

**Appendix 1 – Appeals Performance from 01.01.23 – 31.03.23**

Application reference	Address	Proposal	Officer Recommendation	Committee Decision / Date	Reasons for Refusal	Appeal Procedure	Appeal Decision / Date	Costs Decision	Inspector's Reasons
17/00550/OUT	Field To The East Of Old Pump House Old Leicester Road Wansford	Construction of up to 14 prestige self-build dwellings and associated infrastructure with access secured and all other matters (appearance, landscaping, layout and scale) reserved	None – this was a non-determination appeal	n/a	The Council put forward 6 putative refusal reasons, including concerns around non-compliance with the spatial strategy of the Local Plan and harm to character and appearance. Extensive 5-year land supply evidence was also submitted, to counter the appellants' claims of a deficiency.	Hearing	Dismissed 24.03.23	n/a	In dismissing the appeal, the Inspector agreed with the Council that there would be "severe harm" to character and appearance, and that the scheme would conflict with the Development Plan when taken as a whole.  The appellant has now sought to challenge the Inspector's decision at Judicial Review.  In such instances both the Secretary of State and the Council are able to take an active part in the Judicial Review proceedings, albeit the expectation is that the Secretary of State will defend the decision of their Inspector.  Having sought legal advice, Officers have concluded that the Secretary of State is able to fully defend the Inspector's decision, and that there is no material benefit in the Council providing its own evidence to the Court or instructing Counsel to act on its behalf. The Court has yet to give the appellant its necessary permission to proceed to a full Judicial Review.
21/00563/FUL	37A Lincoln Road Glington	Proposed extension and alterations to existing 9no. bed care home; Construction of 1no. detached building and ancillary works	Refuse	25.11.23	The decision was refused on the basis of design, scale and layout impacting on the character and appearance of the area. The safety of the public highway due to substandard access road. Finally, the impacts on the amenity of surrounding occupiers, due to noise and disturbance.  However, the LPA no longer contest the residential amenity impacts in the appeal but the Inspector still considered it, but no conflict found.	Written Representation	Dismissed 02.03.23	N/A	The Inspector agreed, the proposal would occupy a substantial footprint in excess of the original and would create an expansive structure across the width of the site. The U-shape of the proposed development and its concentration to the site perimeter where it would exacerbate the perceived scale and site coverage, therefore creating the greatest visual impact.  The enlargement to the red line boundary, taking land from outside the blue line land, was of concern given the lack of indication that any other landowner has been notified.  The narrow width of the entrance and presence of fencing also means it is difficult to see whether a vehicle is leaving the site before entering the lane. As a result, vehicles may

									meet within the lane, forcing awkward reversing manoeuvres, potentially back onto the public footpath or into the carriageway on Lincoln Road. Given the physical layout, the Inspector was not persuaded that signage would prevent this situation arising.
21/01490/HHFUL	Two Hoots, Main Street, Southorpe PE9 3BX	Revision to approved plans 19/01845/LBC to insert four projecting rooflights on the garden room and alterations to the cart shed design. Retrospective permission for the insertion of a projecting rooflight on the courtyard room	Refused	n/a	The retrospective protruding rooflight was refused by virtue of its design, size and scale, which was considered to be visually dominant and introduced an incongruous design arrangement which is detrimental to the significance of the Listed Building. The harm arising to these designated heritage assets is not outweighed by any public benefit and this should be afforded great weight. The proposal was considered contrary to Policy LP19 of the Peterborough Local Plan (2019) and the National Planning Policy Framework (Heritage considerations).	Written representation	Appeal allowed 27.03.2023	n/a	The inspector noted that the rooflight was visible from some angles and even though it was installed raised above the flat roof, in the Inspector's opinion this did not harm the special interest and significance of the listed building and the historic and functional associations of Two Hoots with Briars Farmhouse could still be perceived and understood. The Inspector stated that there was no harm to the character or appearance of the Conservation Area as a result of the positioning, set back, flat roofed location and the intervening structures.
21/01441/LBC	Two Hoots, Main Street, Southorpe PE9 3BX	Revision to approved plans 19/01845/LBC to insert four projecting rooflights on the garden room and alterations to the cart shed design. Retrospective permission for the insertion of a projecting rooflight on the courtyard room	Refused	n/a	The retrospective protruding rooflight was refused by virtue of its design, size and scale, which was considered to be visually dominant and introduced an incongruous design arrangement which is detrimental to the significance of the Listed Building. The harm arising to these designated heritage assets is not outweighed by any public benefit and this should be afforded great weight. The proposal was considered contrary to Policy LP19 of the Peterborough Local Plan (2019) and the National Planning Policy Framework (Heritage considerations).	Written representation	Appeal allowed 27.03.2023	n/a	The inspector noted that the rooflight was visible from some angles and even though it was installed raised above the flat roof, in the Inspector's opinion this did not harm the special interest and significance of the listed building and the historic and functional associations of Two Hoots with Briars Farmhouse could still be perceived and understood. The Inspector stated that there was no harm to the character or appearance of the Conservation Area as a result of the positioning, set back, flat roofed location and the intervening structures.
21/01718/HHFUL	45 Granville Avenue	One bedroom log cabin for use as an annexe - retrospective	Refusal	28.04.2022	The proposal, by virtue of its siting, design, size and scale, would be capable of providing self-contained, independent residential	Written representation	Dismissed 21.02.2023	n/a	The Inspector did not agree that there would be harm to the character of the area and nearby properties, however, the main harm identified was that there was no flood risk

