

Application Ref: 21/00851/HHFUL

Proposal: First floor side extension, construction of rear dormer and addition of 3 velux windows to front roof

Site: 32 Sallows Road, Peterborough, PE1 4EU,
Applicant: Mr Umar Anwar

Referred by: Councillor Yasin
Reason: Applicant's personal needs and scheme not out of keeping with setting and character of surrounding area.

Case officer: Mrs Shaheeda Montgomery
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Recommendation: REFUSE

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

Site and surrounding area:

The application site comprises of a two-storey detached dwelling finished in facing red brickwork and dual pitch roof. The dwelling is sited set back from the back edge of the public footway with a low brick wall demarcating the front boundary line. There is an existing 2.8m offset between the east flank wall and the boundary with No.34 Sallows Road, with gated access.

The application site has been extended previously and benefits from a 20 metre long rectangular, hard surfaced open space to the rear of the dwelling enclosed with a brick wall.

The verdant streetscene is characterised by a mix of semi-detached and detached dwellings of uniform character sited with set back from the public footway. Most of the properties on Sallows Road make up a distinct uniform pattern with visual gaps between them, with grass verge and/or mature trees lining the highway edge.

Proposal:

The application seeks the benefit of planning permission to erect a two storey side extension to abut the existing dwelling on its east elevation. The extension would be of dimensions 8.3m deep x 2.69m wide, with a 150mm gap between the east flank wall and the shared boundary with No.34 Sallows Road.

In addition, the proposal also seeks the conversion of the existing loft into habitable space with 3no. Velux style windows on the roof slope towards north (street elevation) and a dormer with 3no. windows on the rear, south-facing roof slope. The proposal states this loft space would be for a sensory room.

The proposed side extension would be open on the ground level and would accommodate bedrooms for a disabled child and a carer on the first floor with an extra room on the loft level, the use of which is not specified.

It should be noted that the proposal is identical to a scheme which has been refused planning permission through Officer delegated powers under application reference 21/00250/HHFUL.

2 Planning History

Reference	Proposal	Decision	Date
21/00250/HHFUL	Side extension with loft conversion	Refused	27/05/2021
11/00877/FUL	Single storey rear extension	Refused	18/07/2011
10/01631/FUL	Construction of single storey rear extension	Permitted	19/01/2011
10/01278/FUL	Demolition of existing garage and re-siting; demolition of existing lean-to outhouse and construction of full width single storey rear extension	Refused	12/11/2010
10/00825/FUL	Construction of a single storey extension and partial demolition of existing garage and re-siting	Refused	27/08/2010

3 Planning Policy

Peterborough Local Plan 2016 to 2036 (2019)

LP13 - Transport

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.

4 Consultations/Representations

Local Residents/Interested Parties

Initial consultations: 20

Total number of responses: 12

Total number of objections: 12

Total number in support: 0

At the time of writing this report, 12no. letters of objection have been received from adjacent neighbours as well as local residents, raising the following concerns:

- There is hardly any difference between these proposed plans and 21/00250/HHFUL which was refused on 27th May 2021.
- Front of the house would still create a terraced effect, being out of character as previously mentioned and which will have a detrimental effect to the area.
- The rear of the property with the three large dormer windows would still be overlooking neighbouring properties which will impact greatly on our privacy.
- The proposed development of the site would impact the residential area and neighbours in a

