

Appendix 1 – Appeals Performance from 1 March 2017 – 31st October 2017

Application reference	Address	Proposal	Officer Recommendation	Committee Decision / Date	Reasons for Refusal	Appeal Procedure	Appeal Decision / Date	Costs Decision	Inspector's Reasons
17/00209/FUL	3 Fitzwilliam St Peterborough PE1 2RU	Use of second floor as satellite Taxi office	Permitted subject to conditions. Cond 3 required that no taxi or private hire vehicle shall visit the site	N/A	N/A N.B the appellant appealed against the imposition of condition 3.	Written representations	Allowed 04.09.2017	N/A	<ul style="list-style-type: none"> - The Inspector agreed with the Council that to allow taxis and private hire vehicles to visit would cause harm through disruption to other occupiers of nearby premises. - The Inspector considered that the way the condition was worded did not accord with the test of necessity because it would preclude such vehicles from visiting the existing takeaway which formed part of the site. The Inspector re-worded the condition to prevent taxis and private hire vehicles from visiting the development i.e. the taxi office.
15/01840/OUT	Land west of Uffington Road Barnack	Construction of up to 80 dwellings including up to 30% affordable, landscaping, informal open space, childrens play area, surface water flood attenuation, vehicle access from Uffington Road and ancillary works. All matters reserved with the exception of the main access.	Refusal	22.03.2017	<ol style="list-style-type: none"> 1. The site is in open countryside contrary to CS1. The proposal doesn't meet the exception test set out in CS8. 2. No need for the development as the Council can demonstrate a 5 year housing land supply. 3. The development is of an inappropriate size and scale to be located on the edge of the village and its cumulative effect with the existing Payne's Field development would have a harmful impact on the character and setting of the rural edge contrary to CS20 and B & P1 of the P'boro Design and Development in Selected Villages SPD. 4. Size and scale of the development is too large for a limited growth village and the facilities it contains. The size and scale of the development doesn't accord with the locational hierarchy for new residential development contrary to CS2. 5. The form of development would harm the character and appearance of the conservation area contrary to S72(1) of the Listed Building and Conservation Areas Act, CS17, PP17 and paragraph 134 of the NPPF 6. The site is within an area of high archaeological value. The application was not submitted with sufficient information to enable an assessment of the need for suitable mitigation 	Public Inquiry	Allowed 27.03.2017	N/A	<ul style="list-style-type: none"> - Conservation Issues – the appeal site does not form a crucial element in the setting of the Conservation Area. The development would not be materially harmful to the setting of the Conservation Area. - Landscape and Visual Effects – the Inspector concluded that the density of the development would not be particularly uncharacteristic in the immediate context of the Payne's Field development. The visual and landscape harm would be limited to the immediate landscape setting on this side of the village. - 5 year housing land supply - The Inspector found that the Council could not demonstrate a 5 year housing land supply and that the development would make contribution towards achieving this. - Other Issues – The proposed mitigation measures including a contribution through S106 and provision of open space on site would reduce the impact on Barnack Hills and Holes SAC to an acceptable level. Loss of a private view is not a sufficient reason to withhold planning permission. - Conclusion – whilst the scheme would conflict with the development plan when read as a whole, the provisions of the NPPF in respect of boosting housing land supply are engaged. The proposal is considered as sustainable development and warrant a decision other than in accordance with the development plan.

