

Item No: 2

Planning and EP Committee 3 April 2018

Application Ref: 18/00092/HHFUL

Proposal: Proposed Single Storey Rear Extension

Site: 8 Borrowdale Close, Gunthorpe, Peterborough, PE4 7YA
Applicant: Mrs Terri Kitoto Luhata

Agent: Mr Sajan Varghese
BRETWAY Designs

Referred by: Councillor Davidson

Reasons: The proposed extension will be overbearing to surrounding neighbours as a result of its height. In addition, the proposed extension would impact upon the party wall between No. 7 Borrowdale and No. 8 Borrowdale Close.

Site visit: 06.02.2018

Case officer: Mr Jack Gandy
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Recommendation: **GRANT** subject to relevant conditions.

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

Sites and Surroundings

The application site comprises a semi-detached dwelling located within a residential area. The property is built in dapple brick and is set approximately 7.8 metres back from the highway. The site's garage is detached from the dwellinghouse and is set further to the rear of the site, with access from Borrowdale Close. Properties within Borrowdale are predominantly in the form of detached bungalows, however, upon entry into Borrowdale Close from Coniston Road, Nos. 1 to No. 14 are semi-detached two storey dwellings.

Proposal

Permission is sought for the construction of a single storey extension to the rear of the property.

The proposal would project 4.4 metres in depth and would measure 5 metres in width. The extension would include a flat roof set 2.9 metres high from ground level. In addition to the flat roof, a pitched roof light would be fitted on top of the flat roof, which would measure 3.6 metres high from ground level.

Two ground floor windows are also proposed to the side elevation of the dwellinghouse. One window would be fitted to the original house and would serve a dining room. The second window would be fitted to the side elevation of the proposed extension serving the kitchen.

2 Planning History

Reference	Proposal	Decision	Date
17/01615/HHFUL	Proposed two storey rear extension, front porch and additional windows on side elevation	Refused	01/12/2017
P0732/76	Residential development of 14 houses, 11 chalets and 15 bungalows (approval of reserved matters)	Permitted	02/11/1976

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.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

Peterborough Local Plan 2016 to 2036 (Proposed Submission 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 Proposed Submission version of the Local Plan will take place during January and February 2018 after which the responses will be reviewed ahead of submission to the Secretary of State.

This plan was approved Cabinet for consultation on 13 December 2017. It is, therefore, classified as an 'emerging plan'. Paragraph 216 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making progress, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At the final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

4 Consultations/Representations

Werrington Neighbourhood Council

No comments received

Local Residents/Interested Parties

Initial consultations: 7

Total number of responses: 8

Total number of objections: 8

Total number in support: 0

Councillor Davidson

Objection - For the following reason:-

The proposed extension will be overbearing as a result of its height. In addition, the proposed extension would impact upon the party wall between No. 7 Borrowdale and No. 8 Borrowdale Close.

Summary of comments received from the both rounds of consultation.

Eight letters of objection were received from surrounding neighbours and nearby residents raising the following issues:-

- The proposal is too high.
- With the rooflight, the proposal would be unacceptably intrusive to neighbour privacy, natural sunlight and view when enjoying their rear garden.
- The length of the extension would obscure neighbouring views of blue sky and sunlight due to the current, staggered layout of dwellings along Borrowdale Close would obscure the early morning sunlight. This would be lost if the extension were to be approved.
- Noise and extra traffic from building the extension would have implications on all neighbours including those that work nightshifts.
- No. 8 Borrowdale Close is on a higher level than our neighbouring property. As such, the proposal would result in reduced light levels.
- The proposal would result in an unacceptable loss of privacy due to its size and closeness to the boundary of Eskdale Close properties.
- The single storey extension would be greater in height than the garage and would appear imposing and out of context.
- Extension is not in keeping with single storey extension at No. 9 Borrowdale Close. It would be of a greater height, size and design.
- The extension, with its roof light, would not match to the aesthetics with nearby dwellings.
- The proposal would shadow over our property, causing loss of light along with loss of sunlight (affecting the right to light to this neighbour).
- The proposal would be completely out of character to the surrounding area. No one within Borrowdale Close has extended to this degree.
- The rear garden to No. 8 Borrowdale Close would be overdeveloped.
- The proposal is close to the neighbour's boundary, where it would significantly impact and invade upon their privacy.
- The proposal is out of keeping in size and shape with other properties along this established estate.
- The proposal could set a precedent for similar applications, which would destroy the green spaces behind Eskdale Close and Borrowdale Close.
- It is considered that the applicant is trying to work towards a two storey extension.
- The height of the proposal would be detrimental to No. 7 Borrowdale Close, as well as bring light and noise pollution to residents at the rear. The rooflight would presumably cast light and project

noise from the extension to neighbouring properties.

