



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 6 JANUARY 2015**

Members Present: Councillors Harper (Chair), Serluca (Vice-Chair) Casey, Hiller, North, Stokes, Martin, Ash and Harrington

Officers Present: Lee Collins, Development Management Manager
Amanda McSherry, Principal Development Management Officer
Julie, Robshaw, Compliance Officer
Simon Ireland, Principal Engineer (Highway Control)
Hannah Vincent, Planning and Highways Lawyer
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Sylvester.

2. Declarations of Interest

There were no declarations of interest.

3. Members' Declaration of intention to make representations as Ward Councillor

There were no declarations of intention to make representations as Ward Councillor.

4. Minutes of the Meetings held on:

4.1 18 November 2014

The minutes of the meeting held on 18 November 2014 were approved as a correct record.

4.2 2 December 2014

The minutes of the meeting held on 2 December 2014 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 14/01759/HHFUL – 8 Engaine, Orton Longueville, Peterborough, PE2 7QA

The planning application was for a garage extension at 8 Engaine, Orton Longueville.

The main considerations were:

- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- Other matters

It was officer's recommendation that planning permission be refused, for the reasons set out in the report.

The Principal Development Management Officer provided an overview of the application and raised the following key points:

- The proposal was for a double garage, 6.6 metres by 6.1 metres and constituted a reduction from initial proposals.
- The garage would sit 3 metres in from the site boundary.
- Objections had been received on the grounds of height, impact on the street scene, character of the area, positioning and flooding. Additional concerns had been raised about the lack of permeable hardstanding within the proposal.
- It was considered that the roof of the garage would be prominent and very visible.
- The garage would be remote, unlike the surrounding developments.
- It was considered that the proposals were unacceptably dominant and were visually detrimental.

Paul Sharman, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- It was suggested that officers had been over zealous in their consideration of the application.
- The proposal would not have any impact of neighbour amenity.
- The location of the garage was not too noticeable and it was not considered to be situated on a prominent corner.
- The size of the garage was normal. It was stated that two garages in the nearby vicinity were of greater height than that proposed, two where the same height and five was smaller.
- It was believed that the garage related well to the dwelling in its proposed position. It was suggested that moving the garage further into the site by six metres would create an area of unusable land.
- The height of the garage was required for storage use.
- Measures would be put in place to ensure that the site drained properly and any flood issues were avoided.

The Committee discussed the application, suggesting that the proposal would not look out of place with the surrounding area. The size of the garage would have an impact on the street scene, but not so much as to be considered unacceptable. Several Committee members stated that moving the garage further into the site would look incongruous and create space not easily usable. It was noted that concerns from residents in relation to flooding should be regarded and appropriate conditions should be imposed if approved.

The Principal Development Management Officer advised that officers had considered the proposal to be too high and isolated from the dwelling, resulting in an appearance very prominent in the street. It was advised that the site had an extant consent for a double garage, measuring 4.8 metres in height, positioned in the top left hand corner of the site. If the Committee were minded to approve the application conditions could be included in relation to drainage, conditions for building materials, and conditions to retain the development as parking and not an independent residential use.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation, subject to conditions relating to permeable materials for hardstanding, building materials and retention of use for parking for the dwelling and not for an independent residential use. The motion was carried by seven votes, one voting against.

RESOLVED: (seven voted in favour, two voted against) that planning permission is **GRANTED** subject to the following conditions:

1. Details of materials for hardstanding and a suitable surface water drainage scheme if material not permeable;

2. Building materials; and
3. Retention of use for parking for the dwelling, and not any independent residential use.

Reasons for the decision

While the proposed garage would have an impact on the street scene, this impact would not be unacceptable and would not be to the detriment of the character of the area.

5.2 14/02039/HHFUL – 40 Farleigh Fields, Orton Wistow, Peterborough, PE2 6YB

The planning application was a retrospective application for a single storey extension to the rear of 40 Farleigh Fields, Orton Wistow.

The main consideration was:

- The impact of the proposal on the amenity of the occupiers of the neighbouring dwellings

It was officer's recommendation that planning permission be refused, for the reasons set out in the report.