					accommodation which would serve all day-to-day needs of occupants potentially creating a new dwelling. No flood risk assessment was submitted. Harm to the character of the area. Unacceptable overbearing impact on nearby properties.				information submitted, therefore was contrary to the development plan. The application site falls within flood zone 2 and 3 and a Flood Risk Assessment would be required. The harm would not be outweighed therefore the appeal is dismissed.
22/00103/FUL	Land Rear Of Ambleside Peterborough Road Castor Peterborough	Erection of detached dwelling including formation of access, integral garaging with annexe over, and landscaping	Refused		The proposal was refused to lack of information and due to principle, with the application site lying outside the identified settlement boundary and would be classed as a new dwelling in a countryside, which is not warranted. In addition to the scale and design of the development causing adverse impact on the setting and significance of the nearby listed buildings and creating an overbearing and overlooking impact on surrounding neighbours.	Written representation	Dismissed 24.02.2023	n/a	<p>The inspectors agreed that the proposed dwelling would not be well related to the pattern of settlement in this area and that it would conflict the development strategy embedded in the Local Plan. In addition, the inspector likewise agreed with the concerns raised regarding the amenity or neighbours, suggesting that living conditions will be diminished if the development were to be permitted, including intrusive overlooking impact by the large scale "bulk" of development.</p> <p>However, the inspector did not agree with the heritage issues raised, concluding that the proposal would not cause an impact on the listed buildings in close proximity to the site, with the character and appearance of the Conservation Area would be preserved.</p> <p>Overall, the harm would not be outweighed therefore the appeal is dismissed.</p>
22/00105/FUL	43A Churchfield Road	Erection of 2 new dwellings including private parking and turning area	Refused	26.05.22	<p>Backland development would be out of keeping with the pattern of development.</p> <p>Loss of privacy to principal windows and amenity spaces.</p> <p>The amenity of future occupiers would be harmed.</p>	Written Representation	Dismissed	n/a	<p>The Inspector noted the regularity of the development pattern and the areas characteristic of green space to the rear of properties. The back land location of the proposed development would be at odds with the established development pattern and would disrupt the regularity of the built form. The development would read as incongruous and obtrusive form of development.</p> <p>The Inspector found the proposed dwellings to directly overlook the rear gardens of No.39, 41 and 43. Any measures to mitigate overlooking on the proposed windows impacts the amenity of the future occupiers in terms of daylight and</p>