- No 6 Borrowdale Close received no notification of the planning application.
- The plans submitted lack full measurements and dimensions.
- There is a request for deeper foundations, which would enable the applicant to build a two storey extension.
- The works would bring noise pollution and congestion to the surrounding area.
- There is a fear that this dwelling will be used as a 'multi-occupancy rental property'.
- The rooflight is an eyesore. There are no other structures or extensions with lanterns to any properties to the surrounding area.
- The proposal would affect the neighbouring kitchen/diner and back garden due to the overbearing and overshadowing impact from the proposal.
- A reduction in light levels would also have an adverse effect upon the neighbour's living space and garden.
- There would be no natural daylight due to this dominant extension.
- A loss in total privacy due to the closeness and height of the extension.
- The aesthetics of the extension would not be in keeping with any of the properties surrounding it and would look out of place. It is simply very out of character and an eye sore to those who would have to view it day in day out.
- The neighbour would be exiting their back door to a dominant brick wall to their boundary, which would be oppressive and dark.
- The neighbour will object to the Planning Inspectorate if this extension is accepted by planners or the Planning Committee.
- The neighbour states that following refusal of the two storey extension (planning application ref: 17/01615/HHFUL), the applicant and the planners would 'come to their senses' as to all the reasons for all the objections surrounding neighbours have put forward. It is very disappointing to undergo all this stress and anxiety this causes. After all, it's not just about "bricks and mortar" but the lives of people and their living space that is so important.

5 Assessment of the planning issues

The main considerations are:

- Design and impact to the character and appearance of the site and the surrounding area
- Neighbour amenity
- Parking provision

Under the original plans submitted, the proposed extension measured 3.2 metres in height at flat roof level and 3.7 metres in height to the rooflight. However, Officers considered that the design of the extension could be improved with a reduced roof height for the benefits to character, appearance and to surrounding neighbours. The agent submitted revised plans and these have been considered as such.

a) Design and impact to the character and appearance of the site and the surrounding area

It is considered that the proposed extension would not appear overly out of proportion and scale with the existing dwellinghouse. Whilst the proposed extension would exceed the height of the garage by approximately 0.4 metres, it is considered that the proposal would remain a subservient addition to the dwellinghouse and would not be of detriment to the site's character. A respectably-sized garden would remain to the rear of No. 8 Borrowdale Close.

The facing brick to be used would match to the existing property, allowing a consistent visual appearance to the walls. Unlike the existing house, whilst a tiled, pitched roof is not proposed, it is not considered that an extension with a flat roof would be out of keeping with the site or the surrounding area. The rooflight would be serve subordinately to the proposed extension.

With the proposal to be located to the rear of the property, views from the surrounding public highways would be limited. The main views of the proposal would be from the rear windows of neighbouring properties. However, the proposal would not unacceptably impact upon surrounding street character and visual appearance as a result of its proposed position.

In relation to the surrounding area, it is noted that there are few single storey extensions to the semi-detached dwellings to Borrowdale Close, but they are not uncommon. The neighbour at No. 9 Borrowdale Close has a flat roof single extension that measures 3.5 metres in depth. Conservatories to No. 1 and No. 4 Borrowdale Close have also been constructed to their rear elevations. It is not considered that the proposed single storey extension would result in an unacceptable level of harm to the character and appearance of the site and surrounding area.

The two ground floor windows proposed to the side elevation, to serve a kitchen and dining room. The proposed design of these windows are considered to be in keeping with the existing windows to the dwellinghouse. In light of all matters above, the proposal is considered to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

b) Neighbour amenity

i) No. 7 Borrowdale Close

This property adjoins to the applicant dwelling and has not been extended previously. To the rear of this property is a kitchen/diner at ground floor level, with bathroom and a bedroom at first floor level. The rear of these properties are separated by a close board fence boundary that measures approximately 2 metres high. Given the single storey height of proposal, which would be no higher than the lowest parts of the windows serving the neighbouring bathroom and bedroom, it is not considered that these rooms would be unacceptably impacted upon by the proposed development via means of overbearing or overshadowing.