The Development Management Manager provided an overview of the application and raised the following key points:

- An extension had previously existed on the site, which had been 3.5 metres deep. The current retrospective application was for a development of 7.3 metres deep, with a 4.15 metre pitched roof.
- No objections had been received from neighbours or the Parish Council.
- The applicant had prior approval for a development in the same location of 6.2 metres by 3.8 metres. The proposal was 1.1 metres deeper and 0.3 metres higher.
- It was considered that this increase resulted in significant additional impact on neighbour amenity, as this was the only aspect to receive direct sunlight. The outlook from and the overshadowing of the neighbouring property was unacceptable.
- Additional information from the agent and applicant, and photos from the neighbouring property had been received within the update report. The recommendation of officers had not, however, changed.

Councillor Eley, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Highlighted the importance of the planning system weighting applications against neighbour amenity.
- The applicants disregard for these rules had caused the resident of the neighbouring property significant stress.
- The development extended the full depth of the garden and had a harmful impact on residential amenity.
- The development compounded issues of overshadowing and dominated the area.
- The loss of light to the neighbouring property was made significantly worse by the proposal.
- It was confirmed that, although no written objection had been received, the resident of the neighbouring property did object. Members of the Parish Council were minded of the impact the proposal had, but had made no further comment.

Stuart Cleworth, Applicant, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Cleworth apologised for his misunderstanding of the prior approval process. He had believed a single storey extension would be supported and not considered harmful.
- The previous extension's flat roof had not been in keeping with the character of the area, and the reduction in eave height was considered to be an improvement.
- It was suggested that the gardens of the neighbouring properties would only receive direct sunlight for one hour a day, so this loss was not significant.
- The density of the tree belt already blocked out a substantial amount of sunlight, more so than the proposal.
- It was noted that the applicant could increase the height of his fence to two metres without the need for planning permission.
- Attempts had been made to engage neighbours, however had been unsuccessful. Before today Mr Cleworth had believed there to be no objections.

The Development Management Manager clarified that within the prior approval process an extension of up to 8 metres could be erected, as long as there were no objections from neighbours. The applicant had followed this process with a prior approval notice application for an extension of 6.2 metres. An objection was received from a neighbour, however it had been considered by officers that a 6.2 metre extension would not be harmful and prior approval was granted. The applicant had proceeded to erect an extension of 7.3 metres, beyond what had been approved. The Committee were advised that the prior approval requirements were not applicable to retrospective applications, as such, the lack of neighbour objection to the current application was not relevant.

The Committee appreciated that the applicant may have been confused by the prior approval process, however considered the proposal dominated the garden and had extensive impact on neighbour amenity.

A motion was proposed and seconded to agree that permission be refused, as per officer recommendation. The motion was carried by eight votes, one voting against.

RESOLVED: (eight voted for, one voted against) that planning permission is **REFUSED** for the reason given below.

Reasons for the decision

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reason:

The extension, by way of its height, depth and location and given the orientation of the dwellings, would result in an unacceptable level of overshadowing and enclosure for the neighbour 39 Farleigh Fields, to the detriment of their amenity. This is contrary to policy CS16 of the Peterborough Core Strategy (DPD) and policy PP3 of the Peterborough Planning Policies (DPD) 2012 which state;

CS16 - New development should not result in unacceptable impact upon the amenity of the occupiers of neighbouring dwellings.

PP3 - Planning permission will not be granted for development which would result in; (d) loss of light to and/or overshadowing of any nearby property; or (e) overbearing impact on any nearby neighbour.

5.3 Exclusion of the Press and Public

RESOLVED: that agenda item 5.3 - Enforcement Action in West Ward, which contained exempt information likely to identify an individual or company where prosecution was

being considered, as defined by Paragraphs 1, 2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when this item was discussed and that the public interest in maintaining the exemption outweighed the public interest in disclosing this information.

5.4 Enforcement Action in West Ward

As agreed the meeting moved into exempt session.

The Committee was asked to consider enforcement action in relation to development that had not taken place in accordance with approved plans, under Part 3 Section 2.5.4.3 of the Constitution.

It was officer's recommendation that no enforcement action be taken. The Compliance Officer provided an overview of the report.

A motion was proposed and seconded to agree that no enforcement action be taken, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that no enforcement action be taken.

Chairman
1.30pm – 2.40pm