

APPLICATION: CONSTRUCTION OF FOUR-BED DWELLING AND DETACHED GARAGE ON LAND ADJACENT TO 1 PUDDING BAG LANE PILSGATE STAMFORD

NUMBER: 10/00198/R3FUL

APPLICANT: PETERBOROUGH CITY COUNCIL

AGENT: STATE OF DESIGN LTD

REFERRED BY: BARNACK PARISH COUNCIL

REASON: DESIGN, AMENITY, ACCESS

DEPARTURE: NO

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

Brief Outline of Development

Construction of a 4 bedroom house on vacant land at Pudding Bag Lane Pilsgate.

Main Issues.

- Amenity/overlooking
- Overshadowing
- Character of area
- Design/scale
- Loss of trees

Recommendation.

The Head of Planning Services recommends that the application is Approved subject to conditions and prior completion of a Section 106 obligation relating to a financial contribution to comply with POIS.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Peterborough Local Plan (First replacement)

Relevant policies are listed below. The most relevant policies are highlighted in bold for easy reference.

- DA1 **Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact.**
- DA2 **Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties.**
- H15 Development to be carried out at highest net residential density
- H16 Residential density
- LT20 Car Parking Standards
- CBE3 The City Council will require all proposals for development which would affect a conservation area (whether the site of the development is inside or outside the boundary) to preserve or enhance the character or appearance of that area.**

- T1** New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network.
- T9** Cycle parking requirements.
- T8** Permission will only be granted for a development if vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated by the proposed development.
- T10** Car parking provision to be in accordance with maximum car parking standard
- IMP1** Development shall secure for all additional infrastructure, services, community facilities and environmental protection measures which are necessary as a direct consequence of the development

Planning Policy Statement 3 – Housing. This requires Local Planning Authorities to make best use of land for new residential development and that it is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Planning Policy Statement 7: The Countryside, Environmental Quality and Economic and Social Development seeks to integrate development necessary to sustain economic and social activity in rural communities whilst protecting the character of the countryside. It indicates that new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources.

Planning Policy Statement 5 – Planning for the Historic Environment seeks to protect historic areas.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

Village Design Statement Implications: The Barnack and Pilsgate VDS makes the following relevant comments:

- careful attention should be paid to the layout of new developments to reflect the character of the villages;
- new buildings and extensions should be traditional in form and appropriate in size and proportion to the available space;
- it is important that spacing and density of any new property is such that it does not appear out of place in relation to existing development nearby;
- new properties should not overlook or dominate existing dwellings thus infringing their private amenity;
- new houses should not abut on to older properties, thus diminishing the visual aspect of the line of ancient properties;
- attention should be given to roof slopes, gable ends and house frontages, so that they match or blend with surrounding properties;
- Care should be taken to ensure that original buildings and building features are integrated into new homes and should not be destroyed, so that the character of these rural villages remains.
- building materials should blend with surrounding properties.

- roof lights should not be installed on the street or road side of properties and if they are being considered attention must be paid to the size, shape and design to give minimum visual impact.
- old or modern replacement Collyweston slates, blue Welsh slates or pantiles should be used to match the existing or surrounding roof styles; chimneys should be retained and repaired in their original form when alterations take place in preference to being shortened or removed;
- Chimneys should be included in the design of new houses to match those already in existence in nearby properties;
- old stone walls should be preserved and repaired with natural stone and should not be demolished;
- modern style panel or close boarded wooden fencing is not appropriate on road frontages;

It should be noted that the VDS no longer forms part of the Development Plan for the area so only very limited weight can be given to it in deciding this application.

3 DESCRIPTION OF PROPOSAL

Construction of a four bedroom house with three bedrooms on the first floor and one bedroom in the attic, and a tandem double garage at the bottom of the garden. The house is a skewed L shape, with frontages to both Pudding Bag Lane and the access track that serves a number of nearby houses.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is an irregular shaped parcel of land at the end of a terraced row of simple and unremarkable houses. To the side and rear is an access to fields and other houses, which also provides access to the garage. At the front of the site is a walnut tree. There is a stone front boundary wall which links the site with the adjacent housing.

The site adjoins the Conservation area and forms one side of an informal 'square' that comprises the centre of the hamlet of Pilsgate. The 'square' surrounds a walled/fenced field, with boundary treatments approx 1.5m high. The eastern side of this square is currently open, being constrained only by the gable of 1 Pudding Bag Lane and the walnut tree on the application site.

5 PLANNING HISTORY

None relevant

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Archaeology - Suitable archaeological mitigation should be attained through the application of a standard PPS5 condition.

Head of Transport and Engineering – The tandem garage is too short to accommodate 2 cars [a revised plan is awaited].

Private Sector Housing – Has no objection subject to comments on the layout.

Principal Built Environment Officer – Supports the application.

Tree / Landscape Officer – No objection to the loss of the Walnut Tree. Recommends condition to provide a replacement.

