

**Application Ref:** 18/02078/HHFUL

**Proposal:** Demolition of existing ground floor rear extension and construction of replacement ground floor rear extension, first floor rear extension, cladding of external walls and replacement of roof tiles

**Site:** 3 Maffit Road, Ailsworth, Peterborough, PE5 7AG

**Applicant:** Mr D Goy

**Agent:** Mr Wayne Farrar  
A&S Designs

**Site visit:** 11.12.2018

**Case officer:** Miss Sundas Shaban  
**Telephone No.** 01733 453504  
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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 comprises a mid to late 20<sup>th</sup> Century two storey detached dwelling located within the Ailsworth Conservation Area. The property is brick and tile construction with white upvc doors/windows. It has a forward projecting garage as well as a large driveway to the front which can accommodate several vehicles. The property has a single storey pitched roof element at the rear. The rear garden is enclosed by boundary fencing/plants. The immediate area comprises residential dwellings varying in character and size.

### **Proposal**

The application seeks planning permission for the following:

- Demolition of existing single storey rear extension
- Two storey rear extension measuring 5.6 metres (length) x 4.7 metres (width)
- Cladding/render of external walls of rear elevation and cladding of external walls of front porch
- Replacement windows and roof tiles

## **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.

### **Planning (Listed Building and Conservation Areas) Act 1990**

**Section 72 - General duty as respects conservation areas in exercise of planning functions.**  
The Local Planning Authority has a statutory duty to pay special attention to the desirability of

preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

### **National Planning Policy Framework (2018)**

#### **Section 12 - Impact on Designated Heritage Assets**

Local Planning Authorities should take account of the desirability of sustaining and enhance the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of development great weight should be given to the assets conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to or loss of the significance of the designated heritage assets should require clear and convincing justification. Where a proposed development will lead to substantial harm to the designated heritage assets permission should be refused unless it can be demonstrated that substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm. Where harm is less than substantial this harm should be weighed against the public benefits including securing an optimum use of the asset.

### **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.

#### **CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

### **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.

#### **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 (Submission)**

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 took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018. A Planning Inspector has been appointed and the Local Plan has been through the Examination stage to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 48 of the National Planning Policy Framework 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 process, 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 this 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.

### **LP13 - Transport**

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- 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.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

### **LP19 - The Historic Environment**

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

## **Ailsworth Neighbourhood Plan (2017-2036) (December 2017)**

NHPAIL - Ailsworth Neighbourhood Plan

### **4 Consultations/Representations**

#### **PCC Conservation Officer**

No objections to the proposed extension given it is not in a prominent location. Aside from the cladding the proposed external materials are considered acceptable. An alternative sample of the cladding is required.

#### **Ailsworth Parish Council (APC)**

The Parish feel they can neither approve nor object to the application and ask that it is referred to the City Council Planning Committee for a decision. This is because APC considers that the matters for consideration are very finely balanced and therefore the Planning Committee should make the decision.

#### **Peterborough Local Access Forum**

No comments received.

#### **PCC Rights of Way Officer**

No objections.

#### **The Open Spaces Society**

No comments received.

#### **Ramblers (Central Office)**

No comments received.

#### **PCC Tree Officer**

No objections as there are no high amenity value trees onsite that will be affected by the proposal. However, it is not known whether off-site tree removal/pruning is necessary therefore details of any tree works should be submitted.

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

Initial consultations: 4

Total number of responses: 13

Total number of objections: 13

Total number in support: 0

A number of objections have been received from local residents/interested parties citing the following concerns:

- The extension would approximately double the width of the building which removes virtually all the sun for no.5 in December/January time.
- Maffit Road is a street where you do generally expect a bit of room around your house and the proposed extension being right on the boundary would take away the sense of openness.
- Moving the extension 2 metres away from the shared boundary with no.5 would reduce the impact on this neighbour.
- The Juliette balcony would be intrusive to no.5 and should therefore be changed into a window.
- The overbearing scale of the building proposed on the boundary would have a significant negative impact on the neighbouring property, No5 Maffit Road.

