

Application Ref: 22/01007/HHFUL

Proposal: Erection of detached dayroom and non-porous block paving to back yard - retrospective

Site: 322 Oundle Road, Woodston, Peterborough, PE2 9QP
Applicant: Mr M Akhtar

Agent: Mr N P Branston
 Branston Assoc.

Referred by: **Councillor Yurgutene**

Reason: The built unit gives better amenity to the applicant. The use of the building as a dayroom allows overflow from the main house and the extended family

Site visit: 12.09.2022

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 a detached two-storey residential property with enclosed rear garden and onsite parking for 2+ cars. The site benefits from previous development and an existing dayroom sited next to the rear boundary. The site lies on the main Oundle Road, close to the junction with Sugar Way, within an area of mixed retail and residential use. The Valley Park/Sugar Way Local Centre is located to the north of the application site on the opposite side of Oundle Road, and the application site is located within a row of residential properties that front on to the south of Oundle Road.

Preamble

Previous applications have been received for similar schemes on the application site. Retrospective planning permission was applied for under reference 21/01813/HHFUL, and subsequently refused in February 2022, for the same scheme as submitted under this current application. Previous to this planning permission was granted under planning reference 20/01486/HHFUL for a 'Proposed detached storage shed' comprising a proposed scheme for an ancillary outbuilding 4m x 6m x height 3.7m in the same location on site.

Under a previous application reference 20/00008/HHFUL, planning permission was granted for a detached dayroom 6.6m x 6.9m footprint, which has been implemented already. In addition, the host dwelling was extended under reference 19/01310/HHFUL which granted approval for a 6m deep rear extension.

Proposal

The current application seeks retrospective permission for an outbuilding with footprint 4m x 6.1m with 2.8m height to eaves, and 4.5m height to roof apex, sited next to the eastward boundary

shared with No.320 Oundle Road. The outbuilding is finished in facing redbrick, with 1.6m overhanging canopy to front and white uPVC fenestration.

2 Planning History

| Reference | Proposal | Decision | Date |
|------------------|---|-----------------|-------------|
| 21/01813/HHFUL | Detached dayroom and block paving to back yard - part retrospective | Refused | 16/03/2022 |
| 20/01486/HHFUL | Proposed detached storage shed | Permitted | 05/01/2021 |
| 20/00790/HHFUL | Proposed detached dayroom - Revised Application | Refused | 18/08/2020 |
| 20/00008/HHFUL | Proposed detached dayroom | Permitted | 26/03/2020 |
| 19/01310/HHFUL | Proposed ground floor rear extension | Permitted | 04/11/2019 |
| 12/00636/FUL | Change of use to mixed use of Residential and Car Sales, and construction of replacement detached double garage | Refused | 15/06/2012 |
| 06/01775/FUL | Erection of garages for maintenance of motor vehicles | Refused | 29/01/2007 |
| 92/P0717 | Change of use from office to residential | Permitted | 09/11/1992 |
| P0041/75 | Erection of private garage | Permitted | 19/02/1975 |
| P0707/87 | Temporary change of use to offices | Permitted | 04/09/1987 |

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)

Paragraph 126

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

Paragraph 134

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to

prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

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.

LP33 - Development on Land Affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

4 Consultations/Representations

Local Residents/Interested Parties

Initial consultations: 6

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

2Nos. of representations were received from residents raising the following concerns.

- The retrospective application adds to the existing outbuildings on site
- Noise from the outbuildings being occupied
- The hard-surfacing being non-porous
- Increase number of cars parked within the site and emission of toxic fumes when repairing these cars.
- Previously approved dayroom built with larger overhang than was approved
- Dayroom being considered under current proposal built larger (6.3m x 4.2m with increased footprint of 2.2sq.m) than was approved, and increased height (from 3.7m approved) to 4.2m as built and the addition of a significant canopy overhanging the front of the build approximately 1.6m which was not in the planning application previously. And crucially the outbuilding has been built within 0.5m of the boundary with their neighbour.

