

**Application Ref:** 13/00606/HHFUL

**Proposal:** Conversion of garage to living accommodation

**Site:** 13 Nottingham Way, Dogsthorpe, Peterborough, PE1 4NF  
**Applicant:** Mr Jawarjit Singh

**Agent:** RW Architectural

**Referred by:** Councillors Peach and Shearman  
**Reason:** Level of neighbour objection  
**Site visit:** 03.05.2013

**Case officer:** Miss L C Lovegrove  
**Telephone No.** 01733 454439  
**E-Mail:** louise.lovegrove@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

**Site and Surroundings**

The application site comprises a two storey detached residential dwelling located within a residential estate of uniform character. The main dwellinghouse is set back from the streetscene and sits behind an existing single storey detached double garage. The garage is positioned side-on to the street and shares a driveway with No.11 Nottingham Way. There is a small area of landscaping to the front comprising shrubs and an immature silver birch tree which provides some screening to the dwelling and garage. At present, the garage has a blank gable elevation which fronts the public highway and is constructed of buff brick and brown concrete roof tiles.

**Proposal**

The description of development refers to the conversion of the existing detached garage to form living accommodation. Notwithstanding this description, the proposed use of the existing garage as an annexe for occupation by a family member associated with the occupation of the main dwellinghouse, does not require the benefit of planning permission (this is discussed in greater detail in Section 5 below). Accordingly, the only elements for which planning permission are sought, are the insertion of two small windows to the front elevation, the insertion of a door to the rear elevation and replacement of the existing plastic-clad metal roller shutter doors with a solid brick wall and cladding of a similar appearance to the existing.

**2 Planning History**

Reference	Proposal	Decision	Date
13/00364/OTH	Permitted development enquiry	Comments	08/04/2013

### **3 Planning Policy**

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

#### **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.

### **4 Consultations/Representations**

#### **Victoria Park Residents Association**

No comments received.

#### **Local Residents/Interested Parties**

Initial consultations: 6

Total number of responses: 10

Total number of objections: 10

Total number in support: 0

Eight objections have been received from local residents on the following grounds:

- There will be an increase in on street parking
- The property is opposite a junction which will create a traffic hazard
- There may be problems for neighbours accessing drives due to increased parking on Nottingham Way
- The estate was designed to accommodate a specific number of residents and the roads are already at capacity
- The estate is of 3 or 4 bedroom family homes and the character will change
- The proposal sets a dangerous precedent
- Potential problems of residents using the drives of Nos. 11 and 15 as a short cut
- Additional noise and disturbance to No.11
- Problems of using the shared drive with No.11
- Increase in intensity of the use of the site
- Not all residents received notice off the planning application
- It will be too close to the drive of No.15 and impact on its use
- Property values and saleability will be affected

- Privacy will be affected
- What happens when the elderly relative passes away
- There is only one door, what happens if there is a fire
- The windows give a view directly into the kitchen of No.11

Councillors Peach and Shearman have expressed their opposition to the proposed development and support the comments raised by local residents.

## **5 Assessment of the planning issues**

The main considerations are:

- Design and impact upon the character and appearance of the surrounding area
- Impact upon neighbour amenity

### **a) Introduction**

The description of development refers to the conversion of the existing detached garage to form living accommodation. Notwithstanding this description, the proposed use of the existing garage as an annexe for occupation by a family member associated with the occupants of the main dwellinghouse, does not require the benefit of planning permission. The proposed use, given that the annexe would retain a functional relationship with the main dwelling i.e. shared cooking facilities, does not represent a material change of use and is retained as ancillary accommodation. Therefore, this element of the scheme does not constitute 'development' and planning permission is not required.

However, given that the existing structure lies forward of the existing dwellinghouse, the associated external alterations - insertion of two windows, insertion of a door and replacement of the existing garage door with cladding of a similar appearance - does require permission.