- The height of the extension would visually impose upon the living space of no.5 and loss of light would greatly reduce their ability to enjoy the amenity that they currently have.
- To achieve the extension the builders would have to have access from No5 with scaffolding and building materials in the property causing massive unnecessary disruption to the occupants of No5.
- Allowing such a dominating structure located on the boundary of two properties would leave a grave precedent for future building projects in the Ailsworth conservation area.
- Extension is overbearing and out of keeping with other properties in the area
- Plans are not in keeping with the village plan.
- Maffit Road has a Rural, modest look. Although mixed in building materials the materials and scale of each house does not stick out.
- The position of the house on the road itself will also give it more prominence and will determine the overlook entering the main part of the road. It will also be very prominent in terms of the sightline Castor Church from the access road coming into the village - this goes directly against the neighbourhood plan, policy CH1.
- The materials and balance of the materials and colours are insufficiently described but appear to have a large amount of cladding which is not in line with Neighbourhood Policy CH1.
- The proposed two storey rear extension is too large, with such a prominent pitched roof line and its sheer overall size.
- The proposed development is out of character with the semi-rural ambience of its location.
- Alternative avenues should be pursued such as a loft extension or building above their garage in order to reduce impact on no.5.
- A two storey extension right on the boundary of a neighbouring property would set a dangerous precedent for any future similar applications in the Ailsworth conservation area.
- The extension wall and roof are far from acceptable, depriving No5 of natural light directly into the house and also onto the garden and patio.
- As Ailsworth and Castor lie within a renowned Conservation Area one wonders if consideration has been given to ensure this planning application adheres to previous planning criteria and is within the ethos of both villages.
- Should this application be accepted, it surely opens the floodgates to numerous other applications which totally contravene the historical and environmental aspects of Ailsworth and Castor as well as the long established principles of care and consideration towards ones neighbours.
- The Applicant states that no trees will be affected. To allow construction 2 mature trees at no.5 will have to be severely pruned or removed.
- The Application states that no 3 is not visible from a public footpath or road. This is factually incorrect as the property is completely visible from the west (Sutton road/public footpath).
- The Applicant states he owns all of the land affected. He can only construct the extension by putting foundations on the property at no 5. Therefore this is incorrect.
- The garage at no 5 is not shown on the block plans, therefore how can the planning officer and building control assess the full impact on the property at no 5.
- The Application states "recladding of the property at no 3". There is currently no cladding on any elevation of no 3 therefore this is factually incorrect.
- The proposals will completely overshadow the property at No 5, will lead to a loss of 2-3 hours each day of direct sunlight to our kitchen and lounge. At present neither existing gable end of no 3 nor garage at no 5 cause any shade on the kitchen/living area of no5.
- The proposed extension is not sympathetic to its neighbours and is not in keeping with the village character.
- There are several perfectly viable and affordable alternatives that should be considered in order to reduce overbearing impact and loss of light to no.5 such as moving the extension 1-2 metres away from the boundary, reducing length of 1st floor extension to 4m, use a low mono-pitch roof or move the extension to the opposite side of the house.
- The ability to seemingly encroach on the ambience of another dwelling can only cause anxiety and stress which should be taken into account when determining the application.

- The current proposed height of the extension will subject the occupants of No.5 to a gloom for at least half of the year, a 50% reduction in sunlight which means they won't be able to enjoy their paved area next to the house and their bright kitchen/living area.
- We will now not be able to proceed with our own kitchen extension plans for which we already had received planning permission (application ref 18/00415/HHFUL), as the proposed extension at No 3 will totally shade and dominate that extension.
- There will be no space to erect scaffolding without dismantling part of the neighbours patio, severe pruning, and even removal of the neighbours trees/shrubs.
- The required level of access to no.5 and disruption caused by the proposed development is considered unreasonable.
- Constructing the extension (and/or demolishing the existing extension wall) right on our boundary would pose a serious health and safety risk – namely the risk of tiles and other building materials falling onto our land and patio, which is in constant use during the year, and damaging our garage.
- The construction as proposed would not enable the owner of No 3 to maintain their new roof and gutter from their own property therefore allowing planning permission for this proposed extension will result in the owners of No 5 being placed under a legal obligation in perpetuity to provide access for maintenance and repairs.
- The title deeds of the property at No 3 (ref CB33073) contain various specific restrictive covenants preventing the owner of No 3 from undertaking any works that would cause nuisance, annoyance or disturbance to any neighbours.
- Rendering/cladding the building will have a detrimental visual impact on the character of the Ailsworth Conservation Area, especially when viewed from the approach road to the village and could set a significant precedent for similar proposals in the conservation area.
- The existing house at no. 3 is already larger than its neighbours at 1, 1a, 5 and 7a.
- The misalignment of the two houses (No 3 is set further back) means that the effect will be even more overbearing than if the houses were aligned.

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

### **Design and impact on the character of the Conservation Area**

The National Planning Policy Framework (NPPF 2018) outlines government policy, including its policy in respect of the conservation of the historic environment. Paragraph 8 advises that development should protect and enhance the significance of heritage assets and great weight is given to conserving designated heritage assets. Section 16 'Conserving and enhancing the historic environment' sets out high level policies concerning heritage and sustainable development. The approach set out in paragraphs 189-202 is of particular relevance.

The site is located within the Ailsworth Conservation Area. Section 72 of the Town and Country Planning Act 1990 places a duty on the LPA to pay 'special regard' to the desirability of preserving or enhancing the special character or appearance of conservation areas. The policies in the NPPF seek positive improvement in conservation areas. Considerable weight and importance should be given to the avoidance of harm to conservation areas and the significance of a listed building and its setting. The presumption against the avoidance of harm is a statutory one, and can only be outweighed if there are material considerations strong enough to do so.