5 Assessment of the planning issues

The main considerations are:

- Planning History
- Design and character of the site and surrounding area
- Neighbour amenity
- Parking
- Contamination
- Other

Planning History

In January 2021 a detached storage shed was approved in the same location of the existing outbuilding under planning reference 20/01486/HHFUL. Whilst this had a similar footprint of 6m x 4m to the outbuilding currently proposed, it had a lower height (eaves height 2.4m and ridge height 3.7m), it did not have a large external canopy feature and proposed only 2 timber doors on the front elevation and a window on its side.

Retrospective planning permission was then applied for under reference 21/01813/HHFUL, and subsequently refused in February 2022, for the exact same scheme as submitted under this current application

b) Design and character of the site and surrounding area

Whilst not uncommon for residential dwellings to have detached outbuildings and garages, Officers note the design of the dayroom appears visually unbalanced particularly due to its height and design with a large overhanging canopy along its frontage, appearing out of scale and character with that of a typical outbuilding structure meant for an ancillary domestic use. The roof overhang, projects 1.6m outwards (as measured from submitted drawings) into the rear garden space from the 4m wide building with an eaves height of 2.8m, which significantly add to the scale and mass of the structure. These elements are noted as significant and material deviations from the approved drawings for the storage shed approved in the same position on site in 2020. Furthermore, additional elements have been introduced into the development as no side door was proposed in the previous approval, the previously approved doors to facing into the garden were to be timber, and previously only one uPVC window was shown on the side elevation, whereas now there is a front window as well as an additional side window serving a bathroom. The exact same proposal currently under consideration was refused in February this year under planning reference 21/01813/HHFUL. This was refused for two reasons. One was due to its siting, height, size, scale and appearance which was at odds with the established character of the application site and wider area. Resulting in an unduly dominant and incongruous building and failed to respect the character of the surrounding area. The proposal was therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).

As the site already has a brick outbuilding which sits along the rear boundary of the site, the current outbuilding in question has the appearance of a self-contained annexe, and due to its siting centrally in the rear garden, has the visual appearance of subdividing the plot into 3 separate units, the front house, the middle outbuilding, and the rear outbuilding. Taken as a whole, the incremental changes on site are deemed unacceptably harmful to the character and layout of the site and surrounding area and deviate from the previously approved plans to a degree which is unacceptable and warrants refusal of planning permission. This is in line with the recently refused planning application 21/01813/HHFUL for the same proposal, and as there have been no material changes since this refusal, the proposal is recommended to be refused for the same reasons.

Officers under the 20/01486/HHFUL approved shed application acknowledged that the proposed 6m x 4m footprint for a shed building was quite large, but felt this could be justified due to the large garden length, which was flanked by new dwellings on either side. It was therefore, considered that on balance the large footprint of the shed in relation to the host dwelling and application site, as well as the proposed height, would not make the proposed shed building appear incongruous. The increased height of the outbuilding, together with the large external canopy, the change to the proposed windows and doors, and its use as a dayroom, has changed the proposal to a visually unacceptable structure on this site and one which fails to respect the character and appearance of the surrounding area.

Although the block paving on site is considered acceptable, it is considered that the proposed outbuilding results in unacceptable harm to the character, appearance and visual amenity of the site and surrounding area, contrary to Policy LP16 of the Peterborough Local Plan (2019).

b) Neighbour amenity

The exact same proposal currently under consideration was refused in February this year under planning reference 21/01813/HHFUL. This was refused for two reasons. One of which was due to the siting, size and scale, which resulted in an unacceptably overbearing impact to the occupiers of the neighbouring dwellings. It was considered the building would be unduly obtrusive and dominant feature for the occupiers of No. 318B Oundle Road, 320 Oundle Road, and 324 Oundle Road, harming the enjoyment of the garden area/outlook and to the detriment of occupier amenity. Therefore it was contrary to Policy LP17 of the Peterborough Local Plan (2019).

The outbuilding is situated on the eastern edge of the site, bordering 320 Oundle Road. Although there is a metal storage container installed within this adjacent site next to the shared boundary this is of a lower height and massing. The cumulative impact of the completed rear extension to the host dwelling on the application site and the outbuilding/dayroom along the shared boundary must be given consideration.