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					contrary to CS17, PP17 and paragraphs 128 and 129 of the NPPF.				
16/00556/OUT	Land rear of Camelot First Drift Wothorpe PE9 3JL	Erection of 3 detached dwellings with garages	Refused	N/A	<p>1. The land is in open countryside and the site could not accommodate 3 dwellings in a manner in keeping with the village and open countryside setting contrary to CS1, CS16, CS20 and PP2.</p> <p>2. The development would detract from the spacious open character going against the reason for designating the Special Character Area contrary to SA19 and PP17.</p>	Written Representations	Allowed 07.04.2017	N/A	<ul style="list-style-type: none"> - In terms of the location of the development the majority of the site falls within open countryside where development is restricted by policy CS1 and therefore its location is contrary to the development plan - The site is previously developed land (recent Judgement in Dartford BC v SSCLG has confirmed private residential gardens that are not located in built up areas are not excluded from the definition of previously developed land. This is a consideration of significant weight in favour of the development. - Inspector disagreed with the findings of a previous Inspector and concluded the site did not have open qualities that would preclude residential development - Proposal would accord with the Design and Development of Selected Villages DPD, would not harm TPOs - Access acceptable - Conclusion is that the site is in a sustainable location accessible to everyday services and whilst in open countryside it is previously developed land which the NPPF encourages re-use of. Well-designed dwellings at reserved matters stage would complement the special character of Wothorpe village.
16/01925/FUL	202A Lincoln Rd Peterborough PE1 2NQ	Detached annexe to the rear	Refused	N/A	<p>1. The proposal includes primary residential accommodation (is a two bed bungalow) and is contrary to the pattern and character of development in the area contrary to CS16.</p> <p>2. Proposal will result in increased nuisance and disturbance to neighbouring properties and will affect the outlook from 7 Cambridge Street contrary to PP3</p> <p>3. Unacceptable living conditions for the future occupiers contrary to PP4.</p>	Written representations	Dismissed 29.03.2017	N/A	<ul style="list-style-type: none"> - The proposal would be occupied by the son of the owner of 202A and his wife and whilst related to the occupiers of the host dwelling, the proposal would be occupied as a new dwelling, functioning entirely as such. It would introduce a new tier of development in a back land form which would be contrary to the character of the area. - The proposal is sited close to the boundary with other residential properties and would introduce an increased level of noise disturbance to the neighbours - The proposal would span almost the entire width of the adjacent plot 7 Cambridge Ave and it would have a significant overbearing effect on users of No 7's garden. - The kitchen and bedroom windows would face high sided brick walls of another

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									outbuilding which would represent a poor quality of outlook for future occupiers.
16/01201/FUL	Land to the South of Nine Bridges, Mile Drove, Glinton	Raise ground levels and use of land as a traveller site with one static and one tourer caravan (part retrospective)	Refused	N/A	<p>1. The site lies in flood zone 3a i.e. high risk of flooding. No sequential test but in any event use of such land for caravans (vulnerable development) is not acceptable contrary to the NPPF, guidance in the NPPD, CS9(a) and CS22</p> <p>2. The development detracts from the landscape qualities of Maxey Cut and the North Fen landscape contrary to CS9(a) and CS20. There is also a localised impact when viewed by local people who use the area contrary to CS9(e)</p> <p>3. Lack of provision of mains utilities contrary to CS9 (d)</p>	Hearing	Dismissed 18.08.2017	N/A	<ul style="list-style-type: none"> - Planning history material to the case – an enforcement notice is in place following a previous appeal. - Inspector considered that the evidence provided by the appellant did not demonstrate the proposal is acceptable. In any event the PPG states that an exception test is inappropriate for highly vulnerable development in FZ3 where such development should not be permitted. - If all other aspects of the proposal were acceptable, the provision of services could be conditioned. - The visual and spatial impact of the traveller site proposed would be significantly harmful to the character of the area - With regard to “need” the Inspector queried the robustness of the survey on which the 2016 GTAA is based. As the Local Plan has not yet been examined not much weight can be placed on the Council’s claim that gypsy and traveller need is being met. More likely the Council cannot demonstrate an adequate supply to meet current need in accordance with the opening paragraph of CS9. - Regarding personal circumstances the Inspector agreed this settled base contributes to the health and educational needs of the family. - In weighing the planning balance, the Inspector concluded that the issues around flood risk and visual harm outweighed the benefits to the appellant and his family.
16/02168/WCPP	Land south of Ideal Home House, Newark Road, Fengate, Peterborough	Removal of C17 (footway) of planning permission 16/01296/FUL (Erection of 14 units for B1(c)/B2/B8 employment uses in 4 blocks, estate road, car parking, service yard and electricity sub station)	Refused	N/A	The loss of the proposed footway link would result in the loss of a safe and accessible walking route for pedestrians to the site contrary to PP12.	Written Representations	Allowed 13.06.2017	N/A	<p><i>The permission was granted subject to C17 requiring a footpath link to the southern bus stop near the site. This would be the first bus stop when travelling by bus from the city centre. A northern bus stop is further on but does have a footpath link.</i></p> <p>-The Inspector concluded that whilst the footpath link was desirable it is not necessary because the northern bus stop is 90m closer to the site and served by a footpath. For the sake of an extra few minutes on the bus, the Inspector concluded that those travelling to the site by bus would more than likely alight at the northern bus stop, especially at night</p>

