



Appeal Decision

Site visit made on 11 May 2023

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/J0540/W/22/3308905

Marcus House, English Street, Millfield, Peterborough PE1 2LD

- 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 Profectus Holdings Ltd against the decision of Peterborough City Council.
 - The application Ref 21/01674/FUL, dated 22 October 2021, was refused by notice dated 16 June 2022.
 - The development proposed is described as extensions and alterations to existing building including change of use to aparthotel.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The Council's decision notice refers to Policy LP17 of the Peterborough Local Plan (PLP), which deals with matters related to existing occupiers and future occupiers. From the evidence before me, it is clear the Council have sought to identify matters related to existing occupiers under the first part of the Policy and specified it as LP17(a). Similarly, the Council, when dealing with matters related to future occupiers, have stated LP17(b). As such, I have proceeded on this basis and not that the Council's fourth reason for refusal relates to criterion b. of Policy LP17 of the PLP.
4. During the determination of the planning application, the Council accepted amended plans. I have based my decision on these amended plans, which included the removal of the roof-level dormers.

Main Issues

5. The main issues are the effect of the proposal on (a) the character and appearance of the area; (b) the living conditions of neighbouring occupiers with particular regard to privacy at 842, 896 and 900 Bourges Boulevard and outlook at 1 English Street; (c) whether the proposed development would provide adequate living conditions for future occupiers; and (d) highway safety.

Character and appearance

6. The appeal site is situated on the eastern side of Bourges Boulevard, a busy route serving a number of community facilities and residential properties. This side of Bourges Boulevard consists mainly of modest two-storey terraced properties with sporadic two-storey semi-detached and detached properties located on a strongly defined building line. Despite some variations in style, properties on this side of the street have a consistency in scale which contrasts with the more modern taller, bulkier developments on the opposite side of the street. Whilst the appeal building has a prominent horizontal façade its overall height and shallow roof pitch assist in the building assimilating well within the street scene.
7. The opposite side of Bourges Boulevard has a communal character and contains taller/bulkier built forms of development in the form of a community hub and a school. This built form is tapered to either side by a parking area and open land.
8. The proposed development would see significant alteration to the existing two-storey and part single-storey property with additional stories added and other external works including a tall roof with lower roof sections. Amendments have been made to the design of the proposal, during the Council's determination, in an attempt to reduce its scale and mass. However, even when taking into consideration the loss of the dormers, the appeal building would be a dominant form on this prominent corner plot. Its overall scale, height and form would not sit comfortably sited between more modest scale dwellings, where it would appear an abrupt and imposing building that would draw the eye.
9. Whilst the prevailing pattern of built development found nearby is of two-storey residential properties, there are buildings of a greater scale located close by. Nevertheless, these buildings share a different relationship with their surroundings. Both the community hub and school are relatively consistent, whereby they occupy positions in well-sized plots with open views to the sides, emphasising their wider public use as community buildings. Similarly, the nearby Mosque occupies a plot whereby it is seen as a separate building detached from other nearby buildings and reinforces its character as a public building.
10. In contrast, the height of the appeal proposal, its tall roof profile and its proximity to neighbouring buildings would appear incongruous in this location and would conflict sharply with the existing rhythm of this side of Bourges Boulevard and from some views along English Street. It would introduce a dominant form which, for the reasons given above, would not sit comfortably in this location and would have an unacceptable harmful effect on the character and appearance of the area.
11. In finding harm, the proposed development would fail to accord with criterion a. of PLP Policy LP16, in so far as the proposed scheme would fail to respect the context and distinctiveness of the appeal site and surrounding area including the pattern of development. It also fails to take into account the harm to existing views into the site. As such, it has not been demonstrated that the proposed scheme makes effective and efficient use of the building or that it is flexible over its lifespan contrary to criteria b. and c. of LP16. Notwithstanding the harm I have found in relation to the design of the proposed scheme, I find the proposed materials to be used would be acceptable. Additionally, based on

the details before me, I find the scheme would not conflict with LP16 criteria e.-i.

12. While there is no conflict with other elements of LP16, it remains contrary to the policy when taken as a whole. This, in part, requires new development, to positively contribute to the character and local distinctiveness of the area. It would also be contrary to the National Planning Policy Framework, where it states developments should be sympathetic to local character and the National Design Guide, in so far as it requires new development to be well-designed and integrated into its surroundings.

Living conditions - neighbouring occupiers

13. Having considered the relationship between the appeal building, No 896 and the positioning of windows on the proposed building, I find that the distance between these properties would be sufficient to prevent a loss of privacy for existing occupiers of No 896.
14. No 900, unlike other properties, has its principal elevation facing south toward English Street. While the separation distance between No 900 and No 986 is smaller than the Council's guidelines suggest, the relationship between the two properties is such that it would not lead to an unacceptable loss of privacy.
15. On the opposite side of the junction with English Street is No 842 which has been extended with various additions such that a limited amount of outdoor amenity space now exists. This remaining private outdoor space sits behind a tall boundary wall. Despite the proposed increase in the height of the appeal building and the addition of windows facing onto No 842, this private amenity space will continue to be enclosed where views to and from the appeal building will remain restricted, thereby protecting the privacy of occupiers at No 842.
16. No 1 is located adjacent to the footway on the opposite side of the street to the appeal building, where pedestrian and vehicular traffic is present. No 1 shares an existing close connection with the appeal building. Nevertheless, despite the increased height and additional windows to serve the appeal building, I do not find that the proposed relationship between these two buildings would be altered in such a way that it results in an unacceptable loss of privacy or harm to outlook for the existing occupiers.
17. I conclude that the proposed development would not have a significantly harmful effect on the living conditions of neighbouring occupiers. The proposal would therefore comply with Policy LP17 of the PLP, which seeks to ensure, amongst other things, that new development does not unacceptably impact upon the amenity of existing occupiers of existing nearby properties.

