

APPLICATION REF: 12/00028/FUL

PROPOSAL: RE BUILT GARDEN WALL (PART RETROSPECTIVE)

SITE: 51 PARK ROAD, PETERBOROUGH, PE1 2TH,
APPLICANT: MR SHOKAT ALI

AGENT: H A ARCHITECTURAL SERVICES

REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES
REASON: TO ALLOW INTERESTED PARTIES THE OPPORTUNITY TO DISCUSS
THE DEVELOPMENT IN A TRANSPARENT MANNER

SITE VISIT: 20.03.2012

CASE OFFICER: MS L C LOVEGROVE

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RECOMMENDATION: REFUSE

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

Site and Surroundings

The application site is formed by a large semi-detached Victorian property which is situated within a streetscene of properties of similar design and appearance. The character of the area is mixed being in close proximity to the City Centre and thereby benefits from both residential and commercial premises. Parking is provided on road albeit there are parking restrictions in force. An area of hardstanding has been created as part of the current unauthorised development which is noted to have been used for the parking of a vehicle despite there being no dropped kerb access to the highway. The application site is located within the identified Park Conservation Area.

Proposal

The application seeks planning permission for the construction of a front boundary wall. It is important to note that the application has been submitted following the unauthorised demolition of the site boundary walls at Nos.51, 53, 55 and 57 Park Road. Development has already commenced on the replacement wall at all four properties albeit this application relates only to the boundary wall at No.51. The wall has not been completed at present and as such, the application scheme is part-retrospective. The finished wall is proposed to stand at a maximum height of 1.3 metres (to pier caps) and will comprise a 0.6 metre high red brick wall with black arrowhead and ball railings and red brick piers. The piers and wall are proposed to include moulded stone copings and caps. A pedestrian access is proposed to the north east of the front boundary with a 2.5 metre wide opening to the south east.

2 Planning History

No relevant planning history.

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 12 – Conserving and enhancing the historic environment

In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to

viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

4 Consultations/Representations

Parish Council

No comments received.

Conservation Officer (14.02.12)

Objection – the unauthorised removal of the front boundary wall at the application site is contrary to the advice provided to the applicant in respect of the unauthorised removal of the boundary wall at the neighbouring properties (Nos. 53-57 Park Road). Whilst the design of the replacement wall is in line with advice provided for the neighbouring properties, the introduction of a new access is not and is considered unacceptable, resulting in harm to the character of the Park Conservation Area.

Transport and Engineering Services (14.02.12)

No objections.

Local Residents/Interested Parties

Initial consultations: 11

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

One letter of objection has been received from the neighbouring property. The reasons for the objection are:

- The widening creation of a new access and the removal of the walls are contrary to the Park Conservation Area Management Plan (adopted March 2007)
- The driving of cars over the driveway could be damaging to trees protected by a preservation order
- Vehicles using the hardstanding for parking will mean driving over the footway causing danger to pedestrians

5 Assessment of the planning issues

The main considerations are:

- Impact upon the character and appearance of the Park Conservation Area
- Highways implications

a) Introduction

The planning application has been submitted following enforcement action taken against the applicant with regards to the removal of the original boundary wall and replacement with the application scheme (wall and railings). In 2009, the original front boundary walls and piers to Nos.53-57 (odd) Park Road were demolished without the benefit of Conservation Area consent. This removal took place despite the refusal of Conservation Area Consent for the removal of the boundary walls under application reference 07/00227/CON (same applicant for

Date: 22.05.2012

this and the current applicant). As the original bricks and copings had been disposed of, it was not possible for the wall to be rebuilt and as such, the City Council's Enforcement and Conservation Officers agreed a scheme for a replacement wall at these properties comprising of a wall with stone copings and railings between the pillars. The wall has been constructed however no copings or railings have been erected at present. Given that the scheme for the replacement wall has been agreed by all parties, no further enforcement action is proposed and it is the decision of the applicant as to whether he wishes to regularise the development by way of a retrospective planning application.

In 2011, the remaining original section of the wall to the front of No.51 was demolished, again without the benefit of Conservation Area Consent and the rebuilding in line with the agreed scheme for Nos.53-57 commenced. The applicant has included within the rebuilt wall, an opening 2.5 metres in width which is contrary to the advice given by Officers at the time of the unauthorised works. On this basis, the applicant has submitted the current planning application to obtain permission for the new opening along with the boundary wall.

b) Impact upon the character and appearance of the Park Conservation Area

The overall appearance of the replacement wall in terms of its design is accepted by Officers and the rebuilding will continue along the front boundaries of Nos. 53-57 Park Road. Whilst the wall will appear a modern replacement and the Local Planning Authority would have preferred the retention/rebuilding of the original wall, this is not possible owing to disposal of the original materials. The materials used and proposed for use in the new wall will ensure that the overall character of the area will be maintained and particularly the moulded coping and pier caps will ensure the wall does not appear incongruous or at odds with its surroundings and the Park Conservation Area.