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									and in bad weather. As the provision of the footway to the southern bus stop is desirable and not necessary it fails to meet the test of necessity set out in the NPPG.
17/00166/FUL	94 Wootton Ave Fletton Peterborough PE2 9EG	Three bedroom new dwelling	Refused	N/A	1. The proposal would be out of character with the area and the resultant layout of the plot and host dwelling would be a contrived development contrary to CS16 and PP2. 2. The proposed dwelling could not be accommodated without affecting the amenities of the occupiers of 94 Wootton Avenue contrary to PP3, PP4 and CS16.	Written representations	Dismissed 25.08.2017	N/A	<ul style="list-style-type: none"> - Inspector agreed that the proposal would substantially harm the character of the area and would fail to make a positive contribution to the character of the area by virtue of its location and design features contrary to CS16 and PP4. - The proposal would harm the living conditions of the occupiers of No 94 with regard to outlook, daylight and amenity space contrary to PP3.
16/01498/FUL	Golden Lion 5-7 Church St Standground Peterborough	Demolition of existing public house to be replaced by a ground floor retail unit and four residential flats	Refused	24.01.2017	1. The proposed servicing arrangements would represent and worsening of the “fall back” position by reason of inadequate visibility splays, resulting in vehicles manoeuvring on the highway to the detriment of highway safety contrary to CS14 and PP12.	Written representations	Dismissed 31.08.2017	N/A	<ul style="list-style-type: none"> - Inspector concluded that the number of trips generated by a retail unit would be greater than for a public house. They would also more likely occur during peak hours. The Inspector also stated that as the public house were to be demolished, the site would become a blank canvas (the fall back position of public house therefore has little weight). The manoeuvring of the delivery vehicle would also impede the free flow of traffic at the junction of Church St/Sough St, contrary to PP12. - Inspector did not criticise the design of the building but the issues around highway safety carried greatest weight in this case.
16/02391/ADV	Land at Hodney Road, Eye Peterborough	Three freestanding metal structures, each to be fitted with on non illuminated advertisement (restrospective)	Refused	N/A	1. Visual impact on surrounding rural landscape contrary to paragraph 67 of the NPPF, CS16 and PP2. 2. Unacceptable impact on highway safety of motorists using Eye Road through driver distraction contrary to PP12.	Written representations	Dismissed 14.08.2017	N/A	<ul style="list-style-type: none"> - Inspector noted the location of the signs (existing) is in open and flat countryside to the west, north and east and not at the entrance to any established business. - Regarding visual amenity, the Inspector concluded the structures and the advertisements are an incongruous addition to the area by virtue of their cumulative effect, siting, height, design and double sided nature. They are out of character with the surrounding open countryside setting. - Regarding highway safety, the Inspector noted the location next to the busy A47 and found that drivers would modify their driving behaviour to read the signs. This would result in harm to highway safety.

