



PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 19 FEBRUARY 2019

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification " that has been disclosed to the Solicitor to the Council.

3. **Members' Declaration of intention to make representations as Ward Councillor**
4. **Minutes of the Meeting Held on 29 January 2019** 5 - 14
5. **Development Control and Enforcement Matters**
 - 5.1 **18/01907/FUL - 38 Grimshaw Road Peterborough PE1 4ET** 15 - 28
 - 5.2 **18/02078/HHFUL - 3 Maffit Road Ailsworth Peterborough PE5 7AG** 29 - 40

Emergency Evacuation Procedure – Outside Normal Office Hours



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Dan Kalley on 01733 296334 as soon as possible.

Did you know? All Peterborough City Council's meeting agendas are available online or via the modern.gov app. Help us achieve our environmental protection aspirations and view this agenda online instead of printing it.

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair. In the event of a continuous alarm sounding remain seated and await instruction from the duty Beadle.

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. Audio-recordings of meetings may be published on the Council's website. A protocol on this facility is available at:

<http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=Protocol%20on%20the%20use%20of%20Recording&ID=690&RPID=2625610&sch=doc&cat=13385&path=13385>

Committee Members:

Councillors: Iqbal, G Casey (Vice Chairman), L Serluca, C Harper (Chairman), P Hiller, J Stokes, S Martin, Bond, R Brown, Nawaz and B Rush

Substitutes: Councillors: Hogg, M Jamil and Warren

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email – daniel.kalley@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Lee Collins, Mike Roberts, Janet Maclennan, David Jolley, Louise Simmonds, Vicky Hurrell, Sundas Shaban, Amanda McSherry, Matt Thomson, Michael Freeman, Jack Gandy, Carry Murphy and Joe Davis

Minerals and Waste: Alan Jones

Compliance: Nigel Barnes, Julie Robshaw, Glen More, Andrew Dudley

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

This page is intentionally left blank

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 29 JANUARY 2019
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Amjad Iqbal, Shaz Nawaz, Martin, Hiller, Rush, Stokes, Bond and Serluca

Officers Present: Nick Harding, Head of Planning
Chris Stanek, Strategic Planning Officer
Dan Kalley, Senior Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Bryan Cleary, Tree Officer

38. APOLOGIES FOR ABSENCE

No apologies for absence were received.

39. DECLARATIONS OF INTEREST

Councillor Amjad Iqbal declared an interest in item 6.3 by virtue of having supported the application and would address the Committee and then stand down for this item.

Councillor Hiller declared that he knew the applicant of items 6.1 and 6.2 but had not discussed these applications at any stage.

Councillors Shaz Nawaz declared that he had been approached by the objectors in item 6.4 but had referred them to another Ward Councillor.

Councillor Casey declared that he knew the resident associated in item 7 but that he had not discussed the tree preservation order.

40. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

There were none.

41. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 18 DECEMBER 2018

The minutes of the meeting held on 18 December 2018 were agreed as a true and accurate record.

42. MINERALS AND WASTE - LOCAL PLAN

The Committee received a report in relation to the Minerals and Waste Local Plan. The purpose of the report was to meet the Cabinet decision to prepare a new Minerals and Waste Local Plan, a 'Further Draft' version of that Plan needed to be approved by Cabinet prior to a second round of formal consultation. A number of future stages were also take place, before the Plan was finalised and adopted.

The Strategic Planning Officer introduced the report and informed the committee that there had been 180 responses received in total.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The report was comprehensive and outlined in detail the local plan around minerals and waste.
- It was noted that officers be thanked for their hard work and efforts in producing the plan.

The Planning and Enforcement Protection Committee **RESOLVED** to consider, and made comments as it saw fit, in respect of the Cambridgeshire and Peterborough Minerals and Waste Local Plan - Further Draft and associated draft Policies Map (as attached at Appendix 1 and 2 respectively), prior to its scheduled consideration by Cabinet on 4 February 2019.

DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

43.1 18/01901/FUL - 333 THORPE ROAD PETERBOROUGH PE3 6LU.

The Planning and Environmental Protection Committee received a report in relation to planning permission for the conversion of the annex to form a separate 1-bed dwelling. There would be no external changes to the annex. The swimming pool to the south would be filled in and become garden land. A new boundary would be installed between the annex and Tower House, and the linear garden area would form the parking area and vehicle access to serve the dwelling. A separate application for Listed Building Consent (LBC) has been submitted and is running in parallel to this application (App Ref: 18/01902/LBC).

The Head of Planning introduced the item and confirmed that this application was to be debated in conjunction with item 6.2 as that involved a listed building which needed a separate planning application. There had been some objections around the proposal relating to access of the turning area, overlooking and loss of privacy. The committee were informed that the issue around access rights was a private and civil matter and not one which the committee could take into consideration. The committee were referred to the update reports which contained further representations and altered conditions.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The issue around the turning area was a civil matter the planning process cannot make people enter into an access agreement, grant a right of access or require persons to use a turning area. n access matter.

- There was no major alteration to the building and it was deemed that there would be negligible amounts of noise increase and no over-use of the access ways.
- Whilst not used much currently , it could be used as much as much as the would arise from the proposed development and so planning permission could not be realistically refused on the grounds of traffic generation and impact on the amenity of the nearby dwellings.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous For and Abstention) to **GRANT** the planning permission.

REASONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically: - The proposed dwelling would be located within the urban area of the city, and the proposed change of use and works would not unacceptably harm the setting or significance of the adjacent Grade 1 listed buildings, the Longthorpe Conservation Area, or the character or appearance of the immediate area. As such the proposal would accord with Policies CS1, CS2, CS16 and CS17 of the Peterborough Core Strategy DPD (2011), and PP1, PP2 and PP17 of the Peterborough Policies DPD (2012); - The proposed change of use to a self-contained dwelling would not result in any unacceptable harm to the amenity of adjoining neighbours, and a satisfactory level of residential amenity would be provided for future residents, in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2012) and PP3 and PP4 of the Peterborough Policies DPD (2012); and - The proposed change of use to a self-contained dwelling would not constitute a highway safety danger and sufficient car parking would be available in the nearby car park, in accordance with Policy PP12 and PP13 of the Peterborough Policies DPD (2012).

43.2 18/01902/LBC - 333 THORPE ROAD PETERBOROUGH PE3 6LU.

The Planning and Environmental Protection Committee received a report in relation to planning permission for the conversion of the annex to form a separate 1-bed dwelling. This listed building consent seeks the following; - Subdivision of the curtilage of the listed building; 2 - Erection of a boundary wall; and - Infilling of the swimming pool. The change of use of the building in itself would not require listed building consent. There would be no external changes to the annex. The swimming pool to the south would be filled in and become curtilage. A new boundary would be installed between the annex and Tower House, and the linear garden area would form the parking area and vehicle access to serve the dwelling.

The Head of Planning introduced the item along with item 6.1 above.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission.

REASONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically: - The proposed change of use and works would not unacceptably harm the character or appearance of the host building or immediate area nor would unacceptably harm the significance or setting of the adjacent Grade 1 listed buildings, the proposal would therefore accord with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Policies DPD (2012).

43.3 18/00926/HHFUL - 17 THORPE PARK ROAD, PETERBOROUGH PE3 6LG

The Planning and Environmental Protection Committee received a report in relation to Permission is sought for the construction of a two storey side and rear extension, single storey side and rear extensions, an outbuilding to the rear of site and a porch to the front of the property.

i) Two storey side and rear extension - This extension would project 3.2 metres out from the northeast facing side elevation of the dwellinghouse and would be 8.4 metres in depth. The extension would wrap around to the rear elevation of the property. The proposed rear extension would project 4 metres in depth and would measure 6.7 metres wide. The roof would be hipped, with the ridge to measure 6.8 metres above ground level and the eaves to measure 5.7 metres above ground level.

ii) Single storey side and rear extensions

a) Rear extension - This would project 4 metres in depth from the original rear elevation of the property and would measure 2.8 metres wide. The extension would infill the space between the boundary shared with No. 19 Thorpe Park Road and the proposed two storey rear extension. A mono-pitched roof is proposed, with the ridge to measure 3.6 metres above ground level and the eaves to measure 2.5 metres above ground level.

b) Rear extension - A further single storey extension is proposed, to project 2 metres in depth from the proposed two storey rear extension. This would measure 5.4 metres in width and would also include a mono-pitched roof. The proposed ridge to this roof would measure 3.6 metres above ground level and the eaves would measure 2.6 metres above ground level.

c) Side extension - Against the existing side elevation of the property and forward of the proposed two storey side extension, a 5.5 metre long extension is proposed, projecting 3.2 metres from the existing side elevation. The proposed roof would be hipped, with the ridge to be approximately 3.5 metres high from ground level and the proposed eaves would measure 2.6 metres above ground level.

iii) Outbuilding - The proposed outbuilding would be positioned approximately 28 metres from the proposed rear elevation of the dwellinghouse. The outbuilding would

have a footprint that measure 8 metres in width by 6 metres in length (48 square metres) and would also have a dual-pitched roof. The proposed ridge to this roof would measure 4 metres high above ground level, with the eaves proposed at 2.7 metres above ground level. A store area, gym, play area and shower room are proposed within this outbuilding.

iv) Porch - Finally, to the front elevation, a porch is proposed. This would project 1.5 metres forward of the existing front elevation. The proposed porch would measure 2.5 metres in width, but would connect to the proposed front lounge, which would produce an overall width 5.8 metres. The highest point of the roof from ground level would be 3.2 metres high, with the eaves to be 2.6 metres high above ground level.

