

Application Ref: 13/01485/HHFUL

Proposal: Erection of a cat enclosure in rear garden - retrospective

Reason for Call In: The structure is considered to be of a size and scale that is unnecessarily large. (Cllr M Fletcher, 17.12.13)

Site: 11 Barnard Way, Bretton, Peterborough, PE3 9YZ

Applicant: Mrs Frances Homer-Ward

Site visit: 30.10.2013 & 17.12.2013

Case officer: Mr M A Thomson

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Recommendation: **GRANT** subject to relevant conditions

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

Site Description

The application site is a detached bungalow with a rear conservatory that links to a single garage that has been converted to habitable space. The conversion works did not require planning permission. The rear garden is surrounded by a 1.8m close board fence and the property has off street parking for at least three vehicles to side.

Proposal

The Applicant was invited to make an application for the erection of a cat enclosure following a report to the Planning service about this unauthorised structure. The structure has been constructed out of timber and wire mesh and stands at 2.4m to eaves and 3.4m to ridge and covers the whole rear garden area of the property which is all hard landscaped.

It is understood that the enclosure is for the benefit of the current owner's pet cats and is incidental to the enjoyment of the dwelling house. No commercial enterprise is being operated from the site.

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 (2012)

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

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)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

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.

4 Consultations/Representations

Bretton Parish Council (13.11.13)

No objection

Local Residents/Interested Parties

Cllr Fletcher raised the following concerns;

- The development is a visual monstrosity; and
- It is unnecessarily large for its sole purpose to house two cats.

Initial consultations: 13

Total number of responses: 4

Total number of objections: 4

Total number in support: 0

5 letters of representation have been received from 4 addresses raising the following concerns;

- Visual prominence
- Size
- Structure will deteriorate over time
- Structure attached to party fence
- Worried that it could be used as a cattery in the future, or occupied by different animals (birds, dogs etc)
- Left over cat food will attract rats
- Should Milton Estates be notified?

5 Assessment of the planning issues

Design and Layout

The enclosure has been constructed out of timber and mesh, it is located within the rear garden of the property and stands at 3.4m to highest point. Due to the construction of the structure it is visually permeable and is not visually prominent from the street scene. As such the proposal is not considered to harm the character or appearance of the area and accords with Policy CS16 of the Peterborough Core Strategy DPD (2011), the NPPF (2012) and PP2 of the Peterborough Policies DPD (2012).

As this development is for the benefit of the current occupiers pets it is considered reasonable to grant a temporary planning permission for a period of 5 years, which would be renewed if necessary. This would ensure that the structure is removed once the structure is no longer necessary and the garden returned to its original state.

Use

Letters of representation have raised concern with future uses of the enclosure. It should be highlighted that this application is a householder application and it is understood the application is for the benefits of the owner's pet cats. As such the use is considered to be incidental to the enjoyment of the dwelling house. Should the owners decide to open a cattery, this would require planning permission.

Any business use would need planning permission and would be assessed on its own merits. As such a condition is not considered necessary to restrict future business uses, however an informative shall be attached for the avoidance of any doubt.

Neighbour Amenity

Given the nature of construction, which is light weight and visually permeable, and the fact that the eaves level is below the neighbours fence, the proposal is not considered to result in an unacceptably overbearing adverse impact that would result in a loss of light, privacy or outlook to neighbours. The proposal accords with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012).

Other matters

- Structure attached to party fence - If planning permission is granted any legal matters, such as party wall issues, need to be resolved between the respective owners. Notwithstanding this, as illustrated on the site photos the structure does not attach to any neighbouring fences, however it does attach to the garage wall of No 1 Barnard Way. The owner of No.1 has confirmed in writing that this was agreed between the two parties.

- Left over cat food will attract rats - This is not a planning issue as the keeping of cats as pets does not require planning permission.

- Should Milton Estates be notified - Neighbour notification has been undertaken in accordance with the Town and Country Planning (Development Management Procedures) Order 2010 (as amended) and this does not require notification to be sent to Milton Estates.

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 design of the structure does not result in an unacceptably adverse impact on the appearance of the host building or visual amenity of the area;
- the design and juxtaposition of the structure does not result in an unacceptably adverse impact on neighbouring amenity; and

- the proposal does not result in a highway safety hazard.

Hence the proposal accords with Policy CS16 of the Peterborough Core Strategy (2011), the NPPF (2012) and Policies PP1, PP2, PP3 and PP13 of the Peterborough Policies DPD (2012).

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 dismantled by 1st February 2019 and or prior to that within 8 weeks of it no longer being needed for the keeping of cats.

Reason: The structure is lightweight in character and is needed only for a specific purpose. The structure may become surplus to requirement or may become of unsightly appearance over time. This condition is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

Copy to Cllr Fletcher