or guidance to demonstrate appropriate vehicle-to vehicle visibility for frontage access parking or to require the submission of a Stage 1 Road Safety Audit in support of their proposal. Whilst this may be the case, such information could form part of the evidence to support the appellants claims. However, in the absence of such technical evidence, an assessment of whether the access and parking arrangements would be satisfactory and thus, the potential highway safety effects, is a matter of judgement.
17. Therefore, in this case, for the reasons given above, I find the proposed development would have an adverse effect on the safety of users and free flow of traffic on the highway and thus would prejudice highway safety. Consequently, the proposal conflicts with Policy LP13 of the PLP, which seeks, in part, to ensure appropriate provision is made for safe and convenient access to and from sites by all user groups in addition to the provisions of paragraph 116 of the National Planning Policy Framework (the Framework) which supports the refusal of developments on highway grounds where there would be an unacceptable impact on highway safety.

Living conditions of future occupants

18. The appeal scheme proposes two two-storey semi-detached dwellings set on a staggered alignment. For ease of reference, I will refer to the dwellings as dwelling A, B, C and D, starting with the dwelling closest to 2 Marholm Road as dwelling A and the dwelling closest to Lincoln Road as dwelling D.
19. Due to the staggered alignment of the two buildings, approximately 4m of the two-storey blank gable end of dwelling C would project past the rear elevation of dwelling B in relatively close proximity to dwelling B and its rear garden area. The closest openings on dwelling B would be a window serving a bedroom at first floor and a set of patio doors at ground floor serving the lounge and opening out onto a patio area, which is the area most likely to be used for sitting out.
20. Given the limited separation distance and extent of the projection past dwelling B's rear elevation, dwelling C would enclose the closest and most sensitive portion of dwelling B's garden and dominate views from habitable rooms and the patio area. The side elevation of dwelling C would appear imposing and overbearing from the rear windows of the neighbouring property and its patio area, and this would be compounded by the blank two-storey expanse of bricks which would have a deadening effect on outlook.

¹ LPA Refs. 21/01720/FUL and 20/01308/FUL

Thus, the development would fail to provide future occupiers of dwelling B with acceptable outlook.

21. Given the close relationship and extent of the two-storey projection adjacent to habitable room windows and the patio area, dwelling B and its garden area would likely experience a degree of overshadowing from dwelling C. However, given dwelling C is to the north-east, and dwelling B's rear elevation and garden faces south-east, this would likely only occur during the morning, for a limited part of the day. As such, the proximity dwelling C would not substantially reduce the amount of daylight and sunlight reaching dwelling B to an unacceptable level.
22. Nevertheless, for the above reasons the development would not provide acceptable living conditions for future occupiers in respect of outlook. As such, it would be contrary to Policy LP17 of the PLP which, amongst other matters, seeks to ensure that the needs of future occupiers are provided for and that they are provided with adequate amenity for living needs.

Character and appearance

23. The appeal site is located within a predominately residential area, characterised primarily by two-storey semi-detached dwellings and terraced houses set back a short distance from the pavement and of varied designs. On the appeal site side of the road are relatively short, terraced rows that have a generally uniform appearance. The two closest to the appeal site are positioned fronting Marholm Road, separated by a footpath that connects with Walton Park. However, the two terraced rows further down the street are positioned perpendicular to the highway, with more generous spacing. On the opposite side of the road, the semi-detached dwellings are largely consistent in appearance with hipped roofs and side access which provides relatively regular spacing between pairs.
24. The appeal scheme proposes two pairs of two-storey semi-detached dwellings with a relatively narrow path between them, set behind a row of parking spaces. The pair closest to the Lincoln Road would be sited further back within the plot. Space would be retained to the side of dwelling D between the property and the pavement, and the appellant has clarified that only the rear garden of this dwelling is proposed to be enclosed by fencing, for approximately 10m in length.
25. Whilst noting that the distance between the two semi-detached pairs would be short, the amended plan shows a walkway between the two dwellings which would provide visual distinction between the two pairs. This, coupled with the staggered alignment of the pairs would provide relief between the blocks and break up the massing of the development. Whilst the separation distance between the two blocks would be closer than the relationships between the semi-detached dwellings opposite, this would not be harmful in this context given the existence of terraced rows adjacent to the site which have wider elevations and massing and provide variation in the street scene.
26. The flank elevation of dwelling D would be largely blank, with one small window at ground floor and its rear garden would be enclosed by timber fencing. Whilst this would do little to create visual interest in the street scene, from my observations, this would not be dissimilar to other development along this side of Lincoln Road where there are examples of blank two-storey flank elevations close to the highway and expanses of high timber fencing. As such, the development would not be out of character with its surroundings or harmful in the street scene.

27. Given the appellant has clarified that the only the rear garden of dwelling D would be enclosed by fencing and a path has been shown between the two semi-detached pairs, the development would not result in a long and convoluted access passage to the rear gardens. The proposed arrangement would allow for occupants to safely and easily move from the front to rear of properties in a manner appropriate for, and characteristic of this location.
28. For the above reasons, I find the development would not harm the character and appearance of the surrounding area. As such, it would comply with Policy LP16 of the PLP which, amongst other things, supports development that respects the context of the site and surrounding area and contributes positively to the character and local distinctiveness of the area.

Other Matters

29. Whilst noting the appellant's frustration over the Council's handling of the application and the advice received from the Highway Authority, I have considered the appeal proposal on its own planning merits.

Planning Balance and Conclusion

30. I have found that the proposal would not have an adverse effect on the character and appearance of the surrounding area. However, the absence of harm in this regard is a neutral factor and does not outweigh the significant harm, and subsequent policy conflict, that I have found with regards to highway safety and the living conditions of future occupiers in respect of outlook, to which I attach significant weight.
31. Set against this, the development would provide four dwellings on previously developed land, within an established residential area, relatively close to services and facilities that could help to meet an identified local need. Social and economic benefits would also arise during construction and after occupation and additional landscaping could provide biodiversity benefits. The use of previously developed land for housing within settlements is supported by the Framework and, therefore, this benefit attracts substantial weight in favour of the proposal. However, given the scale of the development, the benefits associated with the delivery of four dwellings would be modest, even taking account of the objective of significantly boosting the supply of housing in the Framework, and would not outweigh the harm I have identified.
32. Therefore, for the reasons given above, the proposal conflicts with the development plan as a whole and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Accordingly, I conclude the appeal should be dismissed.

H Whitfield

INSPECTOR