Officers note that whilst a structure of the same footprint has previously been approved in this position on site, when viewed from the neighbour at No.320 Oundle Road this retrospective outbuilding has an eaves height of 2.8m and total overall ridge height of 4.5m, which is higher than that was previously approved for the shed. This additional height would be unacceptably overbearing, result in further loss of outlook and result in an almost continuous building line dominating the boundary line above the existing timber fence. The additional height tips the balance resulting in a greater degree of dominance, appearing obtrusive and overbearing to these neighbours to an unacceptable degree.

Likewise for No.318B Oundle Road. Considering the retrospective outbuilding is sited closer to this adjacent neighbour than the siting of the approved proposal in 2020, the front garden is dominated by views of the retrospective outbuilding as well as from the windows on their principal elevation, adding to the increased perception of overbearing and being hemmed in. Officers note the insertion of a new window serving a bathroom and therefore Officers would recommend if Members are minded to approve the application a condition was attached to secure obscure glazing.

Due to the presence of a garage on site, and the separation distance, No. 1 Buttercream Drive would not be significantly impacted by the retrospective proposal. No. 3 Buttercream Drive to the south is unlikely to be impacted due to the existing presence of the outbuilding to the rear border of the application site area.

For 324 Oundle Road, Officers acknowledge that whilst the addition of a glazed window at ground level facing this adjacent property does not result in privacy issues, the retrospective outbuilding is clearly visible above the existing timber fence and affords greater visual dominance due to the increased height and scale of the overhanging canopy.

In light of the above it is considered that the proposal is contrary to Policy LP17 of the Peterborough Local Plan (2019).

c) Parking provision

The dayroom does not require any additional on-site car parking spaces in line with the adopted Local Plan policy nor result in the loss of any required on-site car parking. In addition, the existing vehicle access is not required or proposed to be changed. Therefore, there are no parking or highway safety implications arising from the proposed development.

In light of the above, the proposal is in accordance with Policy LP13 of the Peterborough Local Plan (2019).

d) Contamination

The application site is adjacent to land used formerly for commercial purposes. The City Council's Pollution Control Officer has previously recommended a condition to be applied to any approval to deal with any contamination that may be discovered on site when constructing the outbuilding to the rear boundary of the site. Given no requirement has been outlined in the previous application, 20/01486/HHFUL, and the outbuilding related to this application has already been constructed on site, no further action would be required.

On the basis of the above, the proposal is not contrary to Policy LP33 of the Peterborough Local Plan (2019).

d) Other matters

Other matters raised by local residents, not covered in the sections above, include concerns that should car repair works be carried out on site by residents this could result in emissions of toxic fumes which would be problematic for neighbours, as well as increased noise from the outbuildings being occupied.

The proposed use is to be an ancillary residential use to the existing site, which is a compatible land use in noise terms in this residential context. Should any noise become excessive, a statutory noise nuisance complaint can be made to and investigated by the Council's Pollution Control Department.

Domestic car repair activities of resident's cars are permissible on any residential site. Should unusually high levels of emissions or toxic fumes become a problem on the site a complaint could be made to and investigated by the Council's Pollution Control Department.

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 Executive Director of Place and Economy recommends that Planning Permission is **REFUSED** for the following reasons.

- R 1 The outbuilding, by way of its siting, size, scale and appearance is at odds with the established character of the application site and wider area. It appears unduly dominant and incongruous and fails to respect the character of the surrounding area. The proposal therefore results in harm to the character, appearance and visual amenity of the locality and is contrary to Policy LP16 of the Peterborough Local Plan (2019).

R 2 The outbuilding, by way of its siting, size and scale, results in an unacceptably overbearing impact to the occupiers of the neighbouring dwellings. The development appears as an unduly obtrusive and dominant feature for the occupiers of No. 318B Oundle Road, 320 Oundle Road, and 324 Oundle Road, harming the enjoyment of the garden area/outlook and to the detriment of occupier amenity. It is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

**Copy to Councillors – Councillor Imtiaz Ali
Councillor Andy Coles
Councillor Alan Dowson**

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