

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION
COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 20 JULY 2021
ENGINE SHED, SAND MARTIN HOUSE PETERBOROUGH**

Committee Members Present: Harper (Chairman), Hiller (Vice Chairman), A Bond, Brown, Dowson, Hogg, Amjad Iqbal, Hussain, Jamil, Sharp, and Warren.

Officers Present: Sylvia Bland, Development Management Group Lead
Asif Ali, Development Management Officer
Daniel Kalley, Senior Democratic Services Officer
Chris Gordon, Planning Solicitor
Sarah Hann, Highways Engineer

14. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Jones. Councillor Jamil was in attendance as substitute.

15. MINUTES OF THE MEETING HELD ON 15 JUNE 2021

The minutes of the meeting held on 15 June 2021 were agreed as a true and accurate record.

16. DECLARATIONS OF INTEREST

There were no declarations of interest received.

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

There were no representations from Councillors to speak as Ward Councillors.

18. PLANNING AND ENFORCEMENT MATTERS

19.1 21/00708/FUL - CRANMORE HOUSE THORNEY ROAD EYE PETERBOROUGH

The Committee received a report, which sought permission for the, 'Erection of 25 dwellings and garages, new access and public open space'. The proposal would comprise a number of detached and semi-detached two storey dwellings, as well as a two storey terrace of dwellings along the eastern boundary to Dalmark Seeds, and a bungalow.

Vehicle access to the site would be from Thorney Road to the south, where each dwelling would be provided with two off-street parking spaces, some of which would be provided with garaging or car ports.

The scheme also proposes an area of Public Open Space (POS) of 740sqm. The scheme had been subject to amended plans

The Development Management Group Lead introduced the item and highlighted key information from the report and the update report.

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

- Once a developer was on site they would take an accurate dimension of the boundary and if trees were already encroaching they would make an arrangement with the landowner of the trees to trim these back as appropriate.
- The late representation in objection from the neighbouring property to the North had been made throughout the application process. Members were informed that the owners of no.17 Easby Rise under the old local plan was allocated for housing and had received planning permission for five dwellings, however this was never implemented.
- With regards to the boundary line as indicated in the local plan this was outside the proposal as outlined in the application.
- There were possibilities for using the land outlined in the local plan that was not part of the application site.
- The proposal was not the most attractive of applications, however this was not enough to stop or refuse the application from going ahead. It was important to use brown field sites whenever possible for more housing.
- There were some concerns over the terracing housing, but it was clear why the developer had put forward the proposal.
- This was a better application than what was presented to committee at a previous meeting. Officers were satisfied with the proposal.

RESOLVED:

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 subject to relevant conditions delegated to officers including an additional condition to ensure that no dwelling be occupied until details of highway improvements have been approved in writing and implemented on site. They include the provision of 2m footway on Thorney Road to connect with the existing footway to the west and to the existing bus stop to the east, the removal of a redundant vehicular access and reinstatement of kerbs and the provision new bellmouth access to the site from Thorney Road as set out in the LHAs consultation comments.

REASON FOR THE DECISION:

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 principle of development is acceptable - The character and appearance of the site and the surrounding area would not be adversely harmed by the proposed development, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).
- The proposal would not adversely impact upon the safety of the surrounding highways, in accordance with Policy LP13 of the Peterborough Local Plan

- (2019).
- The proposal would not unacceptably impact upon the amenity of neighbours, in accordance with Policy LP17 of the Peterborough Local Plan (2019).
 - The amenity of future occupiers of the proposed development would obtain an acceptable level of amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).
 - The proposed dwellings could be constructed to meet the requirements of Part M4(2) of the Buildings Regulations, in accordance with Policy LP8 of the Peterborough Local Plan (2019).
 - The proposed development would not result in adverse harm to local wildlife, in accordance with Policy LP28 of the Peterborough Local Plan (2019).
 - The proposal would not contribute to unacceptable to the amenity of trees, in accordance with Policy LP29 of the Peterborough Local Plan (2019). - Subject to measures being applied, the proposed scheme would not be at adverse risk to contamination, in accordance with Policy LP33 of the Peterborough Local Plan (2019).
 - The proposed development would not be at adverse risk of flooding and appropriate measures are secured for drainage management, in accordance with Policy LP32 of the Peterborough Local Plan (2019).
 - Subject to measures being appropriately applied, it is not considered that the proposal would unacceptably impact upon any significant, known buried heritage assets, in accordance with Policy LP19 of the Peterborough Local Plan (2019).

