



Appeal Decision

Site visit made on 13 January 2026

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 4 June 2026

Appeal Ref: APP/J0540/W/25/3366308

St Andrews Lodge, First Drift, Wothorpe, Peterborough PE9 3JL

- 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 I Rudd against the decision of Peterborough City Council.
 - The application Ref is 24/01407/FUL.
 - The development proposed is erection of detached dwelling, detached garage with associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Additional drawings and information were submitted with the appeal¹²³⁴. Whilst the appeal process should not be used to evolve a scheme to overcome a Council's reasons for refusal, in this instance the Council and third parties have seen and commented on the additional information. As these do not result in a fundamental change to the application, but clarify details of the proposal, and applying the principles established by 'Holborn'⁵, I consider that in accepting this information, no one has been prejudiced. Consequently, I have based my decision on the original plans and the additional information.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the Wothorpe Special Character Area, including the effect on trees;
 - the effect of the proposal on highway safety and whether satisfactory parking arrangements would be provided;
 - whether it satisfies biodiversity net gain (BNG); and
 - the effect of the proposal on the living conditions of neighbouring properties with regards to the privacy of the occupiers of Windy Ridge and the outlook of the occupiers of St Giles.

¹ Drawing No JDA/2024/965/HOUSE/PROXIMITY.001 March 2025

² Drawing No JDA/2024/965/HOUSE/ENTRANCE.001A Further levels and vehicle tracking indicated, Stirling Maynard Consulting

³ Drawing No JDA/2024/965/HOUSE/PATTERN.001 March 2025

⁴ BS5837:2012 – Trees in relation to design, demolition and construction. Arboricultural matters in relation to trees at St Andrew's Lodge, Wothorpe, East Midlands Tree Surveys Ltd, 26 February 2025.

⁵ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Reasons

Character and appearance

4. The host property is a large, 1.5 storey, detached dwelling. On First Drift overlooking fields to the south, it is situated amongst other residential properties to the sides and rear. The house has extensive landscaped gardens which are surrounded by mature hedging and trees. There is a pronounced rise in land levels from the front of the site to the rear boundary.
5. The proposed dwelling would be located at the rear of the garden in front of the grounds of Park House and its Coach House. The garage and access, which would be off London Road, would be on an adjoining area of garden land, to the rear of the properties, Bridleway and St Giles.
6. Wothorpe is designated as a Special Character Area (SCA). This residential area developed around bridleways, now roads, following an Enclosure Award of 1797. It is characterised by generally low-density, mainly individually designed family houses in large, landscaped gardens, providing a semi-woodland setting.
7. Policy LP20 of the Peterborough Local Plan, 2016 to 2036, 2019, (PLP) seeks to preserve the special character of SCAs such as Wothorpe by not allowing the sub-division of gardens if it adversely affects the character of the area, amenity space and the loss of trees or boundary hedges. Additionally, development must respect the scale, massing, depth, materials and spacing of established properties, and garages should be sited behind the building line to the side of the dwelling.
8. The proposal, in contrast to those houses around it, would be on a relatively narrow, irregularly shaped, plot of land, and separated from the remaining garden of St Andrews Lodge, by a new brick wall. The appellant refers to the site as an edge of village setting and that to minimise the impact on this, it follows the proportions of the adjoining Coach House. However, the form and layout of the 1.5 storey house, which would be built close to the boundary with the Coach House, would appear cramped and not reflect the spacing of surrounding properties. Compared to these, it would have limited garden space, mainly on the western side of the site where there would be some shading by trees and hedging.
9. Combined with this would be the awkward arrangement of the garage to the front of the house, which, because of the line of the boundary with St Giles, would be offset from the main axis of the house. The garage would be forward of the front building line, and with a hipped roof at 5.4 metres in height, would appear overly dominant at the front of the site.
10. Whilst the design and materials for the house would not be unsympathetic to the varied styles of local housing, the sub-division of the garden to form this site, appears contrived and does not follow the adjoining linear, spacious garden plots. Although the area of land for the proposal overall is not small, and similarly sized plots have been cited by the appellant⁶, the irregularly shaped plot in which the proposed house and garage would be sited would result in the buildings being squeezed into too small a space. This would not be in keeping with surrounding properties and because of the subdivision of the garden, adversely affect the open character of the area.