The ground floor is served by a kitchen door that is nearest to the shared boundary, alongside another window to the ground floor rear elevation. With the two metre high fence boundary which would screen the lower half of the proposal, there would be a 0.9 metre difference between the flat roof height and this boundary fence, which this part of the extension would be visible from No. 7 Borrowdale Close. However, Officers do not consider that the additional 0.9 metres that would be above the fence line would contribute to an unacceptable level of prominence to this neighbour.

Whilst the roof height, with the rooflight, would measure 3.6 metres above ground level and the flat roof would measure 2.9 metres high from ground level, it is not considered that the level of harm to be caused would be to an unacceptable level, given that the main window is set back from the boundary alongside the 4.4 metre projection of the proposal. In addition, with the primary kitchen window set back, acceptable levels of light would be able to enter the kitchen because the proposal would not exceed the 45 degree rule, measured from the proposed roof line to the centre of this window.

No windows are proposed to the north-west facing side elevation of the proposed extension. The position and height of the roof lantern would not allow clear views towards the neighbouring site or to its windows. As such, taking the above matters into account, it is not considered that the proposal would unacceptably impact upon the privacy, light levels and amenity of No. 7 Borrowdale Close.

ii) No. 9 Borrowdale Close

No. 9 Borrowdale Close is the adjacent property to the south east of the site. The application site and No. 9 Borrowdale Close are separated via their driveways and their adjoining garages. Therefore the separation distance between the two properties is approximately 5 metres.

Officers consider that the proposal would not be unacceptably prominent or overbearing to this neighbour given the separation distance between the two dwellings. The flat roof and roof light would be visible to this neighbour, as a result of the proposed height of the extension to exceed the garages, but given the existing garages and their height and location between the residential sites, its impact would be limited. In addition, the proposal is north of No. 9 Borrowdale Close. As such, the natural sunlight this neighbour receives would not be adversely affected.

The proposed ground floor windows would look out across the driveway of the property and the driveway and side gable elevation of No. 9 Borrowdale Close. There is one high level window to the side elevation of No. 9 Borrowdale Close in its single storey rear extension. As the neighbouring window is high level, the proposed ground floor windows on the application site will not result in any harmful overlooking to this window. The high level window is also a secondary window, with the principle windows to the rear elevation of this neighbouring extension. It is not considered that the proposal would result in significant and adverse harm to this neighbouring window.

Planning Committee Members should take note that permitted development rights allow the installation of windows at ground floor level, to an existing property, without the benefit of planning permission.

On the basis of the above, it is not considered that the proposal would unacceptably harm the amenity of the neighbours at No. 9 Borrowdale Close.

iii) Properties situated along Eskdale Close

The rear of the application site abuts to property boundaries relating to two-storey dwellings along Eskdale Close. This includes No. 16, 18 and 20 Eskdale Close.

The separation distance between the existing rear elevation of the application site and No. 18 Eskdale Close is approximately 24 metres. This distance is similar for No. 16 and No. 20 Eskdale Close. With the proposed single storey extension to measure 4.4 metres in depth, there will still be a separation distance of approximately 19 metres. As such, it is not considered that the proposal would cause unacceptable overbearing to these neighbours. In addition, given the single storey design proposed, along with the orientation of these properties to the north east and the separation distance, the proposal would not cause unacceptably levels of overshadowing to these dwellings.

Bi-fold doors are proposed to the rear of the extension, with one window either side of this door. The proposal would result in the property's windows and doors to be approximately 4.4 metres closer to the Eskdale Close dwellings. However, given the 19 metre separation distance, along the existing fence boundary between the application site and No. 18 Eskdale Close, it is not considered that the proposed rear windows, bi-fold doors and rooflight would unacceptably impact upon the privacy of the dwellings to Eskdale Close.

iv) No. 6 Borrowdale Close

The proposed single storey extension would be approximately 7.6 metres from the boundary to No. 6 Borrowdale Close. With respect to the objection submitted, the separation distance is considered to be sufficient to avoid unacceptable impacts of overbearing, overshadowing and loss of privacy from the proposed development to this dwellinghouse.

