

**Appendix 1 – Appeals Performance from 01.07.22 – 30.09.22**

Application reference	Address	Proposal	Officer Recommendation	Committee Decision / Date	Reasons for Refusal	Appeal Procedure	Appeal Decision / Date	Costs Decision	Inspector's Reasons
20/01026/FUL	Land South Of Lovers Lane Sutton To Nene Valley Railway Station At Stibbington Peterborough	Construction of dual use cycle/pedestrian path and associated earthworks from Sutton village across the meadows to the Nene Valley Railway station at Stibbington, including cattle grids, a new 3m wide timber cycle/footbridge over field drain and new flight of steps with wheeling channel to the footbridge across the River Nene	Approval, overturned by Committee	Committee 20.07.21	The proposed cycleway/footway, by virtue of the increase in the number of cyclists travelling through the village, which is characterised by blind corners with limited visibility and lack of footpaths, would impact on the amenity of the residents of Sutton.  The proposal is therefore contrary to policy LP17 of the Adopted Peterborough Local Plan (2019).	Written Representation	Allowed 21.07.22	n/a	- The Inspector placed weight on the safeguarding of the route in the Local Plan and found that the proposals would not affect the character or appearance of the area or cause significant issues of visitors, vehicles or parking the village. He noted that it is not unusual for a village to have a layout with tight bends. The behaviour and speed of cyclists were not thought to cause an impact on the amenity of local residents. The Inspector attached several conditions to control and minimise the effects of the proposals eg surfacing detail, flood risk assessment, ecological impact assessment, compensation for impact on wildlife site, lighting, arboricultural method statement construction method statement, visibility splays, signage to warn footpath users of horse riders, cattle grids, cycle parking together with details of wheel channel, bridge and ramp construction.
20/01678/FUL	Black House Farm Crowland Road Eye PE6 7TP	Conversion of agricultural buildings to 2 no. holiday lets	Approval, overturned by Committee	Committee 06.07.2021	The proposal would result in the intensification of an existing access to serve the proposed holiday lets, which is substandard both in its width and visibility, to the detriment of highway safety which is unacceptable. Accordingly, the proposal is contrary to Policy LP13 of the Peterborough Local Plan (2019).	Written representations	Dismissed 26.07.2022	n/a	- Due to the limited width of the access track, there is a likelihood that vehicles entering the track would need to reverse out onto Crowland Road to enable another vehicle to pass. Alternatively, they may be impeded from making a safe manoeuvre into the track were this to coincide with a vehicle about to exit. - The prospect of vehicles reversing out into Crowland Road or having to stop in Crowland Road to enable other vehicles to exit would be particularly unsafe. - The appellant does not have the necessary control over other boundary vegetation to enable sufficiently safe visibility to be achieved in both directions and thus a condition to secure the required visibility would be unlikely to pass the necessary