Living conditions - future occupiers

18. There are a number of rooms proposed to be served by ground floor windows located close to the existing footway of nearby streets but also sited in close proximity to the communal courtyard. Additionally, units five, six and thirteen would be sited inward, facing the courtyard area.
19. I am mindful that the proposed use is not for permanent residential accommodation and occupiers would be transient. Nevertheless, future occupiers should still benefit from adequate natural light, privacy and outlook. In this regard, rooms facing Bourges Boulevard and English Street would share

a similar relationship to existing dwellings nearby in that they are located close to the footway as is the current arrangement of the appeal building.

20. Many nearby residential properties have some form of internal privacy screen, such as blinds, that allow for adequate natural light to enter these rooms and also provide privacy. Such internal features are commonplace for residential areas and for hotel room accommodation. As it would likely be standard practice to offer rooms such privacy options, I find no reason why the proposed scheme would not provide adequate natural light, privacy and a sufficient outlook to future occupiers.
21. Should such features not be included, the proposed development would share a comparable relationship to the footway as the existing building and other nearby dwellings. As such, living conditions would be similar to many properties found nearby which do not have their blinds closed throughout the day in order to have privacy.
22. Unlike, the other proposed units, some of the windows serving units five, six and thirteen are less likely to receive as much natural light, given their location within the courtyard and the height of the host building. Given the width of the courtyard and projecting wings of the proposed building, sufficient levels of light would still reach these rooms. Additionally, I see no reasons why, subject to privacy blinds or similar that there would be any harm to the privacy of flats five and six for reasons I have already set out.
23. I accept that there is likely to be some limited harm with regard to the outlook for bedrooms serving unit five and unit thirteen as they face onto a blank wall. However, taking into account that there would be some relief when looking out beyond the courtyard and given the likely temporary occupancy arrangements, I do not find that this harm would be significant to the detriment of future occupiers.
24. Consequently, the proposal would provide suitable living conditions for the future occupiers of the proposed development, compliant with Policy LP17 of the PLP. This seeks, amongst other things, new development provides adequate levels of natural light and privacy for future occupiers.

Highway safety

25. My site visit took place in the late morning on a weekday. While this can only represent a snapshot in time, a substantial amount of on-street vehicle parking was widely available in the vicinity of the appeal site. In addition, I saw how there are a number of parking restrictions in front of the appeal site car park, including double yellow lines which ran the length of this section of English Street. These restrictions, street layout, building lines and low level boundaries allowed for high levels of visibility for both users of the appeal site carpark and other road users and pedestrians.
26. The proposed scheme would allow for increased occupancy levels and therefore a greater level of parking demand and use of the carpark area. However, users of the carpark would likely be travelling at low speeds and the opening of the carpark would be wide enough with sufficient levels of visibility to provide a safe form of access and egress onto the adjoining street. Furthermore, it should be noted that given the availability of nearby on-street parking, visitors

may also seek to park on convenient options available on Bourges Boulevard, thereby placing less demand on the carpark area.

27. Additionally, I have been presented with no evidence to indicate that the existing carpark arrangement, whilst likely to result in fewer vehicle trips, has resulted in any accidents to indicate there is an existing issue with how vehicles enter and exit the site, or the height of surrounding boundary treatments causes an obstruction to visibility. If I had been minded to approve the appeal scheme, a suitably worded condition restricting the height of any additional boundary treatments would have been necessary to ensure visibility is retained.
28. Therefore, subject to a condition on boundary treatment heights, the proposed development would not harm highway safety and would accord with Policy LP13 of the PLP, which seeks the safe and efficient movement of all modes of transport.

Other Matters

29. In reaching my decision, I have had regard to the fact that the appeal site is an accessible location with access to transport links and shops. Additionally, there would be social and economic benefits associated with employment during the construction and operation of this hotel-type facility as well as future occupants buoying up the local economy. I attach moderate weight to these benefits. However, in the form proposed, this development would result in the significant harm identified above and the benefits of the scheme do not justify development that would be contrary to the development plan.
30. The appellant has referred to there being no flood risk, impact on ecology, impact on air quality or detrimental noise. However, the lack of harm is neutral and weighs neither for nor against the development.

Conclusion

31. The proposal would provide acceptable living conditions for existing and future occupiers and would not result in harm to highway safety. Notwithstanding this and for the above reasons the development would be unduly harmful to the character and appearance of the area. As a result, the proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs this conflict or the harm identified above.
32. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR

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