⁶ Corbar

11. Siting the proposal next to the Coach House, within a generally verdant setting of trees in the adjoining properties, would reduce the prominence of the house to some degree. However, the extensive glazing on the front elevation, and the position of the garage, would increase its visibility, particularly because of the pronounced rise in land levels between the site and the adjacent road.
12. A fallback position has been presented, as there is a Class E consent⁷ for two detached outbuildings consisting of a larger building for a swimming pool and a single storey building for the storage of vehicles and trailers. A drawing⁸ with site sections provides a comparison between the Class E consent and the proposed house and garage.
13. The garage at 5.4 m in height would be more than twice the height of an outbuilding on that site which would not exceed 2.5m in height⁹. Moreover, the swimming pool is shown as having a floor area of 158m², although no figure is given for the smaller outbuilding. This compares to a larger building footprint for the proposed house and garage of 246m². The sections indicate that the proposed house and garage would be significantly higher and larger than that allowed under the Class E consent, and the swimming pool building would be further away from the boundary with the Coach House.
14. The appellant considers that the design and visual impact of the proposal is an improvement on the Class E consent, as well as providing a climate resistant and sustainable dwelling. There is a real prospect of the Class E buildings being constructed; however, these are for an indoor swimming pool and outbuilding, not a new house and garage with access onto the adjoining road. Therefore, the proposal would have a much greater effect on the character of the area. Consequently, I give the fallback position limited weight.
15. Trees make a significant contribution to this part of the SCA. The tree report shows that several trees would be removed. This includes a stretch of yew hedging, a smokebush tree and a birch tree, as well as other smaller mixed species and hedging plants, although several small trees where the proposed garage and parking area would be sited, are not shown on the plans.
16. At the proposed entrance to the site, which would be created by crossing the wide grass verge adjoining London Road, undergrowth covers the existing wooden fence and gate. At the corner of the entrance is a sizeable ash tree, T1, which is within the grounds of Park House. The tree survey data describes T1 as being in good physiological and structural condition with a high public visual amenity value. I saw that the tree, even without leaves during the winter, was prominent along the roadside.
17. There is disagreement amongst the main parties over the size and Root Protection Area (RPA) of T1. The tree report shows a trench that was dug along the proposed line of the new driveway to demonstrate that the roots of trees T1 and T2, a horse chestnut, would not be harmed. Although a new gravel driveway would be a no dig construction, there are no drawings and sections as to how this would be built. Therefore, based on the limited evidence of the proposed new access point, and the differences in level between the road and the garden of the proposed site, I

⁷ Ref 24/00768/CLP

⁸ Comparison between the consented scheme – 24/00768/CLP and the August 2024 proposal

⁹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO)

have no convincing evidence before me that constructing a new access and parking area would not harm the RPA of T1.

18. I therefore conclude that the proposal would cause significant harm to the character and appearance of the Wothorpe SCA, including the trees. It would conflict with PLP Policy LP20 as set out above, and PLP Policy LP16 which requires all development to positively contribute to the character and local distinctiveness of the area. Additionally, it would conflict with paragraph 135 of the National Planning Policy Framework (the Framework).

Highway safety

19. The proposed dwelling would be accessed from the adjoining B1081 which connects the A1 to the south-east, to the town of Stamford. With generous grass verges either side, it is a wide and straight stretch of road, until it bends downhill into the town. Outside the site there is a 50mph speed limit, and so cars passing the entrance to the site are driving at speed, although just after the proposed site access it changes to 30mph¹⁰. I noted that unofficial notices stating 'Slow Down' had been attached to road signs just before and after the site.
20. There are an existing fence and gate where the proposed access to the site would be located. However, as the garden is much higher than the adjoining road level, there would be an incline from the road into the site. The Council's specification for constructing private driveways has changed since the appellant submitted the application, now requiring that driveways should not be steeper than 1:20 for 5 metres from the public highway. Although the appellant considers this is possible, there is only limited substantive evidence as to how this would be achieved.
21. Parking provision for a house with four bedrooms as set out in appendix C of the PLP Policy LP13 requires a minimum of two car spaces. However, the vehicle swept path analysis shows a small car manoeuvring into the garage space, suggesting that it would only accommodate one vehicle. Whilst large vehicles can use the driveway of St Andrew's Lodge during the construction period, it is now commonplace for delivery vans to visit properties. Consequently, I have no evidence how vehicles larger than a domestic car would be able to turn and exit the site in a forward gear, particularly if other cars are parked on the site.
22. A visibility splay for the access has been designed using MfS2¹¹ which is usually applied to B roads. The speed survey reported speeds at the 85th percentile of 49.8mph northbound and 47.8mph southbound. The entrance would be located on a stretch of road with a 50mph speed limit, and relatively close to the entrance to Park House and the junction of First Drift.
23. The Council considers that DMRB¹² guidance and stopping distances should be used for the construction of the access, which is not achievable according to the appellants. Moreover, warning signs and road markings have not been suggested. Although vegetation would be cleared to construct the access, hedges and trees outside the ownership of the appellant provide a relatively dense vegetated boundary along this stretch of road. However, whichever guidance is used, a clear and wide entrance point to enable safe access to and from the road is essential.

