

**Application Ref:** 15/00671/HHFUL

**Proposal:** Two storey and single storey rear extensions and new 2m high boundary wall - revised

**Site:** 80 Ledbury Road, Netherton, Peterborough, PE3 9PJ

**Applicant:** Mr Shokat Ali

**Agent:** Mr N P Branston mrics  
Branston Assoc.

**Referred by:**

**Reason:**

**Site visit:** 02.07.2015

**Case officer:** Mr D Jolley

**Telephone No.** 01733 453414

**E-Mail:** david.jolley@peterborough.gov.uk

**Recommendation:** **REFUSE**

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

### **Site Description**

The application site is a two storey property located on a corner plot. The street scene is comprised of large detached and link detached properties with a school to the west and Netherton local centre to north-east. The property benefits from two off-street parking spaces to front. Previously approved extensions under application number 14/00895/HHFUL have been constructed.

### **Proposal**

Permission is sought for a two storey flat roof rear extension measuring 5.75 metres deep by 10 metres wide at ground floor and 3.7 metres deep by 6.9 metres wide at first floor. The flat roof will be 5.4 metres above ground level.

### **History**

The site received planning permission in 2009 (09/00156/FUL) for the erection of a single storey front extension, first floor extension above garage to the eastern side, two storey side extension to the western side and single storey rear extension. The development that took place was not in accordance with the approved plans which also contained a number of discrepancies. As a result, subsequent applications were submitted to regularise the situation.

Under the 2009 consent the width of the western two storey side extension was approved at 4.8 metres wide. Application number 13/01691/HHFUL approved an increase in the width of the western extension to 5.2m. In addition, at first floor permission was given for an additional 1.8m from the original rear wall to facilitate a usable disabled bathroom. The previous approved application did not extend beyond the rear wall at first floor. However the 2013 approval did not include the large single storey rear extension shown on the 2009 plans.

Application 14/00895/HHFUL granted permission for the two storey side extension adjacent to the neighbour's garage on the eastern side to be constructed approximately 1.0 metre further forward than the approved scheme under application number 09/00156/FUL and 13/01691/HHFUL. This application also permitted the two storey side extension to the west side of the property, creating a gable end as opposed to the two dormer window arrangement approved under 13/01691/HHFUL.

A garage/outbuilding has also been partially erected in the rear garden with a tarmac vehicular access. This aspect does not form part of this application.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/00376/HHFUL	First floor and ground floor additional extensions and new 2.00m high boundary wall	Withdrawn	07/05/2015

## **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**

### **PCC Enforcement Team**

No comments received

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

Initial consultations: 31

Total number of responses: 6

Total number of objections: 6

Total number in support: 0

The site is already overdeveloped and unsightly. The front of the building has mounds of waste material that cannot be removed unless an environmental problem occurs.

It would appear that there are works to the existing two storey west extension forming a balcony.

The drawings are inconsistent. On the application 15/00376 HHFUL the western two storey extension was shown as existing with the ground floor projecting further back and a roof over the single storey kitchen. Drawing 14.114/1A appears to show a ground floor extension of the west wing with a pitched roof forward of the first floor on elevation but on plan are in the same plane.

The boundary wall is built in excess of the ownership and on land owned either by the Peterborough City Council or the highway authority, this should be verified with the land Registry as the client clearly will not agree.

Please note that on the web site that 14.114/4B is not shown as listed, it is 3B and therefore this should be shown to enable a full assessment to be made without detriment to all parties. The agent should be required to show the new walls on the proposed ground and first floor. Regarding the prior application for the single storey extension clearly the foundations for the extension will be on the land owned by the resident to the east and notice should have been served and there is a Party Wall issue. If there is no extension of the first floor it should not be necessary to extend the ground floor, in addition this extension reduces the rear garden an area less than the 50% recommended.

This property is no longer in keeping with the area.

From the information provided it would appear that the proposed new lounge still has a span of 5.5m and a width of approximately 9.5m an area of 52.25sq.m. Having already two lounge areas indicated on the drawing and a kitchen dining area that is 12,7m long this appears not justifiable.

At first floor the new extension to the bedroom is still 3.5m deep. Thus there will be a pitched roof that is 2m deep over the lounge. At first floor the roof shown is still a flat roof that is incongruous. Drawing 4B is missing on the web site and this must be surmised.

It is extremely difficult to construct this extension with the requirement for a set of double steel beams to span the 9.5m and beams that would be about 450mm. deep without intermediate support. With intermediate support the beams would be 305mm. deep.

How many people will be accommodated bedroom 5 and bedroom 6 given that existing walls are returned to subdivide the rooms?