Amendments - The proposed single storey rear extension has been reduced from 6 metres to 4 metres in depth given Officer concerns about the overbearing impact from the original plans to the rear of No. 19 Thorpe Park Road. Neighbouring dwellings were subsequently re-consulted on this revised plan (Revision A). - Following the matter that the two storey side extension originally proposed was considered to be unacceptable by Officers (as described below under 'Background Information'), further revised plans (Revision B) were submitted to the Council, showing a reduction in depth at first floor level of the two storey side extension. Neighbouring dwellings were subsequently re-consulted on this revised plan - As a result of the reduction in depth of the single storey extension, this has resulted in two separate single storey rear extensions being proposed. The proposal's description has been updated to reflect this and provide further clarity.

The Head of Planning introduced the item and explained that the application involved a series of extensions to the property both single and two storey in size. A number of objections around over development had been received. around concerns over loss of light and shading and concerns that the development would affect the street scene. In addition there were concerns over a loss of privacy due to the proposed outbuildings and their potential to be used for residential purposes.

Councillor Amjad Iqbal addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The original plans were far greater than the current proposals. The planning department had concerns over these and in order to alleviate those concerns the plans in front of committee were a compromise.
- The property at No.15 had been extended in the past without any refusal and this was far larger than what was being proposed.
- The applicant had meet with the planning department to ensure that the current proposal was acceptable.
- Although the residents at No.19 were objecting they also had extensions to their property previously.

At this point Councillor Amjad Iqbal stood down for the remainder of the item.

Tom Hagues and Martin Hall addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There were a number of concerns over the proposal in front of committee.
- When the original application was made a response was sent to the planning department and asked to be informed of any meetings to discuss the application. They had been informed that no decision had been made but that concerns were still raised.

- In December a meeting was organised with Councillor Sam Smith who agreed with the concerns and it was agreed to call the application in to the Planning Committee.
- The proximity of the two storey extensions left only a 1m gap between the properties.
- The street scene would be adversely affected by the application and would create a terracing effect of the properties. This was against planning policy PP2 as this was a detrimental to adjoining properties.
- This application also went against planning policy PP3 point b) stating that an application not be granted if it would result in loss private garden or resulted in undue noise and disturbance.
- The proposed outbuilding was not in keeping with the local area and would create noise and light pollution. At night the lights from the outbuilding would have a detrimental impact on local residents.
- The extensions would increase the property to three times its current size and would be overbearing on the local street scene.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The issue around lighting of the outbuilding was something the committee could consider, however if the outbuilding was smaller in size there would be no requirement for planning permission.
- Although the property was increasing in size it was an improvement on what was already in place. It was not felt that the application would be detrimental to the street scene.
- In terms of overlooking it was not deemed to be any worse than what was in place currently.
- A number of homes in the street had already been extending and made larger, this was no deviation from that.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (10 for, 1 against) to **GRANT** the planning permission.

REASONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically: - The proposed development would not unacceptably impact upon the character and appearance of the site and the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the Peterborough Local Plan (Submission Stage) (2018). - The amenity of neighbouring properties around the site would not be adversely impacted upon by the proposal, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the Peterborough Local Plan (Submission Stage) (2018). - Parking provision to serve No. 17 Thorpe Park Road and its extensions would be acceptable, in accordance with Policy PP13 of the Peterborough Planning Policies

DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Examination Stage) (2018). - The proposal would not unacceptably impact upon nearby trees, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and Policy LP29 of the emerging Peterborough Local Plan (Examination Stage) (2018).

At this point Councillor Amjad Iqbal returned to sit as part of the Planning Committee

43.4 18/01852/FUL - 195 - 197 LINCOLN PARK ROAD, PETERBOROUGH PE3 6LG

The Planning and Environmental Protection Committee received a report in relation to Part retrospective permission is sought for the construction of a covered smoking shelter to the rear of the restaurant and a store building within the rear yard. N.B. This application is a resubmission of refused application 18/01277/FUL.

The Head of Planning introduced the item and explained that the original application had been granted a one year temporary consent in 2016 which expired in September 2017. In September 2018 a retrospective application to retain the smoking shelter was refused planning permission. The current proposal is different from previous proposals / development not least that that a store building is proposed in what was originally an open yard area (this open yard area is currently an extension to the now unauthorised smoking shelter granted temporary permission in in 2016). Planning officers have concerns with the proposal in terms of the impact that the smoke and noise would have on nearby dwellings and business occupiers.

Councillor Joseph, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Although a complaint regarding noise had been raised no formal complaint had been logged following this.
- The new plans were smaller than the previous plans and the number of people allowed outside would decrease.
- The proposals would enhance the business opportunities on Lincoln Road and would create a more diverse atmosphere.
- Additional sound proofing had been installed. This had been confirmed by the architect as additional brick blocks inside the structure.
- The proposal had been submitted by a different applicant to the original application and the one that had then been refused.

Mr Branston and Mr Hussain, applicant and agent, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The planning department had failed to take notice of the proposed improvements which were to remove the corrugated iron roof structure and reduce the floor area of the outside shisha, allowing 6-8 smokers at a time.
- In terms of reducing noise it was proposed that an internal block work would be installed to prevent noise escaping.
- Although a complaint about noise had been made this was not taken up any further. In terms of smell it was likely that the smells from restaurant chimneys would be worse than the smells from a shisha lounge.

- There was a lot of competition from competing restaurants on Lincoln Road, this application was different from others and would improve the chances of the business staying afloat. The applicant would accept a further temporary licence or a reduction in the hours of use.
- A similar application at 417 Lincoln road had been approved, which involved a similar structure and larger in size than the current proposal.
- The shisha would generate more income for the restaurant. The applicant had spent a lot of money on this outside area and would lose a lot of income if it was not granted.
- The materials used for the structure would prevent sound from spilling out. The restaurant suffered a fire and the applicant had not realised that the temporary permission had ceased.
- Work would only be carried out once permission had been granted. There would be no work done before this.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The main difference from the previous application was the formation of a store area that was to be separate from the smoking area. This would be a solid structure. The shisha area would have open sides to allow for fumes to escape. The new store room structure was to have the same appearance as the smoking structure
- There was a door to the storage room out onto the side footpath and to the smoking area
- Only one complaint of noise had been received and this had not be followed through with a diary of noise incidents.
- No objections had been received from any local residents, although this was not a reason for an application to be approved.
- Concerns were around the appearance of a temporary structure, the current proposal would remove this and improve the overall appearance.
- Understanding is that block work would be put inside the structure not the outside, exterior would still be timber cladding.
- There would need to be assurances that what was proposed was to be built, previous attempts had not been properly executed.
- There was no reason in principle to not grant temporary permission, however it was generally considered that there would not be more than one temporary permission granted per application.
- In terms of enforcement the Council would need to look at prosecution which could take over a year to enforce (if there was non-compliance with any enforcement notice served). It was possible to serve an enforcement notice alongside planning permission in order to remove the additions to the originally approved smoking shelter.
- A shorter time frame for the implementation of the planning permission may be possible in order to prevent the original structure becoming immune from enforcement due the passage of time.

A proposal was put to grant the application subject to conditions that the current rear of the structure was removed and length of time to commence the permission be set and that this was delegated to officers.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission.

REASONS

1. Head of Planning authorised to apply suitable conditions
2. As part of 1. apply a shorter implementation period than 3 years if needed to prevent the existing shelter from gaining permission through passage of time
3. Compliance team to serve enforcement notice to secure removal of additional smoking shelter with the clear plastic roofing - short compliance period

44 18/00004/TPO - 460 OUNDLE ROAD, PETERBOROUGH PE2 7DE

The Planning and Environmental Protection Committee received a report in relation to a tree preservation order (TPO).

The Tree Officer introduced the item and confirmed that the report related to two trees. In terms of the Lime tree this was confirmed as not suitable to be part of a tree preservation order (TPO). With regards to the Birch Tree there had been objections raised and these were outlined in the report. The main issues with regards to the Birch tree were the honey dew and branches falling.

