

Application Ref: 16/02049/FUL

Proposal: Proposed five-bed single storey dwelling

Site: Firwood, First Drift, Wothorpe, Stamford

Applicant: Mr Simon Robinson

Agent: Mr Jon Gibbison

Referred by: Wothorpe Parish Council and Cllr Over

Reason: Request that the application is debated at Planning Committee

Site visit: 01.12.2016

Case officer: Mrs J MacLennan

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Recommendation: **REFUSE**

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

Site and surroundings

The application site is approximately 0.19 hectares and is part of the rear garden area to 'Firwood' which is a long narrow cottage of an attractive arts and crafts style which is orientated perpendicular to First Drive, Wothorpe. Wothorpe is an area of low density residential development set in mature grounds. As such it has a semi-rural character which blends into the open countryside surrounding the village. Because of its distinct character the village has been designated as a Special Character Area (SCA) under policy SA19 of the Peterborough Site Allocations DPD.

Until relatively recently the built form of the settlement was characterised by large dwellings set on large plots however, over recent years there have been several 'backland' and 'infill' developments. Firwood is located on the south western side of First Drift and the rear garden area abuts the open countryside and falls away to a shallow valley. Properties within the immediate context have avoided the sub-division of plots and subsequent backland development. The rear gardens are generous and assimilate into the open countryside beyond.

Proposal

The application seeks approval for the erection of a single storey bespoke 5 bedroom bungalow with integral garage. The dwelling would be positioned 14.5m to the rear of 'Firwood' and would have a footprint of approximately 26.5m x 20m and a height varying from 3m to 4m.

The dwelling would be accessed via a shared access off First Drift which would divide into two independent driveways.

The proposal would include the demolition of existing garages and shed as well as the rebuilding of a new garage for Firwood adjacent to the existing house.

The dwelling would be designed to full accessibility standards specifically to accommodate the applicants' son who is severely disabled.

2 Planning History

Reference	Proposal	Decision	Date
13/00087/FUL	Erection of Detached House and replacement garage	Refused	25/03/2013
P0920/79	Erection of one dwelling (outline)	Refused	12/10/1979

Both these refusals were subject to appeals and both were dismissed.

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.

Section 6 - Backland Development

Inappropriate development of residential gardens where harm would be caused to the local area should be resisted.

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

CS02 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in strategic areas/allocations.

CS10 - Environment Capital

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

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.

CS20 - Landscape Character

New development should be sensitive to the open countryside. Within the Landscape Character Areas development will only be permitted where specified criteria are met.

Peterborough Site Allocations DPD (2012)

SA19 - Special Character Areas

To preserve the character of Wothorpe, Thorpe Road and Ashton proposals will be assessed against specific criteria in respect of garden sub-division, extensions and alterations, design including site analysis and trees. Proposals for Wothorpe will also be considered against an additional criterion in respect of landscape character.

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.

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

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 (Preliminary Draft)

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 document ran from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

Design and Development in Selected Villages SPD (2011)

4 Consultations/Representations

Archaeological Officer - No objections - The proposed development is unlikely to affect important buried remains.

PCC Transport & Engineering Services – No objections - The proposed development is served from First Drift which is a private road, the construction of one dwelling will not have a detrimental impact on the surrounding highway network.

PCC Building Control - The driveway must be constructed to be suitable for reversing fire service vehicles

PCC Tree Officer – No objections - Within the site boundary is a group of six Ash subject to Tree Preservation Order (TPO) 01/2013. Supporting the application is a Tree Survey which identifies the tree resource and plots them on a plan. However, the report was not produced in relation to the layout of the site and therefore it doesn't provide an interpretation on in the impact of the proposal on the TPO and remaining trees, or how the trees will affect the proposal. The layout/ design for the proposal takes into account the relationship to trees and sufficient space is retained in order to retain all significant trees. There appears to be room to accommodate the proposal from a desktop point of view but root protection areas etc haven't been applied. It is likely that the proposal is feasible but with certain caveats. The tree report identifies the removal of a number of low quality trees (including those subject to a TPO). As the proposal is to the south of the trees shading is unlikely to be a significant issue. Also being a single storey dwelling there will be less problems with future growth in contrast to a two storey dwelling. It is likely that the impact on the root protection area of the retained trees would be low. However, the impact of construction, storage of material, access and the final landscaping could accumulatively be significant. A Tree Protection condition is recommended.