In light of the impacts to surrounding neighbours, it is not considered that the proposed extension would result in unacceptable harm to the amenity of surrounding residents. The proposal is considered to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

c) Parking provision

The existing property currently has a long driveway which measures approximately 20 metres in length. As a result of the length of the driveway, two car parking spaces can be comfortably accommodated on site, in accordance with our car parking standards.

The application proposes no change to the number of bedrooms to the property. As such, there is not requirement to further increase the parking provision on-site. As such, the proposal would be in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012).

Other matters

i) Permitted Development

To the rear of semi-detached dwellings, single storey rear extension can be constructed without the benefit of planning permission under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Such extensions could measure up to 3 metres in depth, with eaves no more than 3 metres high and the highest part of the extension be no more than 4 metres from ground level.

Given the above details proposed and what can be built under permitted development, it is not considered by Officers that the additional 1.4 metre depth of the proposal, ahead of what could be achieved under permitted development, is significantly harmful.

ii) Matters raised in Councillor and neighbour representations that have not been discussed above.

- Party wall infringement and impact:- The proposal would abut to the boundary line between the No. 7 and No. 8 Borrowdale Close. However, the proposed development would only be constructed on the land relating to No. 8 Borrowdale Close. In addition, matters of party walls are a civil matter between the owners of both properties, which the Local Planning Authority can have no involvement with.

- Notification to No. 6 Borrowdale:- This property does not share a boundary to No. 8 Borrowdale Close. As such, no notification letter was sent to this address. Following their objection, and with revised plans submitted, this neighbour was consulted on the second set of plans.

- The use of the dwelling as a House of Multiple Occupancy (HMO): No evidence has been provided to state this will occur. However, under permitted development, any residential property under use class C3 could be converted to a small scale HMO (use class C4) without the requirement of planning permission.

- Lack of measurements to elevation plans:- The elevation plans do not include measurements. However, they do include a scale bar and are drawn to scale. As a result, they meet validation requirements and can be considered.

- Future development / First floor extension potential:- Only the development proposed under this application can be considered and not any potential future development on site.

- The setting of a precedent:- Each case is considered on its own merits and no two sites are ever the same.

- Building works operations, including noise and disruption:- This is not a material planning consideration.

- Depth of foundations:- Foundations are not a material planning consideration.

- Loss of view from neighbouring sites:- This is not a material planning consideration that can be taken into consideration in the determination of a planning application.

- Planning Inspectorate - The Planning Inspectorate only becomes available to applicants or planning agents if their applications are refused. When approved, there are no rights of appeal to third parties under the planning system. Outside of the planning system, such parties would need to go through a process called Judicial Review. Details of this can be found on the application's Decision Notice, which is available to view online.

- Proposal following refusal of previous planning application (ref: 17/01615/HHFUL):- The Local Planning Authority has a legal duty to consider planning applications submitted to them, regardless of planning history. This planning application has been assessed as such with an Officer recommendation made.

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 character and appearance of the application and the surrounding area would not be unacceptably affected by the proposed development, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).
- The proposal would not significantly harm the amenity of surrounding residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).
- On-site parking provision would not be unacceptably affected by the proposed development, in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012).

7 Recommendation

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions:

- 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 development hereby permitted shall be carried out in accordance with the following plans:

- Existing Floor Plans (Drawing number PP/18/0216-01)
- Existing Elevations (Drawing number PP/18/0216-02)
- Existing and Proposed Block Plans (Drawing number PP/18/0216-03)
- Location Plan (Drawing number 17/0216-04)
- Proposed Ground Floor Plan (Drawing number PP/18/0216-05)
- Proposed First Floor Plan (Drawing number PP/18/0216-06)
- Proposed Elevations Plan (Drawing number PP/18/0216-07 Revision A)
- Proposed Sections Plan (Drawing number PP/18/0216-08 Revision A)

Reason: For the avoidance of doubt and in the interests of proper planning.

C 3 The materials to be used in the construction of the external surfaces of the single storey extension 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).

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