The existing extension to the west of the property shows a bedroom with rear south wall immediately above the ground floor, as noted this is not as the original application on the rear elevation of existing. The existing rear window to bedroom 4 is still deeper than the former approval and subject to comment by the enforcement officer. The Juliet balcony shown is totally out of character with the surrounding property and will cause overlooking of rear gardens to Audley Gate.

Provision of bedrooms this size would be capable of forming living/bedroom areas in shared accommodation or even that of old person's accommodation. I note that the applicant wishes to live in the property as a single dwelling but conditions should already be in force to prevent change to this form of accommodation that can only be prevented by condition.

The building is so large that the garden surely is too small for the number of persons capable of being accommodated in the house, currently estimated as ten if only the bedrooms are used to accommodate persons.

It is hard to believe that the applicant, apparently a solicitor, will occupy this house as claimed given the existing timescale and the piecemeal way in which the development has proceeded and animosity created with the local residents.

As the existing fence has been damaged I can see no reason why the boundary wall cannot be approved providing it is on the correct line of ownership 225mm. thick brickwork with a concrete coping stone or brick on edge coping and double tile creasing below. The wall however should be constructed on the line of the legal boundary not where the client believes it to be.

The proposed is basically over development, piecemeal out of character and should be refused.

It is now a huge 3 storey monolith, taking up the full plot width (16 metres as verified by the Land Registry) The new rear extension is exactly the same size as the one demolished under your instructions for contravention of planning? It will have a 60 sq mtr flat roof visible from Audley Gate which will be 3 mtrs high and not blend with any part of the property and exceed the 50% rule on extensions.

The garden wall does not require permission but is not marked correctly on the original site boundary (red line) being more than 3 metres on highways land.

Double gates front and back with a parapet wall over (slipped onto one of the plans) points to a future double length garage and drive, which among other contraventions would be too near the road junction and all built on highway land not on curtilage of no 80.

Details of Development application wrong;

(g) building within 2mtrs of boundary.

(h) Extensions now exceed the 50% rule, as every extension as passed by your department has been built larger than approved.

The original plot size has been enlarged onto highways land (i have the evidence) even further than the 600mm negotiated in 2010 with Highways by Peter Garnham to "avoid conflict", his words not mine. Highways are now asking again for the fence to be moved back to the agreed/approved position.

Finally after a dozen applications on this property over six years it's time to call a halt. Planning violations enforcements are not shown on the planning portal WHY? I suggest you put a planning embargo on this property using the 50% rule, so that all the Netherton residents can get back to a less stressful existence by not wondering what was going to be built next.

Firstly I would like to state that the building of this property is not in line with the initial plans submitted to you. The property itself is already over developed. It already contains six double bedrooms and will generate further traffic which would serve the property. This property already has two separate entrances. One entrance which leads to the house via Ledbury and another entrance which leads to the garage/outbuilding/ bungalow which has been built at the back of the house in what once was the garden. There is now no garden or greenery to support both properties.

The full application follows the same theme as that previously refused I believe that this property is already over developed particularly in this prominent site irrespective of the building project management. The house already contains six double bedrooms and will generate a considerable on traffic serving the house.

Furthermore, as you are aware I wrote to you with regards to the damage that has taken place to my garage due to the applicant not adhering to his initial plans submitted to you. The plans showed a gap between the proposed extension and my garage but when the extension was built it was joined to my garage. The roof on my garage now holds water which it had not done so before, the water leaks through the garage roof, through the ceiling and down the walls, which I might add holds the electricity fuse box and switch, not only that the water is damaging goods and precious belongings that we have stored in the garage for safe keeping, but due to this extension being wrongly built I am losing personal belongings but have a very wet and damp garage.

We have had several visits from planning officials. Mr D Jolley, planning officer inspected the property and took some photographs of the problem. He could clearly see the issues we face. Mr Sam Thorpe from Building Control also visited, he inspected the property and promised me that he would not sign anything off for the extension until this issue has been sorted out, again the issue has not been sorted out and it seems work can go ahead with the Mr Ali's plans.

I find it intolerable that this type of property has been given permission to be built to the extent it has been. This property has gone from a 3 bed-roomed house to a 7 bed-roomed house and it now has a potential bungalow in the back garden - when planning permission was originally sought it was to be a garage. In no way is this a garage. On another planning application it changed from a garage to an outbuilding. This site is clearly overdeveloped.

I would ask that this is reviewed as an urgent matter as not only is this causing me and my family anxiety, but it is also causing damage to my property due to the plans not being followed accurately. Surely this is against the law?

In regard to planning application 15/00376/HHFUL, I wholeheartedly object on the grounds of overdevelopment of the site and would ask that previous work is looked into first before any further planning permission is considered which may also affect my property once again.