Mr Lartty, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There was sympathy and desire to keep the tree, however it was becoming inconvenient. It was difficult to keep the cars in the driveway clean due to the wax deposit from the Birch tree.
- The tree was too big for the plot. The tree surgeons working for the Council could not prune the tree as they had claimed it was diseased.
- The tree was causing a financial burden on the owner of the property, including lots of work to maintain the tree.
- Drains around the tree had been blocked up due to the large volume of leaves and branches that had fallen.
- The boundary wall was deteriorating if the tree was removed there would not be a need to replace the wall.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- There was no evidence to suggest that the Birch tree was diseased. It was structurally in good shape.
- Most of the road was blessed with mature trees all of similar age. There was some sympathy with the house owner as this was a modest plot with a huge tree.

- If the tree was removed there was an argument that it would make a huge difference to the street scene.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **CONFIRM** the tree preservation order. The Committee **RESOLVED** (6 for 5 against) to **CONFIRM** the tree preservation order with the Lime Tree being excluded from the order..

45 PLANNING COMPLIANCE ANNUAL REPORT

The Planning and Environmental Protection Committee received a report in relation to the annual planning compliance report. .

The Head of Planning introduced the item. The planning department had received more service requests compared to previous years.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- There had been two members of staff who had been on long term sickness which had an impact on closing cases down within timescales.
- It was stated that the team be congratulated on the work done over the past year and what had been achieved.
- There were two outstanding cases which were ongoing.

The Planning Environment Protection Committee considered and agreed to note the report

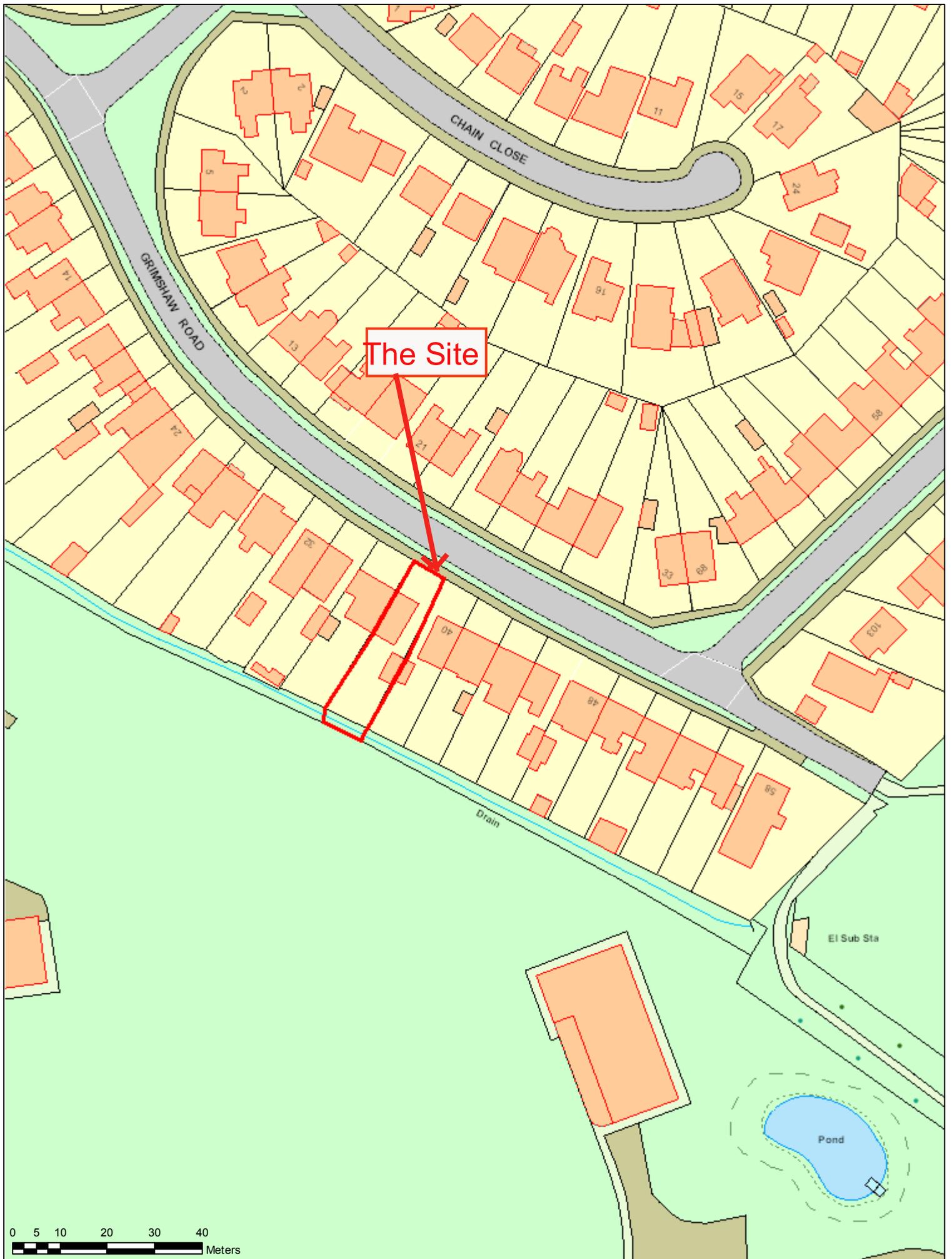
46 APPEAL DECISION 17/02274/OUT

The Planning and Environmental Protection Committee received a report in relation to delegating authority to officers to sign a S106 agreement if the appeal was successful.

The Planning Solicitor introduced the item and made the committee aware an appeal was due to take place in the upcoming weeks. The purpose of the report was to seek the committee's approval in delegating authority to officers to enter into a S106 agreement should the appeal be successful.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (9 For and 1 Abstention) to **GRANT** the planning permission.

Chairman
1:30pm - 4.16pm



Committee Location Plan 18/01907/FUL 38 Grimshaw Road PE1 4ET NTS

Scale 1:1,000
 Print Date: 01/02/2019

© OS Crown Copyright Licence 100024236



This page is intentionally left blank

Application Ref: 18/01907/FUL

Proposal: Change of use of land at rear of garden from undefined to garden use and brick built outbuilding to store tools and garden equipment – (retrospective)

Site: 38 Grimshaw Road, Peterborough, PE1 4ET,
Applicant: Mr Mohammed Ulhaq

Agent: n/a

Referred by: **Councillor Joseph**

Reason: It would seem that the proposal is in direct contravention of the Habitats and Biodiversity policy and this needs to be reviewed before any irreversible damage is done to our local wildlife.

Site visit: 27.11.2018

Case officer: Mr Jack Gandy
Telephone No. 01733 452595
E-Mail: jack.gandy@peterborough.gov.uk

Recommendation: **GRANT** subject to conditions.

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site comprises a parcel of land to the rear of No. 38 Grimshaw Road. This land is part of a larger ditch that is to the rear of properties along Grimshaw Road and is north of a playing field that serves the Thomas Deacon Academy to the south. Shrubs and trees line this ditch. This ditch does not have a registered land owner.

Proposal

Retrospective permission is sought for the change of use of this land to be used as a garden, to serve No. 38 Grimshaw Road, along with the construction of a boundary wall and outbuilding, both in red brick.

The land changing use measures approximately 10.8 metres wide by 2 metres in depth. This has been enclosed by a boundary wall that measures approximately 2 metres in height. A single storey outbuilding is positioned across the original garden and the land proposed to be used as a garden. The proposed outbuilding measures approximately 4.7 metres in depth by 2.7 metres in width. The ridge to the retrospective structure measures approximately 3.6 metres above ground level and the eaves measure 2.7 metres above ground level.

2 Planning History

No relevant planning history

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2018)

Paragraph 175 - Habitats and Biodiversity

Permission should be refused if significant harm to biodiversity would result which cannot be avoided, adequately mitigated or as a last resort compensated for. Development on land within or outside of a Site of Special Scientific Interest and which is likely to have an adverse effect on it should not normally be permitted. The only exception is if the benefits clearly outweigh both its likely impact on the features for which it is designated and any broader impacts on the national network of Sites of Special Scientific Interest. Development resulting in the loss of or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional circumstances and suitable compensation strategy exists.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

PP19 - Habitats and Species of Principal Importance

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

Peterborough Local Plan 2016 to 2036 (Submission)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018 and the plan has now been examined. The Inspector's report is awaited.

Paragraph 48 of the National Planning Policy Framework states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making progress, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, overriding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered.

Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

4 Consultations/Representations

Victoria Park Residents Association

No comments received

Senior Landscape Technical Officer (20.11.2018)

No objections: The area of land is not Public Open Space and is currently unregistered with the Land Registry.

It would appear that the area which has been enclosed is an historic watercourse/drain. Therefore, we will defer to any comments or recommendation by PCC's Drainage Section.

PCC Wildlife Officer (20.11.18)

No objections: The Wildlife Officer has the following observations with regard to ecology:

i) Hedgehogs:

The proposal involves installing brick walls within an area of semi natural vegetation and which provides an important local habitat corridor for wildlife. In particular the site is highly likely to support hedgehogs which are a UK Biodiversity Action Plan priority species and listed as a Species of Principle Importance under s41 of the NERC Act 2006. I would therefore request that small gaps are provided on each section of wall to enable continued free movement of small mammals. This can easily be achieved by simply removing bricks from the base of the wall. This action should be implemented at the earliest opportunity, and evidence that it has been done may be secured via a suitably worded condition.

ii) Landscaping:

It is concerning that the existing vegetation appears to have been cleared and trees removed etc. I would therefore advise that some native hedging and/ or shrubs are reinstated in this area.

