



Appeal Decision

Site visit made on 19 December 2012

by Richard McCoy BSc, MSc, DipTP, MRTPI, IHBC

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

Decision date: 18 February 2013

Appeal Ref: APP/J0540/A/12/2179519

Land to the rear of 37 & 39 Lincoln Road, Glinton, Peterborough PE6 7JS

- 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 Mrs C Lenton and Miss C Hannan against the decision of Peterborough City Council.
 - The application Ref 12/00297/FUL, dated 5 March 2012, was refused by notice dated 30 April 2012.
 - The development proposed is the erection of a bungalow.
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Decision

1. I dismiss the appeal.

Procedural matters

2. I note that a Unilateral Undertaking in respect of a commuted sum towards the provision of neighbourhood and strategic infrastructure was received by the Council. As a result the Council is no longer pursuing its objection to the proposal in this regard and I have dealt with the appeal on this basis.
3. Since the Council made its decision, saved policies DA6 and H16 of the adopted Peterborough Local Plan (1st Replacement) have been superseded by policies PP2 and PP4 of the Peterborough Planning Policies (PPP) Development Plan Document, adopted 5 December 2012. I have dealt with the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area, the living conditions of the occupiers of nearby dwellings from any noise/disturbance and overlooking, and on the living conditions of future occupiers from any overshadowing.

Reasons

5. The appeal site forms part of the rear gardens of nos. 37 and 39, and is located in an area characterised by single and 2 storey dwellings with small front and larger rear gardens. Proposed is the erection of a detached bungalow that would share an existing access which serves a residential care home and a dwelling.

6. In my judgement, the proposed dwelling would occupy an uncharacteristically small plot in comparison to the majority of nearby dwellings. This would give an impression of a cramped, over-development of the site area which would be apparent from the close proximity of the proposed dwelling to the site boundaries and the way in which its footprint would occupy a high proportion of the available site. In addition, the proposal would result in nos. 37 and 39 standing within plots that would be much reduced in size. This would bring about an unwelcome change, at odds with the prevailing development pattern of this part of the village.
7. As for the access, while I agree with the appellants that the proposal would increase the size of the existing access (in terms of what is on the ground and what has planning permission) by a limited amount, it would nonetheless result in the widened section cutting across the front garden of no. 37, creating an incongruous visual relationship.
8. Accordingly, the proposal would fail to integrate itself successfully into its surroundings and would be harmful to the character and appearance of the area, contrary to policy PP2 of the PPP and policy CS16 of the adopted Peterborough Core Strategy (CS) Development Plan Document. These are permissive of developments that would make a positive contribution to the quality of the built environment and echo the provisions of paragraph 58 of the National Planning Policy Framework (the Framework).
9. Furthermore, the increased use of the existing access would result in additional comings and goings that would interfere with the quiet enjoyment, the occupiers of nearby dwellings, would reasonably expect from their homes. Accordingly, the proposal would be harmful to their living conditions, contrary to policy CS16 of the CS which seeks to prevent developments that would have an unacceptable impact on the amenities of the occupiers of any nearby dwellings.
10. Concern was also raised that the existing willow tree within the rear garden of no. 39 would overshadow the rear garden of the proposed dwelling. However, while daylight at certain times of the year might be dappled by the tree, given the appellants' uncontested evidence that the tree stands to the east of the garden which would have a northerly aspect, this would be unlikely to harm the living conditions of future occupiers.
11. In addition, given the proposed single storey height and the provision of a boundary fence which could be made a condition of any grant of planning permission as suggested in the officer's delegated report, I consider that there would be no harmful overlooking of neighbouring properties. Against this background, the proposal would not conflict with policy PP4 of the PPP. Nevertheless, these considerations would not outweigh the other harm I have identified.
12. My attention was drawn to other nearby developments claimed to be similar. However, these pre-date the Framework and the adoption of the current development plan. In any event, their presence does not persuade me to allow a further development that I consider would be harmful to the character and appearance of the area and the living conditions of the occupiers of nearby dwellings.

Conclusion

13. For the reasons given above and taking all of the matters raised in the representations into account, including the appellants' argument that the plot size is suitable for the scale of dwelling proposed, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR

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