PCC Rights of Way Officer - No concerns regarding the Public Right of Way

PCC Conservation Officer – Objects - Planning permission was refused under Ref: 113/00087/FUL for a substantial sized building with separate access off First Drift. This was refused for reasons that the sub-division of the plot would harm the form and pattern of this part of the village, which has so far avoided backland development and would affect the appreciation of the village setting, viewed from the public right of way to the west. The subsequent planning appeal was dismissed and the Inspectors Report, particularly paras 9 and 10 detail the inspectors agreement with the Local Planning Authority on this matter. It is appreciated that the agent has proposed a substantially different building, in order to reduce its dominance and now with a shared access with Firwood. However, it is the principle of sub-division of the site, in this part of the village, that is the issue and that this should be avoided. The principle of the unacceptability of subdivision was agreed in the Inspector's decision. Indeed in para 9, the Inspector's report makes reference to the consequence of approving development for setting a precedent ... "that allowing this appeal would make it difficult for the council to resist other proposals for backland development within the curtilage of other plots on this side of First Drift, with the result that the character of this part of the village and neighbouring countryside could be progressively eroded".

It is considered that for the same reasons as the earlier proposal, the development would be highly visible in views of the settlement from the open countryside and rising land to the west. Notwithstanding the changed scale and form of the proposed dwelling, and this impact would be compounded by similar development to neighbouring plots. The proposal would harm the low density character and appearance of this part of the settlement, and this view is supported by the Planning Inspectorate.

Ramblers (Central Office) - No comments regarding the application.

Wothorpe Parish Council – Recommends the application is discussed at Planning Committee – The planning issues surrounding this application and the needs of the Robinson family should be brought together in order that a balanced determination may be made. We do not believe that we have within our Parish Council the experience, the technical knowledge or access to the case histories concerning similar situations to make such a determination. Accordingly, we wish consideration of this application to be brought before the Planning Committee who will have the knowledge and judgement we lack. We also wish that this E mail be made available to the Committee members in order that its contents may inform their deliberations.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 1 (Parish Council)

Total number of objections: 1

Total number in support: 0

Councillor Over - Fully supports the Parish Council request and it's referral to the planning sub-committee

5 Assessment of the planning issues

Background

The application site has been subject to a number of planning applications. In 1979 under reference P0920/79 outline planning was refused for the erection of a dwelling and was subsequently dismissed at appeal. More recently a planning application under reference 13/00087/FUL was refused for the erection of a two storey dwelling to the rear of Firwood and this was also dismissed at appeal. A copy of the 2013 Appeal Decision letter is attached in Appendix 1.

Earlier this year a pre-application enquiry was submitted for a single storey dwelling. The Officer's view was that although the proposal for a single storey dwelling was substantially different to the former scheme, the principle of the sub-division of the site could not be supported.

The principle of development

The site lies within the village settlement boundary of Wothorpe, which is a small village located close to Stamford. The principle of residential development within the settlement boundary is supported under policy CS2 of the Adopted Peterborough Core Strategy DPD. The village is a relatively sustainable location, being close to services and facilities in the nearby town of Stamford, however, the proposal would be 'backland' development and the National Planning Policy Framework advises that the development of domestic gardens should not be supported where it would cause harm.

Wothorpe is designated as a Special Character Area under Policy SA19 of the Site Allocations DPD. The policy sets out specific criteria for assessing proposals for development in SCAs. The first of these criteria, states that there should be no subdivision of gardens if this adversely affects the character of the area.