In addition, the application site may be subject to riparian rights, given that it forms a culverted section of a water course, and future access may be required for maintenance purposes etc. Therefore the construction of a building on this land is not recommended, as it may be required to be removed in the future.

Recommendation:

The works that are proposed/ have already been carried out at this site are not welcomed from a wildlife perspective. It is therefore important that the above recommendations are fully taken account of when determining this application, to enable a conclusion of no objection to be reached.

I can advise that subject to my recommendations being fully incorporated into the approved scheme the development will in my opinion result in no net loss in biodiversity.

Lead Local Drainage Authority (11.12.2018)

No objections: A survey of the watercourse is not required. As far as we understand, there are no inlets or outlets to this watercourse. However, it is likely that the watercourse still conveys ground water and overland flows from the surrounding land.

Therefore, under the Land Drainage Act a Land Drainage Consent would still be required for any works that would alter or affect the watercourse, in order to facilitate the existing land drainage function.

Tree Officer (06.02.2019)

No objections: the damaged tree has no limited or no public amenity value and thus would not be considered worthy of protection by a Tree Preservation Order. The condition of the tree is considered such that it should not be considered a constraint to development.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 27

Total number of objections: 13

Total number in support: 12

27 representations were submitted to the Local Planning Authority with regards to this retrospective application. 12 letters of support have received from local residents. 13 letters of objections have been received. The following matters are raised:

Letters of support

- The proposal would solve current problems associated with the area. There is also land to the rear of the resident's garden, who have found it to be a security concern as the area is not maintained, used, has been used as a dumping ground, has no lighting or security fencing hence allowing anyone to gain access to all houses on this side of Grimshaw Road.
- The land is not big nor does it serve any natural use and therefore development by the occupiers of No. 38 Grimshaw Road will only improve this area, provide more security and peace of mind.
- The proposal does not affect wildlife. Wildlife and birds are not residents.
- It is good to see residents clear up the area.
- An objector has approached local residents but he is not local to the area and the resident disagrees with his views on the application.
- A resident has advised that a leaflet was sent through the post against the proposal but disagreed with its intentions.
- The ditch is full of rubbish and unfriendly environmental items including asbestos, plastic, tyres etc.
- Rats appear to be the only active wildlife in this area.
- Trees along the corridor pose a health and safety risk given their large branches leaning across residential land.

Two representations were received who neither support or object to the retrospective proposal:

- This wall may be an area that wildlife can pass through, but so can burglars.
- If the applicant and other residents can make better use of the 'waste/dumping ground'; by turning it into a garden, this is all well and good as a garden is a corridor for wildlife.
- If the proposal is refused, the whole issue of this area needs to be looked at. Someone needs to take responsibility for its maintenance, including the removing of ash trees and non-native species so that other trees can grow unhindered.
- It should be noted that other residents have already encroached into this area.
- A primary concern across the ditch is security. Many years ago, arrangements were made to clear the land of rubbish and overgrown plants. Soon after, there were a number of thefts from sheds.
- The planning application should not be denied because it uses the strip of land.
- The Thomas Deacon Academy should not be given any rights over the land due to increased security risks

Objections received

Councillor Joseph

- It would seem that the proposed building is in direct contravention of the Habitats and Biodiversity policy and this needs to be reviewed before any irreversible damage is done to our local wildlife.

The following issues and objections have been raised by residents:

- The area comprises a semi-natural habitat and screen between the rear of residential properties

on Grimshaw Road and the school playing fields belonging to the Thomas Deacon Academy.

- Although no formal survey of the biodiversity value of this area has been carried out, observational evidence and recent informal surveys by local naturalists suggest that it has the potential to be a valuable refuge.
- This area forms a corridor which may well be used by mobile species of birds and mammals.
- It is an increasingly rare habitat type in the local area. Indeed, despite the relative proximity of Central Park - which is a formal, managed landscape - there is very little semi-natural green space in Park Ward.
- The proposal threatens to do irreparable damage to this semi-natural habitat and its functionality, removing any continuity along the corridor. It also compromises a riparian channel/drainage ditch.
- It removes the part of the screen between the residential properties and the school playing fields, which are used regularly for sports activities. As such, there would be a child protection issues particularly if windows are installed.
- A dangerous precedent would be set, where other residents may be inclined to simply extend the boundary of their own property, effectively a land grab.
- There is hardly any semi-natural green space in Park Ward, and it could set a dangerous precedent, whereby other residents may be inclined to simply extend the boundary of their own property to effectively stage a 'land grab'.
- If the land is sold to the applicant, please place a ban on removing the culvert.
- Wildlife is slowly disappearing due to the lack of vegetation.
- The Grimshaw Road Wildlife Corridor contains a wealth of flora and fauna and connects with a further wildlife corridor located along the eastern boundary of the Thomas Deacon Academy.
- The proposal, for the application for a storage building on the site at the southern end of the residential garden, will block off the whole width of the corridor. This will effectively create two smaller wildlife sites which will not allow the free movement of wildlife at ground level and so the existing wildlife will be constrained and less viable.
- The suggestion of gaps in the brick wall will offer only a partial solution because larger mammals will not be able to use them.
- The Head Groundsman of the Thomas Deacon Academy advises that badgers are in the area.
- In November 2002, Peterborough City Council published 'The Council's Approach to Biodiversity: Report of the Environment Select Panel'. It stated it would "Protect and enhance all sites and habitats of wildlife interest, including the provision of wildlife corridors to establish links between sites of known wildlife interest. It listed protected species such as bats, great crested newts, dormice and 400 species of invertebrates. It further stated that "even small areas of suitable habitat can be of high value to invertebrates.
- The retrospective works that have been carried out have destroyed valuable ground environments. This is based upon the existing wildlife habitat on adjacent sites, such as the removal of hawthorns which are capable of supporting holly blue butterflies.
- The proposal has already reduced insect life to the site, which bats rely upon these insects
- The ditch is an historic watercourse, as such there are likely to be riparian rights and responsibilities attached. The applicant appears to have ignored these rights and responsibilities.
- The site should be returned to its former condition.
- The Grimshaw Road Wildlife Corridor Group have identified dormice, hedgehogs, squirrels, foxes, toads, and possibly badgers and newts. Badger droppings have been seen by the head groundsman of the Thomas Deacon Academy. Newts were seen on the site several years ago and may still be present. Bats regularly feed above the wooded areas. There is also a wide variety of flora on the site including hawthorn and a rare Smooth Leaved Elm (*Ulmus Minor*). Also many wild birds use the site (several of which are declining in other areas and some which are protected). As such, the GRWC Group would like to see a professional wildlife survey carried out in the area.
- The proposed structures are not attractive. There are no details submitted to identify the specification of the brick and tile types used.
- The height of the retrospective building is excessive compared with a traditional garden shed.
- The height to the eaves of 2.7 metres is excessive, especially when it is viewed alongside the considerably lower (1.830m) boundary wall.
- No details have been provided with regards to the composition of the landfill material and whether there is an infringement of legal landfill and taxation costs.
- It is surprising that PCC could permit a development which is in contravention of riparian rights

and responsibilities. Who would take action?

- No comments have been received as to whether the proposal breaches the requirements of the PCC Biodiversity Strategy (December 2018) Objectives 1 'Biodiversity in Planning' and Objective 7 'Awareness raising'.
- Have Officers inspected adjacent sites and the remainder of the Grimshaw Road Wildlife Corridor. The application site is considered to be an important part of the corridor?
- There is no doubt that the site is frequented by dormice, bats and badgers (protected species).
- Natural England advise 'Access between setts and foraging / watering areas should be maintained or new ones provided.
- Has the local badger group been informed about the planning application?
- The ditch has a history of holding potential flood water at times of high rainfall and would have provided a refuge for amphibious creatures. In light of forecasts of heavier rainfall resulting from climate change, further encroachment of this ditch should not be permitted.

5 Assessment of the planning issues

The main considerations are:

- Impact on wildlife
- Impact on trees
- Drainage impacts
- Design and impact to the character and appearance of the site and the surrounding area
- Impact to neighbour amenity

a) Impact on wildlife

Several representations have been made as to whether this retrospective proposal unacceptably impacts upon the area's ecology. The site does not have any formal wildlife or ecological policy designation at either national or local level (such as County Wildlife Site designation, for example). The site comprises semi-natural vegetation which can provide local habitat for wildlife.

i) Hedgehogs

The Wildlife Officer indicates that the site is highly likely to support hedgehogs, which are on the UK Biodiversity Action Plan priority species and are listed as a 'Species of Principle Importance' under Section 41 of the Natural Environment and Rural Communities Act 2006. As such, the Wildlife Officer has advised that to ensure the continued movement of small mammals in this area, gaps should be provided in the base of the wall through the removal of one brick on each section of the wall. Given the importance of this mammal, this is considered to be reasonable request and shall be secured by condition.