									outlook. The loss of communal garden would also impinge the amenity of No.39 and No.41.
22/00231/FUL	2A Fulbridge Road New England	Proposed single storey extension to form new training room	Refused	25.04.22	Overdevelopment of the site and insufficient car parking.	Written Representation	Dismissed 19.01.23	Costs not awarded	The Inspector considered that insufficient on-site parking would be provided for the proposed use given they would be used by a nearby shop and social car premises. The appeal was dismissed for this reason, however, the refusal on overdevelopment grounds was not upheld.
22/00212/HHFUL	1 Thorpe Avenue Peterborough PE3 6LA	Single storey side extension, 2 storey front and side extension with balconies to the south and alterations to the roof	Refuse	15.08.2022	<p>The proposal by virtue of its design, scale, height and mass, as well as the prominent corner plot location, would appear contrived, unduly dominant and obtrusive and would be harmful to the character and appearance of the Thorpe Road Special Character Area, and the setting of the adjacent Longthorpe Conservation Area, contrary to Policies LP16, LP19 and LP20 of the Peterborough Local Plan (2019) and sections 12 and 16 of the NPPF.</p> <p>The proposal, by virtue of its design, scale, height and mass, as well as its close proximity to No. 188 Thorpe Road, would result in an unacceptable degree of overlooking and loss of privacy to the bathroom of No.188 Thorpe Road, as well as an unacceptably dominant and overbearing impact to No.188 and its garden. The proposal would therefore result in an unacceptable detrimental impact on the residential amenities of the occupiers of that property, contrary to Policy LP17 of the Peterborough Local Plan and Section 12 of the NPPF.</p>	Householders appeal service	Dismissed 21.03.2023	n/a	The inspector considered the proposal would have an adverse effect upon the character and appearance of the area, though not that of the setting of the CA or RP. It would conflict with LP policies LP16, LP19 and LP20. For the same reasons it would conflict with chapter 12 of the National Planning Policy Framework 2021 (the Framework). The inspector also considered that the proposed extension would also not accord with policy LP17 or with paragraph 130 of the Framework which requires a high standard of amenity for existing and future users.
22/00314/ADV	London Road Peterborough	Installation of freestanding internally illuminated 6 meter D-Poster	Approved	25.04.2022	Appeal against condition to restrict the advert to 5 years.	Written Representation	Allowed 27.02.23	n/a	The Inspector confirmed that the condition is not necessary as a Discontinuance Notice process is available on an advert after a period of 5 years.

		display to replace existing signage							
22/01007/HHFUL	322 Oundle Road, Woodston, Peterborough	Erection of detached dayroom and non porous block paving to back yard - retrospective	Refused	18.10.2022	<p>1.The outbuilding, by way of its siting, size, scale and appearance is at odds with the established character of the application site and wider area appearing unduly dominant and incongruous and fails to respect the character of the surrounding area.</p> <p>2.The outbuilding, by way of its siting, size and scale, results in an unacceptably overbearing impact to the occupiers of the neighbouring dwellings. The development appears as an unduly obtrusive and dominant feature for the occupiers of No. 318B Oundle Road, 320 Oundle Road, and 324 Oundle Road, harming the enjoyment of the garden area/outlook and to the detriment of occupier amenity.</p>	Written representation	Allowed 20.03.2023	n/a	The inspector notes that the footprint remains the same as previous approval but the current outbuilding is higher both at eaves level and ridge height and includes a 1.6m wide roof overhang, because of outbuildings seen in adjacent premises, and considering its size, shape, height, location and use of external materials, the appeal building did not adversely affect the character and appearance of the host property or that of the local area.
22/01197/HHFUL	6 Lawn Avenue	Two storey side, single storey rear and first floor rear extension	Refusal	06.10.2022	The proposal, by virtue of its siting and design, would unacceptably impact upon the amenity of the occupants at No. 8 Lawn Avenue. This would cause an adverse overbearing impact towards the first-floor rear dormer window of No. 8 Lawn Avenue and as a result, cause a considerable loss of natural daylight. As such, the proposal is unacceptable and contrary to Policy LP17 of the Peterborough Local Plan (2019).	Householder appeals service	Dismissed 20.03.2023	N/A	<p>The inspector found that there would be an overbearing impact which would impact on the outlook of the neighbour.</p> <p>Due to the close proximity of the proposed development, light levels are likely to be impacted into the dormer of No.8 even with the proposed development first floor component set back.</p>

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