									tests. Accordingly, the proposed intensification of this access point with particularly limited visibility in both directions onto Crowland Road would have an unacceptable impact on highway safety.
21/01792/HHFUL	9 Grange Road West Town Peterborough PE3 9DR	Demolition of detached garage and erection of two storey side extension and single storey rear extension	Refusal	Committee 25.03.2022	The proposed two storey side extension, by virtue of its siting, size and scale, would result in an unacceptably harmful impact to the amenities of neighbouring occupants at 7 Grange Road. The proposal would introduce a blank two storey flank wall sited on the side boundary of the site. It would face a primary habitable ground floor window serving the neighbouring dwelling at a distance of only 3m. This would result in an unacceptable loss of natural daylight to and overbearing impact upon this primary habitable room to the harm of the amenities of neighbouring occupants. The proposal is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).	Householder appeals service	Allowed 17.08.2022	n/a	<ul style="list-style-type: none"> <li>- The room impacted could be either a kitchen or a kitchen diner. The dwelling has substantial sized rear living room, front lounge and conservatory, which could all be used for dining purpose.</li> <li>- The particular use of individual rooms in a dwelling is a private matter but in this instance the choice to use the room as a kitchen/diner must be balanced against the interests of the adjacent occupier who wishes to extend their property in a similar way to others in the vicinity. With the range of other rooms available for habitable room purposes on the ground floor of No 7 it would not be reasonable for the loss of daylight in and outlook from the kitchen/diner to prevail in this case.</li> <li>- For these reasons the proposal would not unduly affect the living conditions of the occupiers of No 7 Grange Road in relation to outlook and light. The proposal would not conflict with Policy LP17 of the Peterborough Local Plan 2019 which precludes development resulting in an unacceptable impact on the amenity of existing occupiers by loss of light or overbearing impact.</li> </ul>
20/00475/HEDG	Land East Of 28 Hodney Road Eye Peterborough PE6 7YJ	Remove hedge to establish new boundary to land	Refusal	13.05.20	The hedgerow is recorded as an integral part of a field system pre-dating the Enclosures Acts.	Hearing	Appeal withdrawn 04.07.22	n/a	<ul style="list-style-type: none"> <li>- The Inspector considers that there is no legal basis for appeal as the hedge had been destroyed.</li> </ul>
21/00791/HHFUL	27 Maffit Road Ailsworth Peterborough PE5 7AG	Proposed two storey rear extensions and garage extension to the front	Refused	11.02.22	Overbearing and overshadowing effect on neighbouring dwelling; overlooking of the neighbour's garden; impact on the Conservation Area; loss of light; and design of the porch does not harmonise with the host dwelling.	Written Representation	Dismissed 25.08.22	n/a	<ul style="list-style-type: none"> <li>- The Inspector agreed that the porch extension would not respect the details of the host dwelling nor the character of the Conservation Area.</li> <li>- The Inspector agreed that the proposal would be harmful to the living conditions of the host dwelling in respect of light and</li> </ul>

									would impact on the privacy of the neighbouring property.
21/00868/PRIOR	Verge on Goodwin Walk adjacent with Davids Lane, Werrington Peterborough PE4 5AZ	20m Monopole C/W wraparound cabinet at base and associated ancillary works	Refusal	02.08.2021	1- The proposal, by virtue of its siting, height and resultant visual appearance would adversely impact on the character and appearance of Goodwin Walk. 2- The proposal, by virtue of its siting on the grass verge within 2m of the adjacent to the public highway, would likely lead to highway safety dangers due to its close proximity to it.	Written representation	Dismissed 17.08.2022	n/a	<p>- The monopole would be much taller than other vertical infrastructure in the area and the antenna at the top of the tower would have a bulbous appearance and would sit above the tallest adjacent treetops. In combination with the existing street furniture the monopole and associated infrastructure would have a cluttered appearance which would significantly detract from the prevailing spacious and verdant character of Goodwin Walk and the wider street scene. This impact would be most evident to passers-by close to the junction as well in more distant views from the north along Hodgson Avenue.</p> <p>- there is the potential that works to install this associated equipment could impact on tree roots in the vicinity. Without any detailed evidence to demonstrate otherwise, I cannot be certain that the proposals would not impact on the health of nearby trees and this has the potential to add to the harm to the character and appearance of the area already identified.</p> <p>- no risk of collision and would maintain sightlines for drivers and would not impede the footway. Therefore, satisfied that there would be no unacceptable impacts on highway safety resulting from the proposal.</p> <p>- the offer to reduce the height of the monopole casts considerable doubt over whether the proposal is the only option available to meet the cell coverage requirements and associated public benefits. Therefore, I am not persuaded that the harm identified under the main issue would be justified.</p> <p>- concludes that the proposal would have a significant harmful effect on the character and appearance of the area and in that regard its siting and appearance would be unacceptable.</p> <p>- From a siting and appearance perspective, the proposals would also conflict with the design, context, character and tree preservation requirements of Policies LP16 (Design and the Public Realm) and LP29 (Trees and Woodland) of the Peterborough Local Plan (2019)</p>