The Wildlife Officer has advised that the gaps in the wall should be higher from ground level than one brick. This could be achieved by removing a second brick above the base brick, or by removing the soil below the base brick to get a similarly sized opening. The applicant has agreed to remove two bricks from ground level.

ii) Landscaping

In addition to the above, as a result of the works occurring retrospectively, it is the view of the Wildlife Officer that existing vegetation and trees have been cleared. To remediate this matter, the Wildlife Officer has advised that native hedging and/or shrubs should be reinstated in the area. The applicant has provided a planting scheme plan for the rear garden area that has been enclosed, which indicates that some of the proposed planting would match with the Wildlife Officer's suggestions, including Hawthorn, Blackthorn, Hazel, Dogwood, Field Maple, Holly, Guelder Rose and Alder Buckthorn. For the avoidance of doubt, this plan shall be secured by condition and an informative attached as to the vegetation that would be considered acceptable in this area.

The Wildlife Officer also advised that permitted development rights to construct further outbuildings

on the land hereby changing use should be removed. This is to allow for any maintenance to the parcel of ditch if needed and secondly, to maintain the landscaping scheme recommended by the Wildlife Officer as discussed in Section aii) 'Landscaping'. This is considered to be necessary and reasonable and a condition to this effect will therefore be imposed.

iii) Other wildlife matters

A variety of ecological concerns have been raised through representations received that have not been discussed above. These are considered below:

- Badgers:- The Wildlife Officer advises that there is no evidence of badgers within the surrounding area and even if they were present, it is not considered that the scheme would adversely impact upon them. The Wildlife Officer considers that if they were present, they would 'almost certainly' be accessing the neighbouring school grounds for foraging purposes and would have already created a gap under the school fence to do so. Furthermore, this section of garden would represent a small fraction of their territory which is not considered to be of significance.

- Local badger group consultation:- No consultation occurred with any local badger group nor is there any statutory requirement for the Local Planning Authority to do this. Surrounding neighbours were consulted alongside statutory consultees including the PCC Drainage Team, Senior Landscape Technical Officer and the Wildlife Officer. The matter of wildlife and badgers has been considered by the Wildlife Officer in this section.

- The impact of the retrospective outbuilding with its concrete slab:- The Wildlife Officer considers that the outbuilding on a concrete slab would not adversely impact local wildlife given its relatively small size. The issue of the wall is addressed under Section ai) 'Hedgehogs', which are considered to be the main species likely to be most affected by the wall. Mitigation measures are set out in this section.

- Infilling of land:- The applicant has advised that whilst the wall and shed have had foundations dug to support these structures, the land level of the ditch has not been altered. The foundations to these structures comprise ballast (a gravel and sand mix) and cement, which the applicant advises were purchased from a builders merchants (Andrews, Fengate). The Wildlife Officer advises however that given the scale of development against the wider ditch, there is no unacceptable harm to wildlife.

- Finally, Officers consider that hedgehogs and toads will be able to have continued movement through the area. It is also considered that badgers and foxes (if present) would not be unacceptably affected by the proposed scheme. A representation refers to potential harm to dormice, but it is considered that the likelihood of dormice in this area is highly unlikely. The replacement planting scheme should cater for any impacts to bird nesting habitat.

iv) Planning and wildlife legislation, strategies and policies

A representation submitted questions whether legislation, strategies and policies were being used to inform the comments written by the Wildlife Officer. The following were raised with the Wildlife Officer, who responded as follows:

- *The National Planning Policy Framework (2018) Section 15: 'Conserving and Enhancing the Natural Environment'* - The Wildlife Officer considers that the comments provided were proportionate to this application, ensuring that small mammals are able to continue to move through the area and that the replacement landscape planting is secured.

- *'Badgers and Development: A Guide to Best Practice and Licensing by Natural England - Interim Guidance Document (Revised 12/11)'* - The Wildlife Officer advises that there is no evidence of badgers in the local area. If badgers were using this area, it is considered that they would continue to have access to the main foraging areas i.e. the school grounds adjacent to the site.

- Paragraphs 2.16.1 and 2.16.3 of Policy PP16 of the Peterborough Planning Policies DPD (2012) - The focus of paragraph 2.16.1 relates to "priority" habitats. The Wildlife Officer advises that the application site is not considered to meet this definition. It is not considered that the application site is of 'major importance' for wildlife.

- PCC Biodiversity Strategy (adopted December 2018), specifically Objective 1: 'Biodiversity in Planning' and Objective 7: 'Awareness Raising' - The Wildlife Officer advises that under this planning application, Objective 1 has been adhered to, given that methods to minimise impacts to wildlife have been sought and can be secured through suitable and proportionate mitigation including for provision of continued movement of small animals and landscaping. For Objective 7, this is not directly relevant to planning, however the Wildlife Officer advises that regular training/awareness raising occurs across the Council.

Having considered all of the above matters and subject to the imposition of the conditions identified, it is considered that the proposal is acceptable in terms of ecological impacts and is in accordance with Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012) and Policy LP28 of the emerging Peterborough Local Plan (Examination Stage) (2018).

b) Impact on trees

The Tree Officer has advised that the tree to the rear of site has been harmed through works that have occurred to it. Whilst the impacts to trees are a material consideration, in planning terms for this application, this is not a reason to refuse the application because the tree had no existing protections (such as a Tree Preservation Order or being within a Conservation Area) and that it is not readily visible to view from the public realm and therefore has no significant public amenity value. Furthermore, such works could occur without planning permission. In light of this, the proposal is considered to be in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and Policy LP29 of the emerging Peterborough Local Plan (Examination Stage) (2018).

c) Drainage impacts

The PCC Drainage Officer has advised that the ditch serves no acceptable drainage function as it has no positive inlets or outlets. The Drainage Officer adds however that it is likely that the watercourse conveys groundwater and overland flows from surrounding land. The Drainage Officer has raised no objections to the application although the Officer has advised that Land Drainage Consent is required. This is separate legislation outside of the planning system and Land Drainage Consent does not need to be obtained before planning permission is granted. An informative on how to apply for land drainage consent will be added to the decision.

A number of the responses received refer to riparian rights over the ditch (land that is unregistered). However, the maintenance of this land through riparian rights and responsibilities is not a material planning consideration. The application cannot be resisted on this basis.

d) Design and impact to the character and appearance of the site and the surrounding area

The retrospective wall and outbuilding to serve No. 38 Grimshaw Road are considered to be subservient additions to the dwelling. Whilst the red brick utilised is visually different from the existing boundary treatments around the site and therefore appears out of keeping, the retrospective works are approximately 30 metres south of the No. 30 Grimshaw Road public highway. This distance is considered to be sufficient to avoid the proposal unacceptably impacting upon the character and appearance of the site and the surrounding area.

Furthermore, the rear garden can be built up to two metres in height without planning permission. A boundary treatment can be erected of any material without planning permission, whether the wall is constructed on land in ownership of the applicant or not.

Whilst in terms of design, it would be preferential to retain a continuous rear boundary, there have been other encroachments (at various lengths) from Grimshaw Road properties expanding their gardens. The nearest encroachment at No. 34 Grimshaw Road to the west. As such, it is not considered that the proposal would unacceptably impact upon the character and appearance of the site and the surrounding area.

On the basis of the above, the proposal is considered to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the emerging Peterborough Local Plan (Examination Stage) (2018).

e) Impact on neighbour amenity

There are three neighbours that surround the side and rear boundaries of the application site. No. 36 Grimshaw Road and No. 40 Grimshaw Road are located to the west and east boundaries respectively. A playing field that serves The Thomas Deacon Academy is to the south of the site.

The boundary wall nearest to No. 36 Grimshaw Road is higher than the close board fence line that separates the gardens of No. 36 and No. 38 Grimshaw Road, but it is less in height than the fence to the rear-most boundary of No. 36 Grimshaw Road. Given its height and with the 3.6 metre high outbuilding sited near adjacent to the boundary of No. 40 Grimshaw Road, it is not considered that the retrospective wall would cause adverse overbearing or high levels of shadowing to the rear garden of No. 36 Grimshaw Road. The position of the outbuilding is considered to be appropriate to avoid unacceptable impact to the neighbouring garden.

No. 40 Grimshaw Road is the adjacent neighbour to the east. The boundary line between the dwellings is comprised of a breezeblock wall and close board fencing which share a similar height of approximately 2 metres from ground level. The retrospective outbuilding is positioned adjacent to the rear-most part of the garden. Although its roof would be visible from the neighbouring land, given its retrospective siting approximately 16 metres away from the rear elevation of the dwellinghouse, it is not considered that the single storey outbuilding causes adverse overbearing impacts on the dwellinghouse of No. 40 Grimshaw Road. In addition, shadowing from the proposal is restricted to the rear most areas of No. 40 Grimshaw Road's garden. As such, it is not considered that the harm is adverse.