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

The main considerations are

- Boundary issues and application information
- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwelling
- Highways impacts

### **Boundary issues and application information**

At the time of writing the LPA are of the opinion that the submitted red line is inaccurate because the application included land not in the ownership of the applicant (i.e. part of the highway verge), the applicant should have served notice on the land owner. This was not done originally but has now been addressed.

There was a slight discrepancy with the as existing elevation drawings. The as existing floor plans plan does not match the as existing elevations, the as existing elevations show a small section monopitch roof which is not present on site. The agent has now submitted accurate plans in this respect. Notwithstanding this the error is not considered to materially affect the consideration or determination of the application.

### **The impact of the proposal on the character of the area**

The dwelling has been extensively extended to the sides and front and a large garden building has been erected. The site already appears as over developed when compared to the surrounding dwellings of Ledbury Road. The extension, although partly obscured by the large two storey side extension will be visible from Audley Gate to the south. It is considered that from this location the dwelling will appear unacceptable bulky, especially when viewed against the attached neighbour.

The size of remaining garden is not characteristic of other dwellings on Ledbury Road and as such any further additions to the property must be considered to be overdevelopment.

The proposed flat roof to the two storey extension is not compatible with the character of the host dwelling. Whilst the apartment block adjacent has a flat roof, this is no justification for incorporating such a large area of flat roof at the application site, which should reflect the character of the dwelling and its similar neighbours. As such the flat roof will appear as incongruous and it is likely that this element would be an unwelcome focal point in wider views as the site is approached from the south.

The proposal would also result in an encroachment into the highway verge adjacent to the application site. This verge forms an important space between the highway and the large side extension already constructed. Given the large scale of the dwelling it is important to retain this verge in its entirety in order to prevent the dwelling from dominating wider views.

### **The impact of the proposal on the amenity of the occupiers of neighbouring dwelling**

The application site is connected to its neighbour 78 Ledbury Road. Previously this was a garage to garage connection but the garage of the application site has been replaced by a two storey extension. The neighbour has an extension to the rear of his garage and the proposed ground floor extension would project beyond the neighbour's extension by approximately 2.0 metres. The ground floor extension will have a mono pitch roof connection to the two storey element of the proposal, this roof is 2.4 metres above ground level at the eaves and 3.2 metres at the apex. This extent of development is unlikely to result in unacceptable overshadowing or be overbearing to the occupiers of 78 Ledbury Road.

The 1st floor rear extension is set in approximately 2.9 metres from the shared boundary and projects 3.5 metres beyond the rear wall of the dwelling. The neighbour will experience a small amount of additional overshadowing in the late evening but this is not severe enough to warrant the refusal of the application. The extension will not be overbearing to the occupiers of the attached dwelling.

There is a dispute between the neighbour and the applicant with regard to damage caused by the implementation of a previously approved extension. The dispute is a private law matter and is not relevant to this application and is not a material consideration in the determination of the application.

All other neighbours are sufficiently far from the application site as to not be affected by this proposal.

As the site is residential in nature there is no reason to believe that the additional living space would result in unacceptable harm to nearby neighbour's amenity through noise disturbance.

### **Highways impacts**

The proposal extends two bedrooms but does not increase the number of bedrooms approved under application 14/00895/HHFUL and there is sufficient parking provision for the dwelling.

### **Other matters**

An objector has highlighted that one of the plans submitted by the applicant was not uploaded to the council's public access pages. This has now been undertaken and neighbours reconsulted for a full 21 days.

An objection has been received stating that development now exceeds 50% of the site area and such permission should be refused. The 50% 'rule' is only a relevant consideration in determining if planning permission is required for a development.

Objectors raise concerns about the scale of the outbuilding. The size of outbuilding is within permitted development allowances and as such does not require planning permission.

Finally objectors have raised concerns regarding what the dwelling and outbuilding could be used for in the future. This cannot be a consideration in determination of the application. The application must be determined in accordance with the information submitted.

## **6 Conclusions**

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.

## **7 Recommendation**

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED**

- R 1 The proposed two storey rear extension, by way of its size and flat roofed design constitutes overdevelopment of the plot and is a bulky and incongruous addition to the dwelling that unacceptably harms the character of the area. This is contrary to policies PP2 of the Peterborough Planning Policies (DPD) 2012 and policy CS16 of the Peterborough Core Strategy (DPD) 2011.
- R2 The proposal by way of encroachment into the adjacent highway verge, would result in the loss of an important landscape buffer between the public realm and the application site, this would be detrimental to the character of the area. This is contrary to policies PP2 of the Peterborough Planning Policies (DPD) 2012 and policy CS16 of the Peterborough Core Strategy (DPD) 2011.

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