Accordingly, this assessment relates only to those elements which require planning permission. In light of this, the following objections received from local residents cannot be considered in the determination of this application:

- There will be an increase in on street parking
- The property is opposite a junction which will create a traffic hazard
- There may be problems for neighbours accessing drives due to increased parking on Nottingham Way
- The estate was designed to accommodate a specific number of residents and the roads are already at capacity
- The estate is of 3 or 4 bedroom family homes and the character will change
- The proposal sets a dangerous precedent
- Potential problems of residents using the drives of No's. 11 and 15 as a short cut
- Additional noise and disturbance to No.11
- Problems of using the shared drive with No.11
- Increase in intensity of the use of the site

### **b) Design and impact upon the character and appearance of the surrounding area**

At present, the existing detached garage has no fenestration to the principal elevation which fronts on to the public highway. Furthermore, within the streetscene there are no other examples whereby such development has taken place. Notwithstanding this, subject to the use of materials of a similar appearance (i.e. wooden frames stained dark brown), it is considered that the insertion of windows will not appear an unacceptably incongruous or alien feature within the locality. The proposed windows are modest in size and reflect the overall proportions of the existing structure. In addition, they are of a size and design which mirror windows which already feature within the eastern elevation. With regards to the proposed single door to be inserted to the eastern elevation, this is of a design and size typical of many garages throughout the City. The door itself will not be visible from the public realm and as such, will not result in any harmful impact to the character of the streetscene.

It is also proposed to remove the existing plastic-clad metal roller shutter garage door to the northern elevation and replace this with cladding of a similar colour and appearance with solid wall behind. The overall appearance of this elevation will not materially differ from the present and as such, the resultant development will retain its appearance of a garage. This will ensure that no detriment to the overall character and appearance of the site within its context will result.

On this basis, it is considered that the proposed external alterations will not result in any unacceptable impact to the character, appearance or visual amenity of the surrounding area and the proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

**c) Impact upon neighbour amenity**

Neighbouring residents have expressed concern regarding the potential overlooking impact following the insertion of the proposed windows to the principal elevation. The existing garage is set 19 metres from the principal elevation of the dwelling opposite, No. 24 Nottingham Way. It is considered that this is a sufficient level of separation to prevent any issues of direct overlooking or loss of privacy to occupants of this neighbouring dwelling.

With regards to No.11 Nottingham Way, again it is considered that the proposal will not result in any unacceptable impact in terms of overlooking as a result of the proposed door. The existing 2 small windows and proposed part-glazed door would face directly towards No.13, the host property, with only oblique views at some distance to No.11.

As such, the proposal will not result in any unacceptable harm to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

**d) Other matters**

In addition to the above assessment, the following objections raised by local residents are addressed:

- *Insufficient consultation has taken place with surrounding residents*  
Officer response: The Local Planning Authority (LPA) has consulted all those residential properties with an immediately adjoining boundary. In addition, those properties which are directly opposite the site were notified of the proposal. This accords with national legislation and as such, the LPA has met its statutory duty in terms of neighbour consultation.
- *There only appears to be one door within the conversion, what happens if there is a fire?*  
Officer response: This is not a material planning consideration and instead, falls within the remit of Building Regulations.
- *The proposed development will obstruct the driveway to No.15 Nottingham Way due to the boiler flue and electricity cabinet.*  
Officer response: This is not a material planning consideration and instead, a civil matter between the Applicant and adjoining landowner.
- *The Applicant has already removed the existing landscaping to the front of the site ahead of securing planning permission. The landscaping cannot be removed as it is protected by a restrictive covenant.*  
Officer response: The removal of the existing vegetation on the site does not require the benefit of planning permission. Furthermore, deeds and restrictive covenants are not a matter over which the Council has any jurisdiction.

- *Property values and saleability will be affected.*

Officer response: This is not a material planning consideration and cannot be taken into account.

## **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 proposed external alterations will not result in any unacceptable impact upon the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012); and
- the proposed windows and door will not result in any unacceptable impact to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

## **7 Recommendation**

The case officer recommends that planning permission is **GRANTED** subject to the following conditions and informatives:

- 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 The materials to be used in the construction of the external surfaces of the alterations hereby permitted shall match those used in the existing building.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

### Notes to the Applicant

- IN1 It should be noted that the ancillary residential accommodation must retain some functional relationship to the host dwelling (in this case, shared kitchen facilities) and be occupied by relatives of occupants of the host dwelling to prevent the need for planning permission. If at any point in the future, the unit becomes self-contained, or is sold, leased or rented to occupants with no family relationship to the host dwelling, planning permission will be required.

- IN2 Building Regulation approval is required for this development. For further information contact the Building Control Section on 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk).

IN3 Your attention is drawn to the relevant provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information of the provisions of 'The Act' can be obtained from the Council's Building Control Section on 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk), or on website <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.

Copy to Councillors Kreling, Shearman and Peach