Given the size and scale of the Thomas Deacon Academy and its surrounding land, it is not considered that the proposal would unacceptably impact upon its amenity. A representation received raised concerns about installing windows to the south elevation of the outbuilding that faces the school playing field. Given the security concern, plus that the outbuilding is for the use of storage and not for any habitable purposes, it is considered reasonable to remove permitted development rights to install windows in the outbuilding through a planning condition.

In light of the above, the proposal is considered to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the emerging Peterborough Local Plan (Examination Stage) (2018).

Other matters

The representations received also raised other matters and have not been considered above:

- Maintenance of the ditch: Any future maintenance of the wider ditch, whether purchased by the Thomas Deacon Academy or by other residents, is not a material planning consideration.

- Riparian rights and responsibilities:- This is not a planning matter. It is the applicant's responsibility to maintain the ditch. If residents are concerned that their riparian rights are affected by the works that have occurred, this would be a civil matter between themselves and the applicant.

- Structural integrity:- The wall and outbuilding do not require building regulations approval. This is not a material planning consideration.

- Infill and legal landfill and taxation costs: The infill of land has been discussed in Section 5 aiii). Whilst legal and taxation costs are not material planning considerations, the applicant has advised that only ballast and cement to make concrete foundations have been added. As this is not landfill disposal, this is not subject to landfill tax and therefore is not considered as an operation as such. Any turnover of top soil is also not considered to be a material planning consideration given that it is common practice of gardeners to do this.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The impact to the ecology of this site and the surrounding area would not be unacceptably harmed, subject to conditions, in accordance with Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012) and Policy LP28 of the emerging Peterborough Local Plan (Examination Stage) (2018).
- The proposal would not unacceptably impact upon the public amenity value of surrounding trees, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and Policy LP29 of the emerging Peterborough Local Plan (Examination Stage) (2018).
- The function of the drain would not be adversely affected by the proposed development.
- The character and appearance of the site and the surrounding area would not be adversely impacted upon by the proposed works, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the emerging Peterborough Local Plan (Examination Stage) (2018).
- The proposal would not unduly impact upon the amenity of surrounding neighbours, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the emerging Peterborough Local Plan (Examination Stage) (2018).

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

- C 1 The development hereby permitted shall be carried out in accordance with the following approved plans
- Location Plan 1:1250
 - Existing and Proposed Block Plans (received 7 November 2018)
 - Proposed Elevations and Floor Plan (received 7 November 2018)
 - Wildlife and Vegetation Planting Scheme (received 12 December 2018)

Reason: For the avoidance of doubt and in the interests of proper planning.

- C 2 Within one month of the date of this decision, a minimum of two holes shall be created at ground level through the retrospective walls; hereby permitted. One hole shall be created to the rear-most boundary wall, the second hole shall be created through the west-most boundary wall. Each hole created shall measure 150mm in height and measure 200mm wide. These holes shall be kept clear, be maintained and retained as such thereafter.

Reason: To ensure adequate passage to allow of small mammals, in accordance with Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012) and Policy LP28 of the emerging Peterborough Local Plan (Examination Stage) (2018).

- C 3 The planting scheme to the rear of site (Wildlife and Vegetation Planting Scheme (received 12 December 2018)); hereby permitted shall be planted before the end of the next available planting season and maintained thereafter. If any native plants die, get removed or become diseased within five years of the implementation of the scheme, the vegetation shall be replaced during the next available planting season by the applicant, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement vegetation that dies within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: To preserve and maintain the surrounding area's biodiversity value, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and Policy LP28 of the emerging Peterborough Local Plan (Examination Stage) (2018).

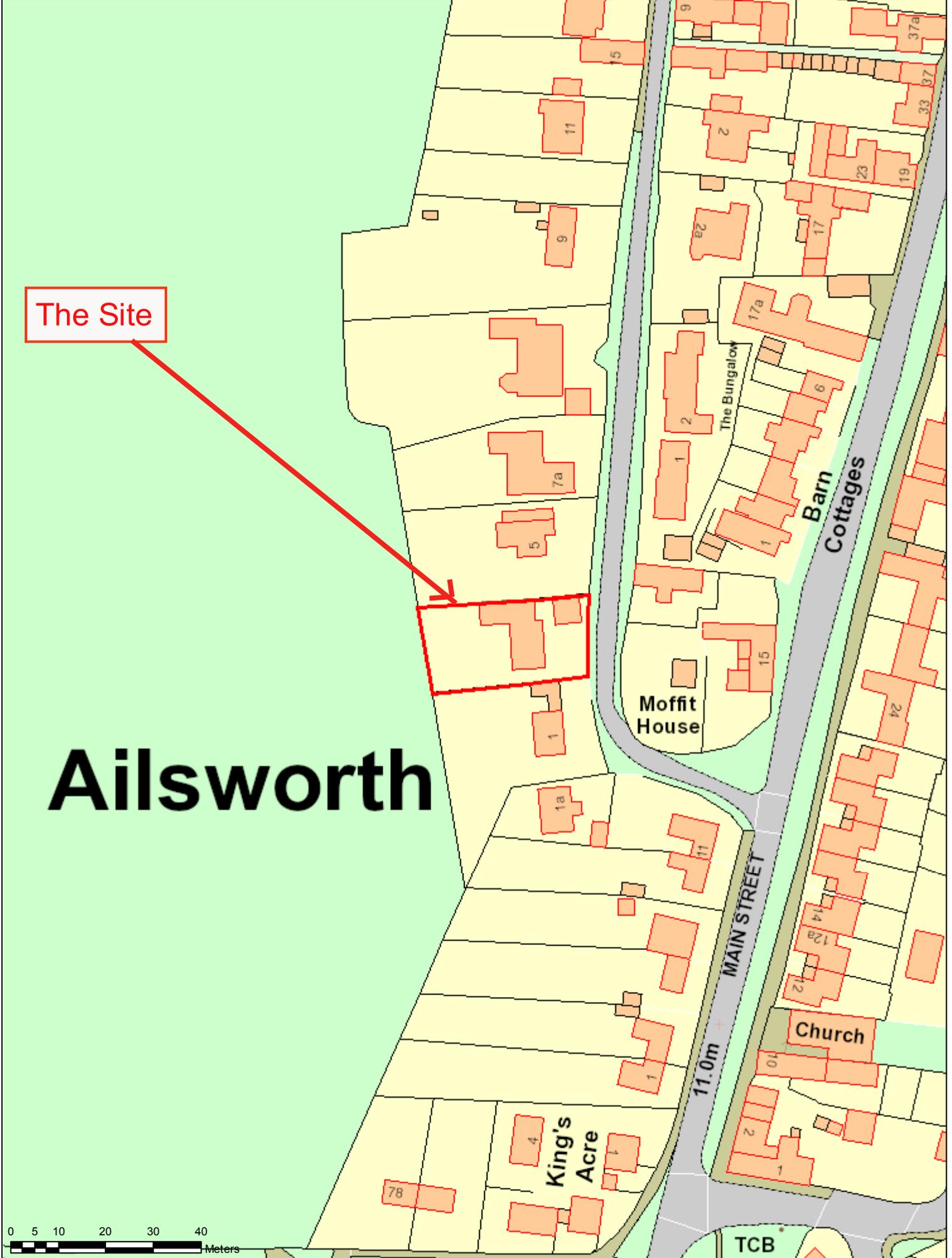
- C 4 Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no windows shall be fitted into any elevation of the outbuilding hereby permitted, unless expressly authorised by any future planning permission.

Reason: In order to ensure the amenity of the nearby school playing field, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the emerging Peterborough Local Plan (Examination Stage) (2018).

- C 5 Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no outbuildings other than the outbuilding hereby permitted; shall be constructed on the land changing use to garden, unless expressly authorised by any future planning permission.

Reason: To ensure native planting is retained and to ensure access to the ditch for maintenance purposes in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and Policy LP28 of the emerging Peterborough Local Plan (Examination Stage) (2018).

Copies to Councillors Joseph and Nawaz



Committee Location Plan 18/02078/HHFUL 3 Maffit Road Ailsworth PE5 7AG NTS

Scale 1:1,000
 Print Date: 01/02/2019

© OS Crown Copyright Licence 100024236



This page is intentionally left blank

Application Ref: 18/02078/HHFUL

Proposal: Demolition of existing ground floor rear extension and construction of replacement ground floor rear extension, first floor rear extension, cladding of external walls and replacement of roof tiles

Site: 3 Maffit Road, Ailsworth, Peterborough, PE5 7AG

Applicant: Mr D Goy

Agent: Mr Wayne Farrar
A&S Designs

Site visit: 11.12.2018

Case officer: Miss Sundas Shaban
Telephone No. 01733 453504
E-Mail: sundas.shaban@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site description

The application site comprises a mid to late 20th Century two storey detached dwelling located within the Ailsworth Conservation Area. The property is brick and tile construction with white upvc doors/windows. It has a forward projecting garage as well as a large driveway to the front which can accommodate several vehicles. The property has a single storey pitched roof element at the rear. The rear garden is enclosed by boundary fencing/plants. The immediate area comprises residential dwellings varying in character and size.