Planning permission was refused under Ref: 13/00087/FUL for a substantial sized two storey dwelling with separate access off First Drift. This was refused as it was considered that the sub-division of the plot and development to the rear of Firwood would harm the form and pattern of this part of the village which has so far avoided 'backland' development. The development would be clearly visible when viewed from the public right of way to the west. The subsequent planning appeal was dismissed and the Inspectors Decision, particularly paras 9 and 10 supported this matter. (The Appeal Decision is appended to this report). At para 9 the Inspector makes reference to "the soft edge of the village in this location and that the unbroken green boundary in this location is an asset in its own right which would be devalued if the proposed development was carried out." The

Inspector also went on to state the further consequence of approving development for setting a precedent ...”that allowing this appeal would make it difficult for the Council to resist other proposals for backland development on this side of First drift with the result that the character of this part of the village and neighbouring countryside could be progressively eroded”.

At para. 10 of the Appeal Decision the Inspector goes on to refer to how the character of the settlement edge at this part of the village would change as a result of the development which would be more noticeable in the months when the trees were not in leaf.

It is acknowledged that the proposal is for a single storey dwelling which would have a maximum roof height of 4m and would appear less prominent to views from the public right of way. However for the same reasons as the earlier proposal, the development would be highly visible to views of the settlement from the open countryside and rising land to the west, notwithstanding the changed scale and form of the proposed dwelling.

There are dwellings to the west of the site at Kopriva and Beck Cottage with similar sized plots and to allow development to the rear of Firwood would make proposals for further backland development on these plots difficult to resist. Thus the impact of the character of this part of the village would ultimately be compounded by similar development to neighbouring plots. It is considered that the proposal would harm the low density character and appearance of this part of the settlement, and this view is supported by the Planning Inspectorate.

It is considered that the principle of the development is not supported as the proposal would be unsympathetic to the immediate low density character and appearance of the settlement in this location and would be contrary to Policy SA19 of the Adopted Peterborough Site Allocations DPD, Policy CS20 of the Adopted Peterborough Core Strategy DPD, section 6 of the National Planning Policy Framework and to the advice within the Design and Development in Selected Villages SPD.

Personal Circumstances

The proposal is to erect a bespoke dwelling due to the personal circumstances of the applicant. The applicants' son has suffered a spinal cord injury and now requires full time care. After a long period in hospital he is now home in Stamford and he returned to school in September. The bespoke dwelling would provide an environment that would meet his current and future needs, within the Stamford area, close to his friends and his school.

The family are renting accommodation in Stamford which is over three floors however this type of property is not suitable in the long term as the only accessible area is restricted to the ground floor with no access to shower facilities, etc.

The family have been looking for suitable accommodation, however this has proved very difficult. The current housing stock in Stamford is not suitable and Developers of new housing schemes have been approached but are not able to adapt current housing designs to meet the family's needs.

Letters from the G.P and Occupational Community Therapist have been submitted in support of the application.

This is a material consideration to be taken in to the balance of planning considerations in determining this application. The Officer empathises with the needs of the family and is sympathetic regarding the difficulty of finding suitable accommodation. However, the personal circumstances are given limited weight as it is considered that alternative sites could be found and the personal circumstances do not outweigh the principle objections as set out in the appeal decision.

Design

The surrounding development in First Drift is considered to comprise an eclectic mix of styles with more traditional development alongside modern styles. It is considered that the design and style of the dwelling would in itself not be out keeping with the surrounding character when viewed in the context of development within First Drift. The dwelling would be finish in red Cedar and white/grey render.

In addition the position of the dwelling would be directly to the rear of 'Firwood' and as the dwelling would be single storey it would not be directly visible from First Drift.

To the front of the site is a brick wall which is protected under policy PP17 of the Adopted Peterborough Planning Policies DPD. Part of this wall would need to be removed to accommodate the access, however, given the number of access points off First Drift it is not considered that the loss of the wall and widening of the access would harm the character of the street sufficient to form a reason for refusing the scheme.