¹⁰ Within the evidence this is referred to as 40mph

¹¹ Manual for Streets 2

¹² Design Manual for Roads and Bridges CD109

Yet, from what I saw and the evidence before me, I am not persuaded that safe access onto the highway can be achieved.

24. Therefore, I conclude that the proposal would have a detrimental effect on highway safety and satisfactory parking arrangements would not be provided. It would conflict with PLP Policy LP13, which requires amongst other things, safe access to and from the site and appropriate parking provision.

Biodiversity net gain

25. The proposed site is within an existing garden. Whilst the appellant has submitted a biodiversity mitigation and enhancement plan, there is no habitat map showing the baseline habitats. Although the appellant is content for a suitably worded condition to be attached to any permission, based on the limited evidence before me, the proposal has not demonstrated whether the biodiversity gain objective can be met.
26. I therefore conclude that I have no evidence that net gains for biodiversity would be achieved, contrary to PLP Policy LP28 which requires a net gain in biodiversity to be delivered, and contrary to paragraph 187 d) of the Framework.

Living conditions

27. The western gable elevation of the proposed dwelling would have glazing from ground level to the apex of the roof and an inset balcony at first-floor level. However, this would face the rear of Windy Ridges extensive garden, shown as being 15 metres from the rear boundary, where a seating area is located. I saw the dense hedge between St Andrew's Lodge and Windy Ridge and the trees along the boundary, so that there was no intervisibility between the gardens. I understand that the spacious and verdant setting of houses on First Drift means that there are existing high levels of privacy. However, because of the limited height of the dwelling, the mature vegetation, and the distances between the properties, the proposal would not harm the privacy of the occupiers of Windy Ridge because of overlooking.
28. The proposed garage would be located on the southern boundary of St Giles. This property has a long and extensive garden, with the house some 70 metres away. However, the garage would be relatively small in scale, and although there would be some overshadowing of the garden because of its' height, this would be very limited. Consequently, a building of this size would not harm the outlook of the occupiers of the property.
29. I therefore conclude that the proposal would not harm the privacy of the occupiers of Windy Ridge and would not be overbearing on the occupiers of St Giles. It would accord with PLP Policies 16 and 17, which in part and together requires new development to not have an unacceptable impact on the privacy of the occupiers of nearby properties, or cause any overshadowing or overbearing impact.

Other Matters

30. The site is close to designated heritage assets, the grade II listed Burghley Park bottle lodges¹³ and the grade II* listed Burghley House Park and Garden¹⁴. The

¹³ List entry number: 1127505

¹⁴ List entry number: 1000359

special interest and significance of the three storey bottle lodges, in relation to this appeal, are demonstrated in the decorative gateway arches, gates and flanking walls built in the Elizabethan style of Burghley. The significance of the gardens surrounding Burghley House, built by William Cecil in the 16th century, are that they represent 19th and 20th century formal gardens and pleasure grounds, developed from those originally designed by Lancelot Brown. Based on the distance of the proposal to these designated heritage assets, their significance would not be harmed.

31. Reference is made to several new houses that have been built within large gardens in Wothorpe in recent years, including Corbar,¹⁵ which is similarly located on the southern edge of a garden, and two new dwellings to the north-west of St Andrews Lodge.¹⁶ However, the circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission, is not a reason, on its own, to allow unacceptable development.
32. The appellant considers that an appeal decision¹⁷ dismissing a new dwelling off First Drift which has been referenced by the Council is less comparable than suggested. However, I do not have full details of this appeal and have in any case determined the appeal on its own merits based on the evidence before me.
33. The appellant has set out that the proposal would not cause flooding, noise or water quality issues. Additionally, it would incorporate renewable energy with a vehicle electric charging point. The house would be orientated to provide solar gain and shade and there would be new hedge and tree planting. These features are, however, expected of all new development and so would be a neutral matter in the planning balance.
34. Third parties have referred to the effect of lighting, noise and disturbance from the proposal. I have, however, found that the development is unacceptable and so I do not need to consider these matters further.

Planning Balance and Conclusion

35. The proposal would provide an additional family dwelling and some short-term economic benefits during the construction, as well as economic and social benefits from the development in the longer term. However, these limited benefits would be outweighed by the harm I have found to the character and appearance of the area, including trees, the detrimental effect on highway safety and parking arrangements and not achieving net gains for biodiversity.
36. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
37. For the above reasons, I conclude that the appeal should be dismissed.

M J Francis INSPECTOR

¹⁵ Ref 18/00766/FUL

¹⁶ Ref 14/01843/FUL

¹⁷ APP/J0540/W/24/3347997