- negative manner.
- The proposed plans would cause there to be overdevelopment of the site and it would be out of character with the neighbourhood.
 - The proposed side development would cause a 'terracing effect' on the street and will infill the visual gap which forms an important aspect of the distinctive historical development pattern. This will likely set a precedent and many other houses will look to develop in this manner which will be detrimental to the overall character and visual amenity of the neighbourhood.
 - In addition the quality of the drawings that have been submitted is not adequate and if accepted could cause confusion as to whether the development is as per the proposed plan.
 - Overlooking: Currently there is one bedroom window and a frosted glass bathroom window that overlook my garden. The proposed plans show 4 additional windows on the rear of the property that directly overlook my garden.
 - Loss of privacy: The proposal of adding dormer windows in the loft will directly impact my privacy, currently areas of my garden are totally private. However the addition of the dormer with large windows in the loft will cause me loss of privacy due to the change in aspect gained by the elevation of the windows.
 - The applicant has erected a wall on my property and has shown no indication that he will remove/reposition this.
 - The attic rooms of the new plans could automatically be changed if permission to extend is granted returning the house to 7 bedrooms which the applicant previously wanted in plans 00250.
 - The size of the property has not changed at all and is not in character due to its size.
 - The parking must be considered as this would mean extra vehicles to find a place to park in the street.

N.B. The Applicant has chosen to submit revised drawings to address some of the objections raised above. The development proposed remains the same, but the drawings have now been produced by an Architect. A revised public consultation, whilst not strictly necessary, has been undertaken and will close on Sunday 18 July (ahead of the Committee meeting). Any revised/additional comments submitted will be provided to Members within the Briefing Update Report.

5 Assessment of the planning issues

The main concerns are:

- Design and impact on the character and appearance of the site and surrounding area
- Neighbour amenity
- Parking provision
- Personal circumstances
- Other matters

a) Background

Officers note that the proposed scheme is largely the same scheme proposed under planning application number 21/00250/HHFUL which was refused under delegated powers in May 2021, albeit internal changes to the floor layout are now sought. However the two main elements of the current scheme, namely the two storey side extension and the loft conversion, follows on from the previous application whereby the application scheme proposes to completely infill the existing visual gap between the host dwelling and the eastern shared boundary with No.34 Sallows Road.

This application was refused for the following reason:

- R 1 The proposal, by virtue of its scale and siting, would unacceptably impact upon the character and appearance of the site and surrounding area. The proposal would lead to the infilling of the visual gap which forms an important aspect of the distinctive historical development pattern found within the street character and result in a terracing effect which would erode the overall character of the site and surrounding area. This would result in

unacceptable irreversible harm to the character, appearance and visual amenity of the locality and is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).

b) Design and impact on the character and appearance of the site and surrounding area

The application site lies on a verdant residential area with dwellings sited setback from the footway and with existing green verge and benefitting from an open outlook. The predominant pattern of development that has existed along Sallows Road is that of semi-detached or detached dwellings with visual gaps between them and this is largely retained forming its prevailing and relatively uniform character.

The proposed two storey side extension would almost completely infill (save for a 150mm gap which would not be noticeable within the wider streetscene) the existing gap between the application property and No.34 Sallows Road to the east. This would erode the existing character of the surrounding area, resulting in a dominant and awkward bulk which would effectively span the full width of the application site. The resulting mass would result in a terraced appearance which would appear visually dominant and obtrusive resulting in unacceptable level of harm to the character, appearance and visual amenity of the streetscene.

Officers acknowledge that there are a number of historical two storey side developments constructed over the past years within the wider locality. However it is long-established and held that every application has to be assessed on its own merit. In the main, these other examples within the locality are not considered to be comparable as largely, they maintain some degree of visual gap between properties. Officers are of the view that any examples where the gap has been lost result in substantial harm.

Furthermore, weight is given to the decision of appeal reference APP/J0540/D/18/3218194 (at 15 Sallows Road which sought a similar development to that which is the subject of this application). In dismissing the appeal, the Inspector makes reference to *"the intervening spaces between them (the dwellings)...forms part of the established character of the area."* The report acknowledges *"that several properties nearby..., have been extended in a similar or rather less than sympathetic fashion. However, it was apparent to me at my visit that these serve only to demonstrate that the erosion of the spacing between the dwellings has in places resulted in a continuous frontage of built form, which is uncharacteristic of the estate."*

A copy of this appeal decision can be found at Appendix A of this report and Officers are of the view that this is a significant material consideration in the determination of this application. It is deemed that the application site would not be suitable for a side extension for similar reasons.