Proposal

The application seeks planning permission for the following:

- Demolition of existing single storey rear extension
- Two storey rear extension measuring 5.6 metres (length) x 4.7 metres (width)
- Cladding/render of external walls of rear elevation and cladding of external walls of front porch
- Replacement windows and roof tiles

2 Planning History

No relevant planning history.

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 - General duty as respects conservation areas in exercise of planning functions.
The Local Planning Authority has a statutory duty to pay special attention to the desirability of

preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (2018)

Section 12 - Impact on Designated Heritage Assets

Local Planning Authorities should take account of the desirability of sustaining and enhance the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of development great weight should be given to the assets conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to or loss of the significance of the designated heritage assets should require clear and convincing justification. Where a proposed development will lead to substantial harm to the designated heritage assets permission should be refused unless it can be demonstrated that substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm. Where harm is less than substantial this harm should be weighed against the public benefits including securing an optimum use of the asset.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

Peterborough Local Plan 2016 to 2036 (Submission)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018. A Planning Inspector has been appointed and the Local Plan has been through the Examination stage to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 48 of the National Planning Policy Framework states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

Ailsworth Neighbourhood Plan (2017-2036) (December 2017)

NHPAIL - Ailsworth Neighbourhood Plan

4 Consultations/Representations

PCC Conservation Officer

No objections to the proposed extension given it is not in a prominent location. Aside from the cladding the proposed external materials are considered acceptable. An alternative sample of the cladding is required.

Ailsworth Parish Council (APC)

The Parish feel they can neither approve nor object to the application and ask that it is referred to the City Council Planning Committee for a decision. This is because APC considers that the matters for consideration are very finely balanced and therefore the Planning Committee should make the decision.

Peterborough Local Access Forum

No comments received.

PCC Rights of Way Officer

No objections.

The Open Spaces Society

No comments received.

Ramblers (Central Office)

No comments received.

PCC Tree Officer

No objections as there are no high amenity value trees onsite that will be affected by the proposal. However, it is not known whether off-site tree removal/pruning is necessary therefore details of any tree works should be submitted.

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 13

Total number of objections: 13

Total number in support: 0

A number of objections have been received from local residents/interested parties citing the following concerns:

- The extension would approximately double the width of the building which removes virtually all the sun for no.5 in December/January time.
- Maffit Road is a street where you do generally expect a bit of room around your house and the proposed extension being right on the boundary would take away the sense of openness.
- Moving the extension 2 metres away from the shared boundary with no.5 would reduce the impact on this neighbour.
- The Juliette balcony would be intrusive to no.5 and should therefore be changed into a window.
- The overbearing scale of the building proposed on the boundary would have a significant negative impact on the neighbouring property, No5 Maffit Road.

- The height of the extension would visually impose upon the living space of no.5 and loss of light would greatly reduce their ability to enjoy the amenity that they currently have.
- To achieve the extension the builders would have to have access from No5 with scaffolding and building materials in the property causing massive unnecessary disruption to the occupants of No5.
- Allowing such a dominating structure located on the boundary of two properties would leave a grave precedent for future building projects in the Ailsworth conservation area.
- Extension is overbearing and out of keeping with other properties in the area
- Plans are not in keeping with the village plan.
- Maffit Road has a Rural, modest look. Although mixed in building materials the materials and scale of each house does not stick out.
- The position of the house on the road itself will also give it more prominence and will determine the overlook entering the main part of the road. It will also be very prominent in terms of the sightline Castor Church from the access road coming into the village - this goes directly against the neighbourhood plan, policy CH1.
- The materials and balance of the materials and colours are insufficiently described but appear to have a large amount of cladding which is not in line with Neighbourhood Policy CH1.
- The proposed two storey rear extension is too large, with such a prominent pitched roof line and its sheer overall size.
- The proposed development is out of character with the semi-rural ambience of its location.
- Alternative avenues should be pursued such as a loft extension or building above their garage in order to reduce impact on no.5.
- A two storey extension right on the boundary of a neighbouring property would set a dangerous precedent for any future similar applications in the Ailsworth conservation area.
- The extension wall and roof are far from acceptable, depriving No5 of natural light directly into the house and also onto the garden and patio.
- As Ailsworth and Castor lie within a renowned Conservation Area one wonders if consideration has been given to ensure this planning application adheres to previous planning criteria and is within the ethos of both villages.
- Should this application be accepted, it surely opens the floodgates to numerous other applications which totally contravene the historical and environmental aspects of Ailsworth and Castor as well as the long established principles of care and consideration towards ones neighbours.
- The Applicant states that no trees will be affected. To allow construction 2 mature trees at no.5 will have to be severely pruned or removed.
- The Application states that no 3 is not visible from a public footpath or road. This is factually incorrect as the property is completely visible from the west (Sutton road/public footpath).
- The Applicant states he owns all of the land affected. He can only construct the extension by putting foundations on the property at no 5. Therefore this is incorrect.
- The garage at no 5 is not shown on the block plans, therefore how can the planning officer and building control assess the full impact on the property at no 5.
- The Application states "recladding of the property at no 3". There is currently no cladding on any elevation of no 3 therefore this is factually incorrect.
- The proposals will completely overshadow the property at No 5, will lead to a loss of 2-3 hours each day of direct sunlight to our kitchen and lounge. At present neither existing gable end of no 3 nor garage at no 5 cause any shade on the kitchen/living area of no5.
- The proposed extension is not sympathetic to its neighbours and is not in keeping with the village character.
- There are several perfectly viable and affordable alternatives that should be considered in order to reduce overbearing impact and loss of light to no.5 such as moving the extension 1-2 metres away from the boundary, reducing length of 1st floor extension to 4m, use a low mono-pitch roof or move the extension to the opposite side of the house.
- The ability to seemingly encroach on the ambience of another dwelling can only cause anxiety and stress which should be taken into account when determining the application.

- The current proposed height of the extension will subject the occupants of No.5 to a gloom for at least half of the year, a 50% reduction in sunlight which means they won't be able to enjoy their paved area next to the house and their bright kitchen/living area.
- We will now not be able to proceed with our own kitchen extension plans for which we already had received planning permission (application ref 18/00415/HHFUL), as the proposed extension at No 3 will totally shade and dominate that extension.
- There will be no space to erect scaffolding without dismantling part of the neighbours patio, severe pruning, and even removal of the neighbours trees/shrubs.
- The required level of access to no.5 and disruption caused by the proposed development is considered unreasonable.
- Constructing the extension (and/or demolishing the existing extension wall) right on our boundary would pose a serious health and safety risk – namely the risk of tiles and other building materials falling onto our land and patio, which is in constant use during the year, and damaging our garage.
- The construction as proposed would not enable the owner of No 3 to maintain their new roof and gutter from their own property therefore allowing planning permission for this proposed extension will result in the owners of No 5 being placed under a legal obligation in perpetuity to provide access for maintenance and repairs.
- The title deeds of the property at No 3 (ref CB33073) contain various specific restrictive covenants preventing the owner of No 3 from undertaking any works that would cause nuisance, annoyance or disturbance to any neighbours.
- Rendering/cladding the building will have a detrimental visual impact on the character of the Ailsworth Conservation Area, especially when viewed from the approach road to the village and could set a significant precedent for similar proposals in the conservation area.
- The existing house at no. 3 is already larger than its neighbours at 1, 1a, 5 and 7a.
- The misalignment of the two houses (No 3 is set further back) means that the effect will be even more overbearing than if the houses were aligned.

5 Assessment of the planning issues

Design and impact on the character of the Conservation Area

The National Planning Policy Framework (NPPF 2018) outlines government policy, including its policy in respect of the conservation of the historic environment. Paragraph 8 advises that development should protect and enhance the significance of heritage assets and great weight is given to conserving designated heritage assets. Section 16 'Conserving and enhancing the historic environment' sets out high level policies concerning heritage and sustainable development. The approach set out in paragraphs 189-202 is of particular relevance.

The site is located within the Ailsworth Conservation Area. Section 72 of the Town and Country Planning Act 1990 places a duty on the LPA to pay 'special regard' to the desirability of preserving or enhancing the special character or appearance of conservation areas. The policies in the NPPF seek positive improvement in conservation areas. Considerable weight and importance should be given to the avoidance of harm to conservation areas and the significance of a listed building and its setting. The presumption against the avoidance of harm is a statutory one, and can only be outweighed if there are material considerations strong enough to do so.

Several neighbours have objected to the proposal on grounds that the proposed development would not be in keeping with the size and character of the other properties in the area. Neighbours go on to state that the proposed cladding and render is not in line with the Ailsworth Neighbourhood Plan and it will have a detrimental visual impact on the character of the Ailsworth Conservation Area, especially when viewed from the approach road to the village and could set a significant precedent for similar proposals in the conservation area.