EXTERNAL

Barnack Parish Council - Objects for the following reasons:

- a) The design of the new house should be influenced by the adjacent ex-council houses and should be a smaller three bedroomed cottage style design.
- b) The proposed house is too large and will completely overwhelm the existing row of houses next to it. It is also too large a house for the width of this plot. The huge end gable will dominate the entrance to Puddingbag Lane on entry from the B1443
- c) The front gable and roof height of the front elevation are too high and should be lowered to be the same height as the roof of the adjacent houses. The front gable should not protrude in front of the building line of the adjacent houses. The front of the house should be on the same building line to match the houses alongside.
- d) The stone wall and wooden fence along the track are totally alien to the environment and are too high to match the stone wall of Chapel Orchard field on the opposite side of the track. If a wall or fence is required it should be no higher than the field wall, the other garden fences of the adjacent houses and the wall running along Puddingbag Lane in the front of the row of houses next to it. A high fence will cut this property off and it will appear as a suburban dwelling rather than a village house. No new boundary wall or fence should be higher than 1 meter within the conservation area.
- e) The windows facing on to Chapel Field are too large for a village environment and are totally alien to the other houses in Puddingbag Lane. They will also overlook the garden of Chapel Orchard thus destroying its privacy.
- f) The size of the chimneys are too large and will dominate the entrance from the B1443. One chimney pot on each chimney at each end of the property would be acceptable but not more, thus the chimney construction could be smaller matching those of the row of adjacent houses.
- g) Pilsgate House on which this house has been modelled is the 'manor house' of the hamlet and is therefore the biggest house in the whole community. It should not be used as a model. The original cottages should have been used as a model which would be suitable to the width of this plot and would fit into the environment more comfortably. This proposed house will stand out and will not match the surrounding house or fit into its environment in any way.
- h) The entrance to the garages is over a private field track. More vehicles using this track will cause disrepair thus inconveniencing the present users especially in the winter when the track gets very muddy. Barnack Parish Council would object strongly to this track having a tarred road surface.
- i) A tandem garage suggests parking for three vehicles, which would prejudice the access of Chapel Orchard garage. A house of the proposed size with four bedrooms would generate at least four cars. There are insufficient parking spaces alongside the front of the house to accommodate vehicles without blocking access to The Old Stackyard and without blocking Puddingbag Lane or using the parking outside other houses. This is a further reason as to why a four bedroom house in this position would be totally unsuitable.
- j) The conclusion states that a family would benefit greatly from the Primary School, but it is not guaranteed that the school would be used as there are several private/direct grant schools available in the area. The family living in this house would be more likely to use the village school if it were a smaller design with a maximum of three bedrooms
- k) The property would not be comparable in size, scale and materials or proportion of those alongside it on Pudding Bag Lane.

- l) Barnack Parish Council request that a share of the 106 payment for this house be used for the benefit of the village, as a contribution towards the pre school replacement building and traffic calming for the B1443 running through Pilsgate.

NEIGHBOURS

Letters of objection have been received from 6 local residents raising the following issues:

- a) The proposed four-bed dwelling house is totally inappropriate for this small and odd shaped plot of land which is adjacent to the conservation area of the village.
- b) Loss of garden to No 1 Pudding Bag Lane – the site has been used as garden for many years.
- c) Loss of light and view to No 1 Pudding Bag Lane
- d) Architecture should reflect the adjacent houses.
- e) Overlooking/loss of privacy – failure to comply with policy H16.
- f) The proposal is not of the high quality previously expected in the village.
- g) Detriment to amenity as a result of electricity pole being moved.
- h) Ownership boundary concerns.
- i) Light pollution.
- j) Overdevelopment of the site.
- k) Need to provide access for agricultural equipment.
- l) Loss of amenity during building works.

7 REASONING

a) Introduction

This application seeks to use an area of land that was not sold as garden when 1 Pudding Bag Lane was sold off and has remained in Council ownership.

b) Policy issues

The site is within the Village Envelope for Pilsgate where the principle of residential use is acceptable and adjoins the Conservation Area. The controlling policies are DA1, DA2 and T1.

c) Design/Scale

The Design and Access statement demonstrates that this design has emerged from a design process that began with the constraints of the site, including the walnut tree, the character of the area. The applicant consulted with planning officers and the Parish Council before reaching the final design and compromises were made as a part of this process.

The loss of the Walnut tree is regrettable as it provides a foil to the gable end of the terrace and is clearly visible as one enters Pudding Bag Lane. However, the retention of the tree cannot be justified due to its condition and therefore it could be removed by the applicant at any time, although a replacement is proposed.

The proposed house is certainly much higher in status than the adjoining (20th Century) terraced houses. In most planned settlements, the end property is of higher status and in most villages focal points have higher status properties. In this case, the site is at the entrance to Pudding Bag Lane and is at a focal point; the entrance to Pudding Bag Lane is currently very low key with the existing terrace and converted farm buildings dominating views. This proposal could have continued the style and character of the terrace causing no real harm to the setting or the Conservation Area. However, the applicant's contextual analysis has identified that the dominant character of this area is stone buildings and Collyweston slate roofs. The terraced housing to the east of the application site is the exception and in view of its relationship with the square does not form a significant part of its character. The applicant has derived this design from the nearby 'Pilsgate House' which is a very high status building with rich detailing and which forms a part of the west side of the square. It would be inappropriate to create a competing building and thus the proposed dwelling is both smaller, less richly detailed and clearly a modern design. However, by using the characteristics and proportions of Pilsgate House, the proposed building has a sense of place and belonging that the existing terrace lacks and provides both an

interesting focal point in place of the existing gable and tree and a balance to Pilsgate House at the opposite corner of the Square. It is therefore considered that the design of this proposed house will positively contribute to the character of this part of Pilsgate and to the Conservation Area.