It should also be noted that none of the two storey side extensions within the immediate locality to the application site that completely infill this gap (notably the site opposite to the application site, No.43 Sallows Road, application no.18/00126/HHFUL) were granted permission after this appeal decision.

Notwithstanding the concerns set out above, Officers consider the loft conversion to be acceptable in design and character terms. With regards to the rear dormer window, a large dormer spanning the width of the original dwelling could be achieved through exercising permitted development rights and the additional width proposed, across the two storey side extension, is not considered to materially alter the appearance. The proposed 3no. roof lights to the front elevation are not considered to be substantial and would not appear incongruous or alien within the locality.

However, the application cannot be granted part permission and therefore, assessed with the proposed side extension the overall design is considered to result in an unacceptably adverse level of harm on the character and appearance of the site and surrounding area and altering the view from the public realm to the detriment of the existing streetscene. Given the above, it is considered that the proposal would not be in compliance with Policy LP16 of the Peterborough Local Plan (2019).

c) Neighbour amenity

A number of objections have been received towards the application from residents living on Sallows Road, Grimshaw Road and Chain Close to the south, raising concerns over loss of privacy and overlooking impact. Concerns raised over the proposed scheme and impact on the character of the area have been discussed in the section above.

No.30 Sallows Road:

No.30 Sallows Road is the adjacent neighbouring property due west and it is noted that the two properties are separated by an existing single storey side garage (serving No.30) which abuts the application site.

The proposed dormer window to the rear would include 3no. windows which would serve a sensory room and another which has not been annotated on the submitted drawings. For assessment purposes, these have been taken to be primary habitable rooms. The proposed second floor windows would be marginally larger in size to the existing first-floor level windows on the host dwelling which already result in overlooking potential to adjacent neighbours. It is acknowledged that this neighbour has raised concerns over the proposed loft conversion which they believe would have an increased level of overlooking impact to their property. However, a large dormer window (up to 50 cubic metres in volume) could be achieved under permitted development rights across the rear roof slope of the existing dwelling and this would result in an identical degree of impact to that of the proposal. Furthermore, the proposed windows would not result in a significant degree of increased overlooking impact compared to that which already occurs from the existing 2no. first-floor level windows serving the application property. Whilst Officers accept that there would be an increased perception of overlooking which would result from the proposal, this is not considered to be sufficiently harmful to warrant a reason for refusal.

No.34 Sallows Road:

Looking due east, No.34 Sallows Road is the adjacent neighbour located closest to the proposed side extension such that the resulting mass would only be separated from the flank wall of the neighbouring property by a gap of 150mm. Whilst the proposal would bring the built form of the site, at two storeys high, closer to this neighbour's boundary line, the proposed siting is such that Officers consider that no undue overbearing or overshadowing impact would result because of the siting of the proposal against the flank wall of No.30 Sallows Road and would not project beyond the existing front and rear elevations of the neighbour.

With regards to overlooking impact and loss of privacy, the side extension would result in a first floor bedroom window being introduced closer to the neighbouring boundary than on the host dwelling. This is not however considered likely to result in substantial additional overlooking compared to the existing situation such that unacceptable level of harm would result. It is noted that a degree of overlooking would be experienced already from the existing first floor level window of the host dwelling and whilst this is set away from this neighbour (as the closest facing window serves a bathroom which is a secondary habitable room), some degree of overlooking already results.

With regards to the proposed dormer window, a similar degree of impact would result as has been set out above in regards to No.30 Sallows Road. Given that a dormer window could be constructed across the existing rear roof slope of the property through exercising permitted development rights which would result in a degree of loss of privacy, whilst the proposal would also bring the dormer window across the proposed side extension and therefore closer to this neighbour, the overall impact of overlooking is not considered to be substantially worse than this fall-back position.