21/01687/CLE	1302 Lincoln Road Peterborough PE4 6LN	Construction of two storey, two bedroom house with vehicle access (previously approved under 14/01368/FUL)	Refusal	17.01.22	<ul style="list-style-type: none"> <li>- Applicant dug a partial foundation on or around 31 October 2017, a date prior to the expiry of planning permission linked with 14/01368/FUL, condition 1. On balance it is not considered that it can be disputed that a trench was dug, however, no evidence was provided as to the location of the trench. The applicant's own admission on site is that the trench was then filled in 2 weeks later.</li> <li>- The applicant did not show 'on the balance of probabilities' that any trench dug was in the position of the planning permission such that it could be considered as associated with the construction of the permitted dwelling.</li> <li>- The works failed to meet the test for the commencement of development, as a matter of fact.</li> </ul>	Written Representations	Dismissed 08.09.22	n/a	<ul style="list-style-type: none"> <li>- Appellant states works were commenced on site with the excavation of footing, which were inspected by an approved inspector for Building Regulations purposes &amp; that all pre-commencement conditions had been satisfied. A letter from the Building Inspector confirms the inspection of foundation trench and states works were considered commenced according to Building Regs 2010.</li> <li>- Despite the above letter, supporting evidence is very limited.</li> <li>-Appellants evidence is imprecise and ambiguous.</li> <li>-It does not show on the balance of probabilities that the construction of a two storey, two-bedroom house had begun within three years of the permission granted.</li> </ul>
21/01947/FUL	174 Lincoln Road Peterborough PE1 2NW	Replacement roller shutter - retrospective	Refusal	01.02.22	<ul style="list-style-type: none"> <li>-Policy LP18 states that planning permission is only granted for external security shutters where there is persistent crime and/or vandalism. No evidence has been provided to demonstrate crime or vandalism near No. 174 Lincoln Road, nor evidence from the CPDT (Cams) Designing out Crime Officer.</li> <li>-External security shutters do negatively impact upon the visual character/ appearance of sites and surrounding areas and as a result are only permissible where the crime risk outweighs the visual harm.</li> <li>-This is not the case here, therefore the retrospective external security shutters are contrary to Policies LP16 and LP18 of the Peterborough Local Plan (2019) and the Peterborough Shop Front Design Guidance SPD (2014).</li> </ul>	Written Representations	Allowed 20.07.22	n/a	<ul style="list-style-type: none"> <li>-The Inspector acknowledges that vandalism/shop theft is usually random, and that the appellants wishes to protect the premises.</li> <li>- The proposal is to replace the existing unauthorised visually intrusive shutters with open lattice style grilles, offering good visibility of the shop window. This would ensure a relatively attractive shop front and represents a reasonable compromise.</li> <li>- For these reasons, the character and appearance of the area is justified to improve the security of the premises. Whilst the proposal conflicts to some extent with PLP Policy LP18 and the Shop Front SPD the material consideration of crime rates in the area is sufficient to justify permission in this case.</li> <li>- The Council suggested three conditions, and these meet the relevant tests. In addition to the standard implementation time limit</li> <li>it is necessary to define the approved plans and the type and colour of shutters</li> </ul>

									to ensure their satisfactory appearance when in use, with permission being granted.
22/00106/ADV	2 Alma Road Millfield Peterborough PE1 3AW	Internally illuminated static digital display screen	Refusal	19.04.2022	The proposed digital display, by virtue of its large size, siting and changing image display would have an unacceptably adverse impact upon the visual amenity and appearance of the site and surrounding streetscene. When combined with the signs on the nearby commercial units, it would lead to a proliferation of signage and visual clutter on the road frontage to the detriment of the amenity of the area and resulting in degradation of the streetscene. This proposal is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019), and paragraph 136 of the NPPF.	Written Representations	Dismissed	n/a	<p>- Inspector acknowledges the number and variety of existing internally illuminated advertisements and street furniture in area however notes the proposal would represent a significant new departure and that the display would be unduly large for its setting.</p> <p>- The proposal would be highly prominent at first floor level on a building uniquely exposed to traffic approaching from the north, and even though the existing fascia signs would be removed, the regularly changing digital display would, even in this commercial location, appear unduly prominent and intrusive in the streetscene.</p> <p>- For the above reasons the Inspector deemed that the proposal would cause significant harm to the amenity of the area, that it would also conflict with Policy LP16 of the Local Plan which requires respect for the context of the site and paragraph 136 of the NPPF which opposes poorly sited advertisements.</p>