Several neighbours have objected to the proposal on grounds that the proposed development would not be in keeping with the size and character of the other properties in the area. Neighbours go on to state that the proposed cladding and render is not in line with the Ailsworth Neighbourhood Plan and it will have a detrimental visual impact on the character of the Ailsworth Conservation Area, especially when viewed from the approach road to the village and could set a significant precedent for similar proposals in the conservation area.

The Ailsworth Neighbourhood Plan states that new development should respect the surrounding area in terms of height, size, shape, roof pitch and materials.

The Councils Conservation Officer has not raised any objections to the proposed development as

he does not consider the two storey extension would form a particularly prominent or visible addition from any direction. It is sited behind the main two storey house from Maffit Road and due to the significantly longer views on the Sutton Road it is partially screened and does not add to the bulk of this view. There would only be glimpsed views from the gap between the application site and the neighbour to the north.

The proposed render to the ground floor and timber clad first floor is limited to the rear elevation and extension only. The render will be the most visibly significant change but will be contained to the ground floor therefore there would not be any views from the Conservation Area.

The side elevations and front elevation will remain unchanged apart from the existing porch which is proposed to be clad in the same horizontal boarding as the rear. The sample submitted is not considered appropriate as it would result in streaks from water streaking. As such an alternative sample is required which will be secured by way of a condition.

New windows are proposed throughout. The existing windows are white upvc and have an asymmetrical glazing pattern. The proposal is to reduce the amount of unrelieved glazing into symmetrical casements which are considered to result in a significant improvement to the character and appearance of the building from within the Ailsworth Conservation Area.

Finally, it is proposed to replace the existing corrugate concrete roof tiles. The Conservation Officer has advised that the proposed type (Redland Duoplain) in a sand finish would be more suitable than the proposed smooth grey as it weathers better. Having discussed with the agent he has advised that the sand finish is not available and as such a smooth grey finish is accepted.

Given the size and location of the proposed extension to the rear of the main house and the use of sympathetic materials it is not considered that the proposal would unacceptably harm the character or appearance of the host building or the wider Ailsworth Conservation Area. The proposal is therefore considered to accord with the Ailsworth Neighbourhood Plan, Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, Section 12 of the Planning Policy Framework, Policies CS16 and CS17 of the Core Strategy DPD (2011), Policies PP2 and PP17 of the Peterborough Planning Policies PD (2012) and Policies LP16 and LP19 of the Emerging Peterborough Local Plan (2018).

### **Neighbour amenity**

Ailsworth Parish Council advised that they feel they can neither approve nor object to the proposal and referred it to the Planning Committee as it considers that the matters for consideration are very finely balanced. It has advised that in particular the planning committee should consider the impact on the amenity of the neighbours and whether the proposal accords with Policy LP17 of the New Local Plan and the Ailsworth Neighbourhood Plan. One other main consideration should be to minimise disturbance to no.5 in order to avoid further aggravation between the neighbours.

Several objections have been made by nearby neighbours with the main concerns arising from the fact the proposed extension would be located on the shared boundary with number 5. The extension would project approximately 5.6 metres from the rear elevation and the neighbours consider that it would significantly reduce light in the patio area, kitchen and garden of no.5, preventing them from enjoying the amenity they currently have. In addition neighbours believe that because the extension would sit on the shared boundary, it would result in an overbearing impact upon no.5. The misalignment of the two houses (No.3 is set further back) means that the effect will be even more overbearing than if the houses were aligned.

A number of alternative suggestions have been made by neighbours in order to reduce the impact on no.5.

The objections raised with regards to impact on the neighbour to the north (no.5) are noted. It is accepted that the proposed extension would result in a relatively long blank elevation facing no.5. No.5 currently has a large garage located on the shared boundary with the application site. There is

approximately 11 metres between the side elevation of the proposed extension and the primary windows on no.5. It is not therefore considered that the proposal could reasonably be resisted. The separation distance is considered to be sufficient as to not result in a significant overbearing impact or unacceptable overshadowing.

It should be noted that the applicant currently has a single storey element along the shared boundary with no.5. The proposed rear projection as viewed from no.5 would remain the same, albeit with the addition of a first floor element. It is accepted that the addition of the first floor element would introduce some overshadowing in a small section of the neighbours garden/patio area, but this is unlikely to reach the house itself. However, the neighbour benefits from a large rear garden, the majority of which would be unaffected by the proposed development. As such the impact on the patio area and part of the garden is considered to be within acceptable tolerances. In addition, the pitched roof would face away from the neighbour, further reducing the impact.