The matter to which the Local Planning Authority objects, is the introduction of a new 2.5 metre wide opening to the south eastern most end of the replacement wall. The applicant proposes that this opening is to provide improved accessibility to the building for mobility scooter users, cycle parking and to provide level access to the entrance door. However it has been noted by the objector and photographic evidence provided that this access and the associated area of hardstanding have been used for the parking of vehicles.

The Park Conservation Area Appraisal and Management Plan (2007) sets out in detail the special character of the Conservation Area and a scheme of management to maintain and enhance the appearance and setting. Within the management plan, front boundary treatments and car accesses are specifically dealt with. The management plan, both at Sections 5.3 and 5.7 clearly identifies that the demolition of front boundary walls and the inclusion of new vehicular accesses along Park Road has had a detrimental impact upon the character of the area. As such, 'the City Council will not support proposals for widening existing entrances or creating new accesses that require the removal of boundary walls or hedges'. The constructed 2.5 metre wide opening the subject of this application, clearly goes against the intentions of the City Council for preserving and enhancing the character of the Conservation Area and will further degrade the historic frontages along Park Road. It is therefore concluded that the access results in a significantly harmful impact upon the character, appearance and setting of the Park Conservation Area and is contrary to the National Planning Policy Framework (2012) and Policy CS17 of the Peterborough Core Strategy DPD (2011).

c) Highways implications

The objection from the adjacent neighbour to the site relates to the access being used by vehicles and causing a danger to highways/pedestrian safety due to the lack of dropped kerb crossing on to Park Road. Whilst the applicant does not propose to use the access and associated hard surfacing for the parking of vehicles, evidence from the objector has shown that this has taken place. Whilst the Local Highways Authority (LHA) have raised no objections to the application scheme, this has been on the basis of the statement provided with the application and is based upon the access not being used by vehicles. Given that it has been evidenced that the access has been used to provide vehicle parking, it is considered that the application scheme would result in a danger to highways and pedestrian safety. Given the height of the wall at 1.3 metres to the height of the pier caps, the access fails to provide the required 2 metre x 2 metre vehicle-to-pedestrian visibility splays either side of the access. As such, any vehicle exiting the site would not have sufficient visibility of oncoming pedestrians

which leads to conflict and potential danger for highway users. On this basis, the proposal is contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011).

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 Head of Planning, Transport and Engineering Services recommends that planning permission is **REFUSED**.

- R 1 The partially constructed replacement boundary wall and in particular, the addition of a new access 2.5 metres in width, fails to respect and reflect the character and appearance of the Park Conservation Area. The relevant Conservation Area Appraisal and associated Management Plan clearly identifies the detriment that has been caused to the Conservation Area as a result of the creation of new access and in curtilage parking through the removal of existing front boundary walls and states that new or increased accesses will not be considered acceptable. As such, the application scheme results in significant harm to the character, appearance and setting of the identified heritage asset, contrary to the National Planning Policy Framework (2012) and Policy CS17 of the Peterborough Core Strategy DPD (2011) which state:

Section 12 of the NPPF

Where proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, planning permission should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Policy CS17

The Council will protect, conserve and enhance the historic environment throughout Peterborough, through the special protection afforded to listed buildings, conservation areas and scheduled ancient monuments and through careful control of development that might adversely affect non-scheduled, nationally important archaeological remains; other areas of archaeological potential or importance; historic features and their settings; buildings of local importance; and areas of historic landscape or parkland.

All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas of high heritage value. There will be particular emphasis on the following:

- the use of Conservation Area Appraisals and associated Management Plans to ensure the preservation and enhancement of the individual character of each of Peterborough's conservation areas.

- R 2 The created 2.5 metre wide access within the reconstructed front boundary wall would allow for access and in-curtilage parking by vehicles whilst not providing the required 2 metre x 2 metre vehicle-to-pedestrian visibility splays. As a result, any vehicle using this access would not have adequate visibility of either oncoming pedestrians or vehicles and would result in unacceptable danger to the safety of the public highway. The development is therefore contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) which states:

Policy CS14

All new development should demonstrate that appropriate and viable opportunities have been taken to achieve a reduction in the number of personal injury accidents amongst all travellers.

Copy to Councillors M Nadeem, N Khan MBE, M Jamil

Date: 22.05.2012