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17/00367/FUL	Land to the rear of 1332 Lincoln Road, Peterborough PE4 6LP	Construction of one No. 3 bed detached dwelling	Refused	N/A	<p>1. The siting of the dwelling in the rear garden is out of character with the pattern of development in the area thus causing harm to the character of the area contrary to paragraphs 58 and 61 of the NPPF, bullet point 1 of CS16 and (a) and (b) of PP2.</p> <p>2. The proposed vehicular access will cause unacceptable loss of amenity for the occupiers of the host dwelling byu reason of noise, disturbance, loss of outlook and sunlight and daylight to primary habitable rooms in the side elevation contrary to PP3.</p>	Written representations	Dismissed 27.09.2017	N/A	<ul style="list-style-type: none"> - The proposed dwelling would be highly visible when viewed between 1332 and 1326 Lincoln Road. This prominence would contrast harshly with the established pattern of dwellings sited closer to the road edge with long rear gardens. As such is would be harmful to the character and appearance of the area contrary to CS16 and PP2. - The principal elevation to 1332 faces the proposed access drive to the new dwelling. In the absence of a fence the occupiers of the host dwelling would be subject to engine noise, vibration and headlamp glare and possibly overlooking. Road noise could be mitigated through surfacing but the other issues would create an unacceptable level of amenity. If a fence of suitable height were to be placed to the side of 1332 this would present an unacceptable outlook to future occupiers contrary to policy PP3. - Acknowledged lack of a 5 year supply but the issues set out above outweigh the limited social and economic benefits that allowing one dwelling would bring.
17/00412/FUL	Electricity substation, 2m from 129 Montagu Road, 9m from unnamed road. Walton, Peterborough, PE4 6EP	Provision of two shipping containers for storage purposes (retrospective) - resubmission	Refused	N/A	<p>1. The shipping containers constitute an incongruous addition of an industrial element to a residential area to the detriment of the character of the area contrary to CS16 and PP2.</p> <p>2. The siting of the containers between two sets of allotment access gates result in loss of vehicular and pedestrian visibility to the detriment of the safety of the users of the allotments contrary to PP12.</p>	Written representations	Dismissed 18.09.2017	N/A	<ul style="list-style-type: none"> - Although the containers are positioned at the rear of the site they can be seen through the gap between the dwellings and along the access road to the allotments. Despite their siting they appear more prominent due to their incongruous appearance in the setting of domestic dwellings. The siting of the two shipping containers has an adverse effect on the character and appearance of this residential area and cannot be ameliorated by the erection of fencing/trellis as proposed. Contrary to bullet point one of CS16 and PP2. - Inspector noted that the Highway Authority objected both on grounds of visibility and displacement of parking but from the evidence it appears there is no right for users of the allotments to park on the appeal site which is in private ownership. There would be some limited impediment to visibility but conclusion is that there would be no significant adverse impact on the safety of users of the allotments.

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17/00359/FUL	62-64 Westgate Peterborough PE1 1RG	Construction of detached single storey garage for storage of taxis (part retrospective)	Refused	N/A	<p>1. The garage is sited in the North Westgate Opportunity Area and this development would prejudice the comprehensive redevelopment of this wider opportunity area contrary to CC3 and the parameter plans approved under extant permission 15/01041/OUT. It would prevent the masterplan layout of this planning consent being achieved on site.</p> <p>2. Once completed, the proposed outbuilding will result in a large, featureless and monotonous design which would be harmful to the visual amenity of the area contrary to CS16 and PP2.</p>	Written representations	Dismissed 21.08.2017	N/A	<ul style="list-style-type: none"> - At the time of the appeal site visit the garage had been partially completed but has not roof. It was filled with vehicle items such as tyres. - On the basis that policy CC3 in the CCP was adopted as recently as December 2014 and there is an existing mixed use scheme 15/01041/OUT the Inspector considered there is a real prospect that the redevelopment could commence within the foreseeable future. Concluded that it cannot be safely said that the garage would not prejudice the redevelopment and it would not be reasonable to impose a condition requiring the demolition of the garage after a period of time, so contrary to CC3. - Due to its height, design and position, the garage would adversely affect the character and appearance of the area in conflict with CS16 and PP2.
17/00275/HHFUL	2 Stonebridge Lea, Orton, Peterborough PE2 5LY	Extend roof height of existing single storey side extension	Refused	N/A	<p>1. The proposal by virtue of large roof design, mass, length from the side elevation and absence of front window openings would fail to respect the character of the host dwelling. The development would have an adverse impact on both the character and appearance of the host property and the area contrary to CS16 and PP2.</p>	Written representations	Dismissed 04.09.2017	N/A	<ul style="list-style-type: none"> - When viewed from Stonebridge Lea, the proposal would present a much steeper roof pitch and consequently much greater expanse of roof tiles that is evident on the host dwelling, its connected neighbour or with the surrounding area. As such it would appear as an awkward addition that would be out of character with the host dwelling or surrounding area. As such the proposal would be harmful to the character and appearance of the area in conflict with CS16 and PP2.