19.2 21/00641/HHFUL - 71 ELMFIELD ROAD DOGSTHORPE PETERBOROUGH PE1 4

The Committee received a report, which sought permission for a front porch and single storey rear extension. The footprint of the proposed front porch measures 1.79m by 1.79m with an eaves height of approximately 2.45m and a total height of approximately 3.70m. The footprint of the single storey rear extension with a flat roof, measures 8.09m by 4.54m and a total height of approximately 3.1m.

The Development Management Officer introduced the item and highlighted key information from the report and the update report.

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

- The family loved the area in Peterborough. The family enjoyed the local community and were a big part of the community.
- The house currently had three bedrooms of which one had been used for working in during the pandemic. This had a negative impact on the family as it meant the children had to share a bedroom which was not ideal.
- It was therefore essential that the extension be granted for the family to live comfortably.
- The applicant's wife's mother had Parkinson which was a huge strain on the family and currently the downstairs bathroom was not able to be used by any visitors.
- Work had been carried out with the architects to create an office space and more living space on the downstairs level.
- The applicant had proposed reducing the height of the extension. The neighbours had a large extension done recently which was approved. There was no other solution was possible.
- If this was not granted then the applicant might have to look at moving house.

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

- There were a number of planning considerations that the committee had to take into account. This was a large extension to a modest sized house. The extension was over 26ft long, 15ft wide and 10ft high which was too much for this site.
- The fact there were no objections and there were good reasons for wanting to have the extension was a positive reason to support the applicant.
- Officers had been in discussion with the applicant to suggest that a 4m extension was more acceptable to what was currently being proposed.
- It was common for properties in the area to have similar size extensions which had been granted.
- It was clear to see that the applicant wanted to stay in the property. The applicant had discussed the proposal with the neighbour and there had been no objections raised by the neighbour.
- The applicants' concerns were understandable, however some members were minded to go with officers' recommendation and refuse.
- The officers had negotiated with the applicant for a smaller extension that would have been more acceptable.
- It was difficult to see how personal reasons overrode the planning reasons. It was clear that the extension would be approved if the extension was smaller in size.
- Members were reminded that they had to make a decision based on what was being proposed. Officers and the applicant could negotiate after the meeting should they wish to do so.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application. The Committee **RESOLVED** (6 For, 4 Against and 1 Abstention) to **REFUSE** the planning permission.

REASON FOR THE DECISION:

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

The proposed single storey rear extension would by virtue of its siting, height, depth, scale and close relationship to 69 Elmfield Road, result in an unacceptable dominant and overbearing impact on the living conditions of the occupiers of the adjoining dwelling and their main garden area. The proposed extension would result in unacceptable harm to the residential amenities of neighbouring occupants at 69 Elmfield Road, contrary to Policy LP17 of the Peterborough Local Plan (2019).

19.3 21/00851/HHFUL - 32 SALLOWS ROAD PETERBOROUGH PE1 4EU

The Committee received a report, which sought permission to erect a two storey side extension to abut the existing dwelling on its east elevation. The extension would be of dimensions 8.3m deep x 2.69m wide, with a 150mm gap between the east flank wall and the shared boundary with No.34 Sallows Road.

In addition, the proposal also seeks the conversion of the existing loft into habitable space with 3no. Velux style windows on the roof slope towards north (street

elevation) and a dormer with 3no. windows on the rear, south-facing roof slope. The proposal states this loft space would be for a sensory room. The proposed side extension would be open on the ground level and would accommodate bedrooms for a disabled child and a carer on the first floor with an extra room on the loft level, the use of which is not specified.

It should be noted that the proposal is identical to a scheme which has been refused planning permission through Officer delegated powers under application reference 21/00250/HHFUL.

The Development Management Group Lead introduced the item and highlighted key information from the report and the update report.

