

**Application Ref:** 21/00806/HHFUL

**Proposal:** New boundary wall (part-retrospective), new vehicular footpath crossing and hard paving to front garden

**Site:** 122 Newark Avenue, Dogsthorpe, Peterborough, PE1 4NS  
**Applicant:** Mrs Yasmeen Hussain

**Agent:** Branston Assoc.  
**Site visit:** 26.04.21

Called in by: Cllr Jones and Cllr Yurgutene  
 Reason for Call in: The wall is not out of keeping with the area

**Case officer:** Mr M A Thomson  
**Telephone No.** 01733 4501733 453478  
**E-Mail:** matt.thomson@peterborough.gov.uk

**Recommendation:** REFUSE

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

**Site Description**

The application site comprises a semi-detached two storey dwelling situated on a corner plot, finished in a red brick. The principal elevation of the dwelling faces Newark Avenue, a classified 30mph road, and to the side is Rowan Avenue, a residential street serving residential properties.

The application site has a garage at the rear of the property, which has a dedicated vehicle access and dropped kerb onto Rowan Avenue, situated 80m from the junction with Newark Avenue. There is a zebra crossing situated in front of No. 122 Newark Avenue, and there is a pedestrian footpath that runs along the rear of the property.

The pattern of development predominantly comprises detached and semi-detached, single storey and two storey residential dwellings, which are of a similar size, age and design, and situated on a uniform building line. The material palette within the immediate locality is predominantly red brick, however there are some properties which have utilised render. A defining characteristic of properties along Newark Avenue and Rowan Avenue is good levels of mature soft landscaping to the street scene, fronting these public areas behind dwarf walls.

**Proposal**

The Applicant seeks planning permission for a 'part-retrospective new boundary wall, new vehicular footpath crossing and hard paving to front garden'.

The boundary wall to which this application relates has been constructed using a buff brick with red detailing. It is situated along the northern corner of the site; the wall stands at 2m in height, facing Rowan Avenue and the pedestrian footway which runs along the rear of the property. To facilitate the wall the Applicant has removed a large section of established hedge. A new pedestrian access door has also been formed.

The scheme also proposes a new dropped kerb crossing and the formation of hard standing (block paving) to provide parking for two vehicles in the front garden.

The existing garage at the rear of the site has been blocked in by the wall, which has removed the vehicle access to the site onto Rowan Avenue albeit the dropped kerb within the public highway

remains.

### **Pre-Amble**

A similar application was submitted earlier in 2021 for a similar proposal under 21/00285/HHFUL.

Part of this previous proposal created a new dropped kerb onto Rowan Avenue, however, as Rowan Avenue is not a classified road, the dropped kerb constituted permitted development and did not otherwise require planning permission.

The scheme however also proposed the retention of the same boundary wall along Rowan Avenue subject to this pending application, which part replaced a mature hedgerow. This wall was refused planning permission for the following reason:

*R1 The wall has utilised a smooth yellow brick with red detailing within an area characterised predominantly by a red brick of a textured appearance. As such, the wall forms a striking and dominant feature within the street scene, which is contrary to the established character and distinctiveness of the immediate area. The proposal has not added to the overall quality of the area, it is not visually attractive, it is not sympathetic to the local character or surrounding built environment, and is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019) and Paragraphs 127 and 130 of the NPPF (2019).*

This application has been re-submitted so that it may be heard at the Planning and Environmental Protection Committee.

## **2 Planning History**

| <b>Reference</b> | <b>Proposal</b>                      | <b>Decision</b> | <b>Date</b> |
|------------------|--------------------------------------|-----------------|-------------|
| 21/00285/HHFUL   | Part-retrospective new boundary wall | Refused         | 21/05/2021  |

## **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

### **National Planning Policy Framework (2021)**

Section 12 – Achieving well-designed places

### **Peterborough Local Plan 2016 to 2036 (2019)**

#### **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.

## **4 Consultations/Representations**

### **PCC Peterborough Highways Services**

Object - Given the juxtaposition of the proposed site access in relation to the junction of Rowan and Newark Avenue, there would be a fundamental highway requirement, on highway safety grounds, that vehicles would be able to carry out a turning manoeuvre within the forecourt of the property and leave the site in a forward gear.

The submitted plan shows the appropriate pedestrian visibility splays and forecourt parking, however, it does not show the required on-site turning facilities.

It would not be possible to provide both the required parking and turning facilities within the site curtilage, therefore future users could undertake unsafe manoeuvres within the public highway, result in an adverse highway safety hazard.

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

Initial consultations: 7

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No letters of representation have been received, however, the concerns were previously raised as part of the 21/00285/HHFUL:

- The proposed driveway would be in a very dangerous position and would cause highway safety issues;
- The footpath is very busy during morning and afternoon school times with dozens of children walking and cycling along the pavement;
- There is not enough visibility for a driver to be able to see pedestrians and cyclists as they leave or enter the proposed driveway; and
- There is not enough of a turning circle for any vehicle to enter or leave safely.

**Councillor Yurgutene** requested that the application be determined by Members of the Committee but unfortunately did not provide a planning-related reason for the call-in. This was instead provided by **Councillor Jones** who advised that he considers that the wall does not harm the character and appearance of the surrounding area.