The Ailsworth Neighbourhood Plan states that new development should respect the surrounding area in terms of height, size, shape, roof pitch and materials.

The Councils Conservation Officer has not raised any objections to the proposed development as

he does not consider the two storey extension would form a particularly prominent or visible addition from any direction. It is sited behind the main two storey house from Maffit Road and due to the significantly longer views on the Sutton Road it is partially screened and does not add to the bulk of this view. There would only be glimpsed views from the gap between the application site and the neighbour to the north.

The proposed render to the ground floor and timber clad first floor is limited to the rear elevation and extension only. The render will be the most visibly significant change but will be contained to the ground floor therefore there would not be any views from the Conservation Area.

The side elevations and front elevation will remain unchanged apart from the existing porch which is proposed to be clad in the same horizontal boarding as the rear. The sample submitted is not considered appropriate as it would result in streaks from water streaking. As such an alternative sample is required which will be secured by way of a condition.

New windows are proposed throughout. The existing windows are white upvc and have an asymmetrical glazing pattern. The proposal is to reduce the amount of unrelieved glazing into symmetrical casements which are considered to result in a significant improvement to the character and appearance of the building from within the Ailsworth Conservation Area.

Finally, it is proposed to replace the existing corrugate concrete roof tiles. The Conservation Officer has advised that the proposed type (Redland Duoplain) in a sand finish would be more suitable than the proposed smooth grey as it weathers better. Having discussed with the agent he has advised that the sand finish is not available and as such a smooth grey finish is accepted.

Given the size and location of the proposed extension to the rear of the main house and the use of sympathetic materials it is not considered that the proposal would unacceptably harm the character or appearance of the host building or the wider Ailsworth Conservation Area. The proposal is therefore considered to accord with the Ailsworth Neighbourhood Plan, Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, Section 12 of the Planning Policy Framework, Policies CS16 and CS17 of the Core Strategy DPD (2011), Policies PP2 and PP17 of the Peterborough Planning Policies PD (2012) and Policies LP16 and LP19 of the Emerging Peterborough Local Plan (2018).

Neighbour amenity

Ailsworth Parish Council advised that they feel they can neither approve nor object to the proposal and referred it to the Planning Committee as it considers that the matters for consideration are very finely balanced. It has advised that in particular the planning committee should consider the impact on the amenity of the neighbours and whether the proposal accords with Policy LP17 of the New Local Plan and the Ailsworth Neighbourhood Plan. One other main consideration should be to minimise disturbance to no.5 in order to avoid further aggravation between the neighbours.

Several objections have been made by nearby neighbours with the main concerns arising from the fact the proposed extension would be located on the shared boundary with number 5. The extension would project approximately 5.6 metres from the rear elevation and the neighbours consider that it would significantly reduce light in the patio area, kitchen and garden of no.5, preventing them from enjoying the amenity they currently have. In addition neighbours believe that because the extension would sit on the shared boundary, it would result in an overbearing impact upon no.5. The misalignment of the two houses (No.3 is set further back) means that the effect will be even more overbearing than if the houses were aligned.

A number of alternative suggestions have been made by neighbours in order to reduce the impact on no.5.

The objections raised with regards to impact on the neighbour to the north (no.5) are noted. It is accepted that the proposed extension would result in a relatively long blank elevation facing no.5. No.5 currently has a large garage located on the shared boundary with the application site. There is

approximately 11 metres between the side elevation of the proposed extension and the primary windows on no.5. It is not therefore considered that the proposal could reasonably be resisted. The separation distance is considered to be sufficient as to not result in a significant overbearing impact or unacceptable overshadowing.

It should be noted that the applicant currently has a single storey element along the shared boundary with no.5. The proposed rear projection as viewed from no.5 would remain the same, albeit with the addition of a first floor element. It is accepted that the addition of the first floor element would introduce some overshadowing in a small section of the neighbours garden/patio area, but this is unlikely to reach the house itself. However, the neighbour benefits from a large rear garden, the majority of which would be unaffected by the proposed development. As such the impact on the patio area and part of the garden is considered to be within acceptable tolerances. In addition, the pitched roof would face away from the neighbour, further reducing the impact.

As a general guide to help decision makers the 45 degree rule is used where development is adjacent to windows. Effectively a 45 degree angle is drawn in both the horizontal and vertical planes from the centre of the neighbours window. If the extension extends past the 45 degree angle there is likely to be an impact upon daylight to that room. In this instance the proposed development would not fail the 45 degree test given the separation distance between the side extension and the neighbours primary windows. Whilst it is acknowledged that the proposal would result in some loss of daylight to the patio area and a small section of their garden it is not considered that the impact would be so severe as to warrant the refusal of the application.

With regards to the neighbour to the south (no.1) the nearest part of the proposed extension would be located approximately 12 metres from the shared boundary with this neighbour therefore it would not result in an overbearing impact or unacceptable overshadowing.

There were initially some reservations with the first floor window in the side elevation, however, the separation distance to the boundary (approximately 12 metres) is on balance considered sufficient as to not result in unacceptable overlooking or loss of privacy.

Neighbours also objected to the proposed first floor balcony on the rear elevation and suggested a window would be more appropriate in order to reduce overlooking into the garden of no.5. The objections are noted however, the Juliet balcony would not directly look into the neighbours garden and would not result in any greater impact than a window which could be installed in the rear elevation without planning permission. As such it is not considered that this aspect of the scheme could be resisted.

The neighbour at no.5 has concerns that allowing the proposed extension would mean they would not be able to proceed with their own kitchen extension plans at the rear of the house which received planning permission (application ref 18/00415/HHFUL), as the proposed extension at no.3 will totally shade and dominate that extension. As discussed above, the proposed extension, given the separation distance with the neighbour would not unacceptably harm this neighbour (the extension would not bring no.5 any closer to the application site). If they proceed with their extension, there would be a lesser impact on their property as it would sit further into the site.

Given the above the proposal is not considered to unacceptably harm the amenity of adjoining neighbours. It therefore accords with the Ailsworth Neighbourhood Plan, Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the emerging Peterborough Local Plan (2018).

Parking

The site benefits from a garage located at the front of the property and a large driveway which can accommodate several vehicles. The proposal would create one more bedroom at the property, however the parking requirement on the site would not increase and sufficient off-street parking would be retained. As such no unacceptable impact would result on the nearby public highway, in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of

the emerging Peterborough Local Plan (2018).

Trees

The neighbour to the north (no.5) has objected to the proposal on grounds that their trees along the shared boundary with the application site would need to be pruned/removed in order to accommodate the extension.

The Tree Officer has not raised any objections as there are no high amenity value trees on or within close proximity to the site that will be affected by the proposal. As such proposal is considered to accord with Policy PP16 of the Peterborough Planning Policies DPD (2012).

Other matters

A numbers of objections have been made with regards to potential encroachment of foundation/overhanging of guttering and the nuisance caused to the neighbour at no.5 by the proposed development. The concerns raised are noted, however, this is a civil matter between the parties and not a planning matter.

The neighbour at no.5 pointed out a number of inconsistencies on the application form. One of the inconsistencies was in the proposed description which stated 'recladding'. As the property is not currently cladded the description was amended and all neighbours/contributors re-consulted. The neighbour also pointed out that the block plan submitted doesn't include the existing garage at the front. The plans have been assessed and they seem to accurately represent the site. The Case Officer has visited the application site and other minor inconsistencies highlighted by the neighbour have been fully assessed before determining the application.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The proposal would not unacceptably harm the character or appearance of the host building or the Ailsworth Conservation Area in accordance with the Ailsworth Neighbourhood Plan, Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, Section 12 of the Planning Policy Framework, Policies CS16 and CS17 of the Core Strategy DPD (2011), Policies PP2 and PP17 of the Peterborough Planning Policies PD (2012) and Policies LP16 and LP19 of the Emerging Peterborough Local Plan (2018).
- The proposal would not unacceptably harm the amenity of adjoining neighbours, in accordance with the Ailsworth Neighbourhood Plan, Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the emerging Peterborough Local Plan (2018).
- The proposal would create one more bedroom at the property, however the parking requirement on the site would not increase and sufficient off-street parking would be retained, therefore it would not result in any unacceptable impact on the nearby public highway, in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (2018).

7 Recommendation

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 Prior to its installation, details of the proposed timber cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In order to ensure good quality materials to preserve the character of the Ailsworth Conservation Area, in accordance with the Ailsworth Neighbourhood Plan, Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, Section 12 of the Planning Policy Framework, Policies CS16 and CS17 of the Core Strategy DPD (2011), Policies PP2 and PP17 of the Peterborough Planning Policies PD (2012) and Policies LP16 and LP19 of the Emerging Peterborough Local Plan (2018).

- C 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan 04-DG-18
- Existing Plans and Elevations 01-DG-18
- Block Plan 05-DG-18
- Proposed Plans and Elevations S02-DG-18 A

Reason: For the avoidance of doubt and in the interests of proper planning.