No.17 Chain Close:

No.17 Chain Close is located due south of the application site. It is deemed that the proposed dormer window would not result in substantial additional overlooking over the rear garden area of this southward neighbour. First floor windows already overlook towards this property, and the proposal would not bring windows any closer. A separation distance of 27 metres would be

maintained to the shared rear boundary which is considered adequate to prevent undue loss of privacy. Furthermore, due to the fall-back position that the applicant would be able to achieve a loft conversion with similar window arrangement under permitted development rights, Officers do not find grounds for refusal on the basis of impact on neighbour amenity grounds.

Given the above, it is deemed that on balance the proposal would accord with Policy LP17 of the Peterborough Local Plan (2019). Members should also note that neighbour amenity impacts did not form a reason for refusal of the previous, identical development under application reference 21/00250/HHFUL.

c) Parking provision

The proposal would fill in an existing 2.9m wide gated space to the side of the application site whilst creating additional primary habitable space which is not shown as bedroom accommodation but could be used as such in the future. Under the Council's adopted parking standards, any new residential development with six or more bedrooms is required to demonstrate availability for two on-site car parking spaces.

Whilst there is adequate set back to the site frontage for vehicular parking, the applicant has not demonstrated that this area would be adequate for two on-site car parking spaces and indeed, the low brick wall demarcating the front site boundary with the public footway would restrict this.

Notwithstanding this, the existing layout with the open side at ground level is deemed to provide adequate width for vehicular access and parking. Whilst the proposed development would reduce the width available from 2.8m to 2.6m, this would still enable a vehicle to park within this area. On this basis, the proposal is considered to be in accordance with Policy LP13 of the Peterborough Local Plan (2019).

d) Personal circumstances

Under Paragraph 28 of the National Planning Practice Guidance, this refers to children's best interests, which states, 'Local authorities need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, they will want to ensure their approach is proportionate. They need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. This will include considering the scope to mitigate any potential harm through non-planning measures, for example through intervention or extra support for the family through social, health and education services'.

The applicant has advised Officers that the proposed development would provide additional space for his children and specifically, for a disabled child. However, the proposal does not include supporting documents to outline the specific requirements for this purpose.

Personal circumstances usually do not form part of the planning assessment criteria unless there is a valid and justifiable reason presented. It is the view of the Officers that given the loft conversion element is deemed acceptable, the applicant would be able to add approximately 39 sq.m of floor space to the host dwelling without developing outside of the existing footprint of the property. Furthermore, Officers must weigh this private need against the public harm arising which is considered to be substantial.

The human rights impact has been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention. The recommendation is considered appropriate in upholding the council's adopted policies and is not outweighed by any engaged rights, including the Public Sector Equality Duty.

e) Other matters

In response to neighbour objections raised and not addressed in the sections above:

- *Property price devaluation*

- *If this application is passed what is in place to prevent the application returning to the original plans of three bedrooms making the house into a seven bedroom property.*

The Local Planning Authority is not be able to address property devaluation resulting from the proposed development as part of the assessment of a planning application. Similarly, internal changes to the layout of a property would not be part of the remit of a planning application and therefore the LPA would not be able to address any potential changes made to a proposed scheme after planning permission has been granted. Notwithstanding this, the Council's parking standard does not increase as a result of a 7-bed residential property and adequate parking is considered to be retained on site.

- *Poor quality of drawings*

The Applicant has submitted revised drawings, now produced by an Architect which are subject to further public consultation. The overall scheme however is identical and the outcome of this consultation would not materially alter Officer's assessment as above.

- *Wall erected on boundary*

Boundary walls are a civil matter. As such Officers would not be able to consider this matter within the remit of this planning application.

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 case officer recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The proposal, by virtue of its scale and siting, would unacceptably impact upon the character and appearance of the site and surrounding area. The proposal would lead to the infilling of the visual gap which forms an important aspect of the distinctive historical development pattern found within the street character and result in a terracing effect which would erode the overall character of the site and surrounding area. This would result in unacceptable irreversible harm to the character, appearance and visual amenity of the locality and is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).

Copy to Councillors: Yasin, Nawaz, Joseph

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