The design of the dwelling, should the principle be supported, would therefore comply with the principles of policy PP2 of the Adopted Peterborough Planning Policies DPD and policy CS16 of the Adopted Peterborough Core Strategy DPD.

Residential Amenity

The proposal would provide a good level of amenity for the future occupiers. The dwelling would be served with a large garden area, independent driveway and adequate parking provision. All habitable rooms would be provided with natural lighting.

Although the garden area to the host dwelling at 'Firwood' would be reduced an adequate garden area would be retained.

The dwelling would be single storey and positioned some 14m from the host dwelling, thus there would be no overbearing impact or loss of amenity to the occupiers of Firwood as a result of the development.

A 1.8m high boundary fence would be positioned to the north east of the host dwelling at Firwood which would protect the amenity of the occupiers of this property from potential noise and disturbance caused by the general activity associated with the proposed dwelling.

The proposal therefore accords with policy PP4 of the Adopted Peterborough Planning Policies DPD.

Neighbouring Amenity

The dwelling would be positioned some 45m to the rear of First Drift. It would be approximately 5m from the shared boundary with the dwelling at 'Kopriva' to the south west and this would be at the far end of the neighbouring garden. There would be a separation distance of at least 14m to the host dwelling at 'Firwood'. As the dwelling would be single storey it is not considered that the proposal would unduly impact upon the amenity of the neighbouring occupiers, hence the proposal would accord with policy PP3 of the Adopted Peterborough Planning Policies DPD and policy CS16 of the Adopted Peterborough Core Strategy DPD.

Landscape Implications

The site contains a number of trees including a group of 6 Ash Trees which are the subject of a Tree Preservation Order (TPO) 01/2013. A Tree Survey has been undertaken and supports the application. The report however was produced in relation to the layout of the site and therefore does not assess the impact of the proposal on the TPO trees or other remaining trees within the site. A number of low quality trees would be removed.

The Tree Officer has assessed the application and considers that the dwelling could be accommodated without detriment to the remaining trees subject to appropriate tree protection. It is also considered that as the proposal is to the south of the trees shading is unlikely to be a significant issue (although the northern eastern elevation may be very dark in the summer). Also being a single storey dwelling there will be less problems with future growth in contrast to a two storey dwelling. It is likely that the impact of the development on the root protection areas of the retained trees would be low. A tree protection condition would be appended to the decision to ensure the trees are protected during the construction period.

It is considered that the proposed dwelling could be accommodated without impact on trees within the site and therefore the proposal would accord with policy PP16 of the Adopted Peterborough Planning Policies DPD.

Highway Implications

The proposal will utilise a shared access with Firwood, with the driveways splitting and separating within the site. Both driveways are in excess of 4m in width and are adequate in practical terms to allow 2 vehicles to pass and safely accommodate the anticipated level of traffic.

First Drift is a private road and there are no implications for the adopted highway. The proposal would provide adequate parking for the new dwelling and for the existing dwelling in accordance with policy PP13 of the Adopted Peterborough Planning Policies DPD.

Environment Capital

The application states that the proposed bungalow would exceed current building regulations in terms of energy use in accordance with policy CS10 of the Adopted Peterborough Core Strategy DPD.

Archaeology

The proposed development is unlikely to affect important buried remains.

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**

The proposed sub-division of the plot and the erection of a new dwelling would be detrimental to the pattern of development in this part of Wothorpe which has so far avoided backland development. The proposal would be highly visible from views from the open countryside and would be unsympathetic to the immediate character of the area and would diminish the special low density character and appearance of this part of the village. The proposal, if successful, would make further development in neighbouring plots difficult to resist which would progressively erode the soft edge of the settlement boundary with the open countryside. The personal circumstances of the applicants' family are not considered to be such that the planning policy matters are outweighed.

The proposal is therefore contrary to policy SA19 of the Adopted Peterborough Site Allocations DPD, Policy CS20 of the Adopted Peterborough Core Strategy DPD, section 6 of the National Planning Policy Framework and to the advice within the Design and Development in Selected Villages SPD.