As a general guide to help decision makers the 45 degree rule is used where development is adjacent to windows. Effectively a 45 degree angle is drawn in both the horizontal and vertical planes from the centre of the neighbours window. If the extension extends past the 45 degree angle there is likely to be an impact upon daylight to that room. In this instance the proposed development would not fail the 45 degree test given the separation distance between the side extension and the neighbours primary windows. Whilst it is acknowledged that the proposal would result in some loss of daylight to the patio area and a small section of their garden it is not considered that the impact would be so severe as to warrant the refusal of the application.

With regards to the neighbour to the south (no.1) the nearest part of the proposed extension would be located approximately 12 metres from the shared boundary with this neighbour therefore it would not result in an overbearing impact or unacceptable overshadowing.

There were initially some reservations with the first floor window in the side elevation, however, the separation distance to the boundary (approximately 12 metres) is on balance considered sufficient as to not result in unacceptable overlooking or loss of privacy.

Neighbours also objected to the proposed first floor balcony on the rear elevation and suggested a window would be more appropriate in order to reduce overlooking into the garden of no.5. The objections are noted however, the Juliet balcony would not directly look into the neighbours garden and would not result in any greater impact than a window which could be installed in the rear elevation without planning permission. As such it is not considered that this aspect of the scheme could be resisted.

The neighbour at no.5 has concerns that allowing the proposed extension would mean they would not be able to proceed with their own kitchen extension plans at the rear of the house which received planning permission (application ref 18/00415/HHFUL), as the proposed extension at no.3 will totally shade and dominate that extension. As discussed above, the proposed extension, given the separation distance with the neighbour would not unacceptably harm this neighbour (the extension would not bring no.5 any closer to the application site). If they proceed with their extension, there would be a lesser impact on their property as it would sit further into the site.

Given the above the proposal is not considered to unacceptably harm the amenity of adjoining neighbours. It therefore accords with the Ailsworth Neighbourhood Plan, Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the emerging Peterborough Local Plan (2018).

### **Parking**

The site benefits from a garage located at the front of the property and a large driveway which can accommodate several vehicles. The proposal would create one more bedroom at the property, however the parking requirement on the site would not increase and sufficient off-street parking would be retained. As such no unacceptable impact would result on the nearby public highway, in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of



the emerging Peterborough Local Plan (2018).

### **Trees**

The neighbour to the north (no.5) has objected to the proposal on grounds that their trees along the shared boundary with the application site would need to be pruned/removed in order to accommodate the extension.

The Tree Officer has not raised any objections as there are no high amenity value trees on or within close proximity to the site that will be affected by the proposal. As such proposal is considered to accord with Policy PP16 of the Peterborough Planning Policies DPD (2012).

### **Other matters**

A numbers of objections have been made with regards to potential encroachment of foundation/overhanging of guttering and the nuisance caused to the neighbour at no.5 by the proposed development. The concerns raised are noted, however, this is a civil matter between the parties and not a planning matter.

The neighbour at no.5 pointed out a number of inconsistencies on the application form. One of the inconsistencies was in the proposed description which stated 'recladding'. As the property is not currently cladded the description was amended and all neighbours/contributors re-consulted. The neighbour also pointed out that the block plan submitted doesn't include the existing garage at the front. The plans have been assessed and they seem to accurately represent the site. The Case Officer has visited the application site and other minor inconsistencies highlighted by the neighbour have been fully assessed before determining the application.

## **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 proposal would not unacceptably harm the character or appearance of the host building or the Ailsworth Conservation Area in accordance with the Ailsworth Neighbourhood Plan, Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, Section 12 of the Planning Policy Framework, Policies CS16 and CS17 of the Core Strategy DPD (2011), Policies PP2 and PP17 of the Peterborough Planning Policies PD (2012) and Policies LP16 and LP19 of the Emerging Peterborough Local Plan (2018).
- The proposal would not unacceptably harm the amenity of adjoining neighbours, in accordance with the Ailsworth Neighbourhood Plan, Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the emerging Peterborough Local Plan (2018).
- The proposal would create one more bedroom at the property, however the parking requirement on the site would not increase and sufficient off-street parking would be retained, therefore it would not result in any unacceptable impact on the nearby public highway, in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (2018).

## **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 Prior to its installation, details of the proposed timber cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In order to ensure good quality materials to preserve the character of the Ailsworth Conservation Area, in accordance with the Ailsworth Neighbourhood Plan, Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, Section 12 of the Planning Policy Framework, Policies CS16 and CS17 of the Core Strategy DPD (2011), Policies PP2 and PP17 of the Peterborough Planning Policies PD (2012) and Policies LP16 and LP19 of the Emerging Peterborough Local Plan (2018).

- C 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan 04-DG-18
- Existing Plans and Elevations 01-DG-18
- Block Plan 05-DG-18
- Proposed Plans and Elevations S02-DG-18 A

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