Although the Parish Council has concerns about the height of the property, the eaves and ridge are identical where they adjoin the terrace, rising by approximately 650mm towards the corner, where the additional height will give the building authority, presence and room in the attic for an additional bedroom. The transition from low to high is managed by the projecting gable which has no precedent within the existing terrace, but is typical of this type of dwelling and causes no harm either to the rhythm of the street or to the amenity of the area. Overall, the scale of the dwelling is slightly greater than existing properties, but it is articulated to prevent it becoming overpowering. The scale is emphasised by the large and unbalanced chimneys on the elevation facing the square. This slightly unsettling feature, together with different eaves levels at front and rear makes the building more appropriate in this village setting where regular and symmetrical architecture is a modern characteristic.

The size of the house is considerable and at the very limit of the capacity of the site. The applicant has agreed to make several reductions to the size of the rear wing and it is now considered to be the maximum acceptable size for the plot. The roof accommodation is lit by roof lights on the northern face, which will not be generally visible and allows the building to maintain the illusion of two storey accommodation.

Areas in which the design is less successful are the two ground floor windows immediately adjacent to the shared vehicular access, given the volume of traffic which uses this access the level of amenity for occupants will be reduced, but the loss of the windows would harm the balance of the building and the level of amenity will nevertheless be acceptable.

The house is set slightly forward of the adjoining terrace, but not in front of the porches, a total distance of approximately 500mm. This slight set forward will have no significant impact on the street scene.

The stone front boundary wall is identified as a protected frontage in the local plan and will be retained as part of this scheme. Officers consider that a stone wall similar in design and construction to the wall surrounding the adjacent paddock should be continued along the southern boundary as suggested by the Parish Council. It could be augmented with trellis or hedge planting to achieve a 1.8 m screen if necessary. This can be controlled by condition.

d) Amenity/Overlooking/Overshadowing

The end terrace house has 2 windows directly overlooking the application site. The proposed house will be built approximately 1.4m from these windows. Inevitably this will result in significant loss of light. However, the windows affected are small, serving the stairs, and will result in very little loss of amenity for the occupant.

At the rear of 1 Pudding Bag Lane, there is a small yard measuring approximately 8m x 5m (40 sq m) which links to the rear access by a triangular parcel of land 23m long and 5m (max) wide (57 sq m); the area of garden therefore meets the normal minimum garden size, but it is to the north of the house and is not convenient. This application does not propose to reduce the area of garden to 1 Pudding Bag Lane, but due to the relationship with the property, it will inevitably feel somewhat overshadowed, although the actual loss of sunlight will be negligible. The rear windows of the house could result in some overlooking, but as they serve only a hall and landing they can all be obscure glazed. Although several neighbours are concerned about overlooking, their concerns seem to relate to overlooking from front windows across the square at distances of approximately 40m, which is twice the normal minimum distance and is therefore acceptable.

The concerns regarding the electricity pole are not matters to concern this decision. There is no proposal to move the pole and in the event that it needs to be moved an application under different legislation will be required, when any impact on amenity can be considered. It would be normal practice to remove overhead line clutter, so it is likely that any such application would improve the appearance of the Conservation Area.

e) **Access**

The access drive at the side of the proposed dwelling serves about 15 houses and is access to fields for agricultural machinery. The addition of traffic for this dwelling will not result in any significant increase in wear and tear. The drive is in the ownership of the Council. Amended plans are awaited showing the garage lengthened to accommodate 2 cars, at which time the parking will precisely match the Council's standards.

f) **S106**

The applicant has offered a Unilateral Undertaking to make a contribution under POIS to the value of £8,000 (plus monitoring fee) in line with Council Policy.

8 CONCLUSIONS/REASONS FOR RECOMMENDATION

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in light of all material considerations, including weighting against relevant policies of the development plan and specifically:-

The proposed house will complement the character and design of the buildings surrounding the core of the Conservation Area in this hamlet without causing any material loss of amenity, will provide acceptable access and parking and a contribution under the Council's POIS in accordance with policies DA1, DA2, CBE3, T1 and IMP1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions and the prior completion of a Unilateral Undertaking for a financial contribution to comply with POIS:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: In the interests of visual amenity. This accords with Policies DA1 and DA3 of the Peterborough Local Plan (First Replacement).
- C3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling shall be constructed other than as those expressly authorised by this permission.**
Reason: In the interests of visual and residential amenity. This accords with policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C4 Highway conditions to follow
- C5 Tree planting to follow
- C6 Wall retention and height of new wall to follow

Copies to Councillor Over

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