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

- The applicant had 4 children at the moment and 2 rooms which were shared between the family. One of the children had disabilities with special needs and doctors had advised that the older the child got, the more challenging their condition would be.
- The planning officer had informed the applicant that the authority did not consider personal circumstances.
- The local authority had a duty to consider whether a decision, policy or practice had a negative impact on disabled person. Officers had stated on numerous occasions that personal circumstances were not taken into account.
- The applicant initially applied for a first-floor side extension and loft conversion and 3 front dormer windows back in February. By end of March a number of the neighbours grouped together and objected to application on exactly same grounds.
- During a visit in April the planning officers had mentioned concerns regarding the first-floor side extension. The applicant was advised that front dormers were not acceptable, as no one had front dormers on the street.
- In April, the architect received an email from the case officer saying that they would not accept the application and suggested providing amended drawings. The applicant followed the guidance given by the case officer but the application was still recommended for refusal. There were numerous other examples of similar extensions on Sallows Road and also on Grimshaw Road, which was in close proximity.
- According to national guidelines and LPA, if you stepped back and lower the roof ridge line, it did not create a terracing effect.
- The property at no. 43 Sallows Road had its application granted after the appeal was rejected for the extension at no.15 Sallows Road. It was confusing as to why officers had refused this application
- Planning officers had granted similar extensions in the area due a precedent being set by older extensions. It was not the applicant's view that this proposal was out of character for the local area.
- During the application process the applicant contacted the authority on many occasions and provided them with many references where planning had been granted but each time the applicant had been told every application had its own merits.
- There were some differences to the application at No.15 Sallows Road namely the roof at number 15 was significantly higher than the ridge line of the adjacent property at number 13, so the proposed side extension would more effectively close the gap between the two properties as it

would be set much higher than number 13. The proposed side extension at number 15 was to go right up to the party wall with number 13 which closed the gap between two properties but in this application there would be a small gap retained between numbers 32 and 34, minimising the terracing effect.

- A further application was highlighted showing that these points had been taken into consideration when granting an extension that was similar to what was being proposed in this application.
- Personal circumstances could in some instances override the planning reasons for refusing an application. There were more reasons in this instance relating to personal circumstances which outweighed the planning considerations.

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

- There were neighbouring properties that had similar extensions which had been approved.
- It was important to note that policy LP16 applied to those extensions that had been given as an example.
- There was a need to accommodate a disabled child. Too much weight had been attached to the application that should not have been and personal circumstances needed to take precedent over the planning reasons for refusal.
- This application needed to be reconsidered and granted permission due to the personal circumstances.
- The local authority should have taken into account the disabilities of the child, but the planning officers have stated that they had not taken this into account.
- The property currently had two bedrooms and four children. There was not enough space. This was particularly important with a disabled child in the home, whose condition would deteriorate over time.
- The application had been amended at the request of the officers, however it was still being proposed for refusal.

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

- A number of changes were discussed during the application stage. This included whether a single storey extension was acceptable to provide the adequate level of space needed for the family.
- The only change that had been made was to the front dormer, however the setting back of the property was still not enough to overcome the terracing effect.
- Two previous cases had been mentioned, no.39 Sallows was granted permission earlier in year, and this was different to what was being proposed. There was a gap between the two neighbouring properties which overcame the terracing effect.
- The other similar application was approved before appeal decision note had been produced by the planning inspectorate.
- There have been other two storey extensions that have been given permission, but they were different circumstances. Some that had been granted before would unlikely to be granted in this day in age.
- At the time of report, officers did not have supporting documentation relating to the disabled child. This can be taken into account if there are justifiable reasons to do so.

- The applicant could have taken a different approach, for example a single storey extension which would have been a better option than what was proposed.
- Some members had sympathy for the applicant and that the personal reasons outweighed planning considerations.
- There were a number of members that agreed that an extension was needed however the proposal was too large in scale and further work needed to take place between officers and the applicant.
- It was felt that the disability of the child made the case exceptional and needed to be taken into account more than what officers had done.
- There was an issue with the potential for a terracing effect with the proposal that could set a precedent.

A proposal was made to go with officer recommendation and refuse the application. On a vote this was defeated (5 For, 6 Against).

The Committee then made a further proposal outlined below.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against the officer recommendation and **GRANT** the application. The Committee **RESOLVED** (6 for, 5 against) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

Approved contrary to officer recommendation on the grounds that the provision of additional living accommodation to meet the medical needs of a disabled child warrants sufficient exceptional personal circumstances to outweigh the detrimental impact of a terracing effect on the street scene that would occur as a result of the proposed two storey side extension. Approved with conditions delegated to officers comprising time commencement, approved plans and matching materials.

Chairman
1.30pm – 4.00pm