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

The main considerations are:

- Principle of development
- Design and layout
- Access and parking

### **a) The Principle of Development (Dropped Kerb, Access Crossing and Parking Area)**

Further to the previous application, it was established the proposed dropped kerb did not require

planning permission, however the Applicant has sought to apply for the access crossing and parking area and the Local Planning Authority therefore has a duty to consider and determine this. Works would also include the part removal of an existing boundary wall.

Planning permission is not required to form a dropped kerb if works are being carried out which would otherwise be 'permitted development'. Whilst Newark Avenue is a classified Road, Rowan Avenue is not and it is onto this road that the access would be created.

As part of the proposed works, the Applicant seeks to form two parking spaces using block paving, which is considered to be a porous material, as well as partly demolish a wall. Such works can be undertaken in accordance with Schedule 2, Part 1, Class F and Part 14, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

As such, the dropped kerb, partial demolition of a boundary wall and formation of block paving does not need planning permission. This is a material consideration in the determination of the application.

The works would require a highways licence from the Local Highway Authority, however this is sought separately to the planning application process.

## **b) Design and Layout**

To facilitate the boundary wall, part of an established hedgerow situated along Rowan Avenue has been removed. The wall stands at 2m in height, and turns the corner with a pedestrian footpath at the rear of the site; it is situated immediately adjacent to the back edge of the pedestrian footway.

When assessing the defining characteristics of this part of Newark Avenue and Rowan Avenue, the palette of materials is predominantly red brick, with subservient dwarf walls situated to the front, facing public areas, with varying levels of landscaping either situated behind walls, or form the boundary to the respective plot. The exception to this, however, is 126 Newark Avenue (on the opposite side of Rowan Avenue from the application site), the garden of which also runs parallel to Rowan Avenue, where there is a 1.8m high concrete-post close-boarded fence with conifers behind. The fence in question runs the entirety of the back edge of the footway, where it meets a low dwarf wall and turns the corner with Newark Avenue.

Paragraph 130 of the NPPF (2021) states, 'planning policies and decisions should ensure that developments ... will ... add to the overall quality of the area ... over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, [and] are sympathetic to local character and history, including the surrounding built environment and landscape setting ...'. Paragraph 134 goes on to state, 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. This is reflected by Policy LP16, expanded upon above.

Officers are conscious that the wall subject to this application does not run along the entire side boundary of the site and therefore it is formed by part-wall and part-hedgerow. Given the ratio of walling to hedgerow, this is considered to be an appropriate balance between retaining the soft landscaping, which defines the character of the area, and a harder edge similar to that of 126 Newark Avenue. Had the application been for the complete removal of the hedgerow, and replacement with a wall, this would have markedly changed the character and appearance of the street scene, to an unacceptably harmful level, and would not be supported by Officers.

Notwithstanding this, the scheme has used a smooth, yellow brick in an area characterised by a traditional red brick with a textured appearance. Whilst the wall has used red detailing, this is not considered to otherwise break up the mass of the dominating colour or finished appearance of the wall on the street scene. As such, the use of a yellow brick in an area characterised predominantly by a red brick has formed a striking form of development that is markedly out of keeping with the established character and appearance of the area, to an unacceptably harmful degree. The wall,

owing to the materials from which it has been constructed, appears an unduly dominant, obtrusive and incongruous feature.

By reason of the colour and texture of the brick used to construct the wall, this is markedly out of keeping with the traditional palette of materials within the immediate locality, and the proposal is contrary to Policy LP16 of the Peterborough Local Plan (2019) and Paragraphs 130 and 134 of the NPPF (2021).

### **c) Access and Parking**

Officers are conscious that the Local Highway Authority (LHA) have raised a highway safety concern, however this is in relation to the proposed vehicle access. Their concerns relate to the creation of a new vehicle access onto Rowan Avenue adjacent to a junction, the lack of turning on site to enable a car to enter and leave in a forward gear, and future occupiers undertaking unsafe manoeuvres within the public highway.

Whilst these concerns are noted, as detailed in section (a) above, it is a material consideration that the vehicle access does not require planning permission. Therefore, whilst forming part of this application and posing an unacceptable safety danger in the opinion of the LHA, Officers do not consider that this could reasonably form a reason for refusal of the application as the access does not require the benefit of planning permission.

Moreover, any new vehicular access within the public highway requires the benefit of consent from the LHA under the Highways Act 1990 (as amended). Therefore, there is separate legislation through which the access could be resisted if deemed unsafe.

It should also be noted that the previous, almost identical application (reference 21/00285/HHFUL) was not refused on highway safety grounds.

## **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 wall has utilised a smooth yellow brick with red detailing within an area characterised predominantly by a red brick of a textured appearance. As such, the wall forms a striking and dominant feature within the street scene, which is contrary to the established character and distinctiveness of the immediate area. The proposal has not added to the overall quality of the area, it is not visually attractive, it is not sympathetic to the local character or surrounding built environment, and is therefore contract to Policy LP16 of the Peterborough Local Plan (2019) and Paragraphs 130 and 134 of the NPPF (2021).

Copies to councillors: Ishfaq Hussain. Dennis Jones. Katia Yurgutene

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