

Application Ref: 13/01105/HHFUL

Proposal: External alterations to the detached garage comprising replacement windows and the insertion of new door to the elevation facing the main dwelling house - revised application

Site: 13 Nottingham Way, Dogsthorpe, Peterborough, PE1 4NF
Applicant: Mr Jawarjit Singh

Agent: Mr Richard West
 RW Architectural Services

Referred by: Councillor Shearman
Reason: Level of neighbour objection and previous decision by Committee
Site visit: 03.05.2013

Case officer: Miss L C Lovegrove
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Recommendation: **GRANT** subject to relevant conditions

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

Site and Surroundings

The application site comprises a two storey detached residential dwelling located within a residential estate of uniform character. The main dwellinghouse is set back from the streetscene and sits behind an existing single storey detached double garage. The garage is positioned side-on to the street and shares a driveway with No.11 Nottingham Way. There is a small area of landscaping to the front comprising shrubs and an immature silver birch tree which provides some screening to the dwelling and garage. At present, the garage has a blank gable elevation which fronts the public highway and is constructed of buff brick and brown concrete roof tiles.

Proposal

This application has been submitted following a similar proposal being refused at Committee for the following reason:

The alterations to the street facing elevation, with the insertion of two windows, will be detrimental to the appearance of the street scene contrary to the provisions of Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012), both of which seek to ensure that new development makes a positive contribution to the quality of the built environment.

The application differs from the refused scheme as there are no longer any windows proposed to be inserted into the western elevation of the garage. Instead, the only new opening relates to the insertion of a door into the eastern elevation (facing the main dwellinghouse).

The proposal is associated with the change of use of the existing garage to an annexe for occupation by a family member associated with the occupation of the main dwellinghouse. It should be noted that this does not require the benefit of planning permission (discussed in greater detail in section 5 below). As such, the only elements for which planning permission are sought are those detailed above.

2 Planning History

Reference	Proposal	Decision	Date
13/00606/HHFUL	Conversion of garage to living accommodation	Application Refused	12/07/2013

3 Planning Policy

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

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.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

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.

4 Consultations/Representations

Victoria Park Residents Association

No comments received.

Local Residents/Interested Parties

Initial consultations: 14

Total number of responses: 9

Total number of objections: 9

Total number in support: 0

11 objections have been received from local residents on the following grounds:

- The removal of the garage doors and replacement with plastic cladding will be highly visible from the street. This will jar the eye and be out of keeping with other garages in the area, interrupting the rhythm of the streetscene.
- The repositioning of the window and entrance will affect the privacy of occupiers of No.11 Nottingham Way.
- The revised scheme offers little in the way of natural daylight into the altered building resulting in 'poky' accommodation.
- The limitation of parking on the site (which already results in encroachment onto the driveway of No.11) will be exacerbated by the loss of the garage. Cars visiting the property will be obliged to park on the highway, opposite a road junction, causing a hazard.

- Despite the concept of 'permitted development', surely it was never the intended policy of the government for a detached garage, standing at some distance from the house it serves and immediately adjacent to a highway, to be used as residential accommodation without the need for planning permission?
- What guarantee can the council give the residents that in the future, there won't be applications to install facilities and rent out to members of the public?
- The reason for the original refusal is not in accordance with the debate of Councillors who discussed the social effects, change of use of the premises and the effect on the estate and surrounding area. This looks like a 'fudged' way of recording the refusal so that Mr Singh only has to re-site the windows and the revised application will go through.
- The revised application is now a worse effect than the original.
- Would you want to look out from your room and see a 'metal plastic clad' wall. This is a low cost method of conversion.
- The conversion if approved will devalue properties around it.
- The revised plan sites the floor and windows at one end of the garage, what about fire regulations?
- Is it hygienic for a disabled mother living in a converted garage without proper kitchen and washing facilities? This will result in continuous movements between the annexe and house, creating disturbance to neighbours.
- The conversion does not respect the local context and would be entirely out of character with the area, to the detriment of the local environment.
- If this application were to be permitted, it would be similar to the so-called 'garden grabbing' for the few to gain at the cost and detriment of many.
- Allowing the conversion would set a dangerous precedent. Further developments such as this would only make things much worse.
- If the consent was agreed what would stop the occupants applying to add a second storey to the building and creating a whole new property on the site?
- The owner has already felled two trees in anticipation of planning permission. There is a restrictive covenant which states that no trees or shrubs shall be removed unless they are replaced with the same.

Councillor Shearman has expressed his opposition to the proposed development and supports the comments raised by local residents.

5 Assessment of the planning issues

The main considerations are:

- Design and impact upon the character and appearance of the surrounding area
- Impact upon neighbour amenity

a) Introduction

The proposed alterations are associated with the intended conversion of the existing detached garage to form living accommodation and this proposed use was referred to within the description of development for planning application 13/00606/HHFUL. Notwithstanding this previous description, the proposed use of the existing garage is as an annexe for occupation by a family member associated with the occupants of the main dwellinghouse, such a proposal does not require the benefit of planning permission. The proposed use, given that the annexe would retain a functional relationship with the main dwelling i.e. shared cooking facilities, does not represent a material change of use and is retained as ancillary accommodation. Therefore, this element of the scheme does not constitute 'development' and planning permission is not required.

However, given that the existing structure lies forward of the existing dwellinghouse, the associated external alterations - replacement of two windows, insertion of a door and replacement of the existing garage door with cladding of a similar appearance - do require permission.

Accordingly, this assessment relates only to those elements which require planning permission. In light of this, the following objections received from local residents cannot be considered in the determination of this application:

- The revised scheme offers little in the way of natural daylight into the altered building resulting in 'poky' accommodation.
- The limitation of parking on the site (which already results in encroachment onto the driveway of No.11) will be exacerbated by the loss of the garage. Cars visiting the property will be obliged to park on the highway, opposite a road junction, causing a hazard.
- Despite the concept of 'permitted development', surely it was never the intended policy of the government for a detached garage, standing at some distance from the house it serves and immediately adjacent to a highway, to be used as residential accommodation without the need for planning permission?
- What guarantee can the council give the residents that in the future, there won't be applications to install facilities and rent out to members of the public?
- The conversion if approved will devalue properties around it.
- The revised plan sites the floor and windows at one end of the garage, what about fire regulations?
- Is it hygienic for a disabled mother living in a converted garage without proper kitchen and washing facilities? This will result in continuous movements between the annexe and house, creating disturbance to neighbours.
- The conversion does not respect the local context and would be entirely out of character with the area, to the detriment of the local environment.
- If this application were to be permitted, it would be similar to the so-called 'garden grabbing' for the few to gain at the cost and detriment of many.
- Allowing the conversion would set a dangerous precedent. Further developments such as this would only make things much worse.
- If the consent was agreed what would stop the occupants applying to add a second storey to the building and creating a whole new property on the site?
- The owner has already felled two trees in anticipation of planning permission. There is a restrictive covenant which states that no trees or shrubs shall be removed unless they are replaced with the same.

b) Design and impact upon the character and appearance of the surrounding area

As detailed in section 1 above, the previous application was refused on the basis that the proposed windows to the street-facing elevation would result in an unacceptably harmful impact upon the character and appearance of the streetscene and surrounding area. The current scheme has sought to address this reason by removing the proposed windows. Accordingly, the only proposed development relates to the eastern elevation (facing the main dwellinghouse) and the northern elevation.

The proposed door is of a standard design and reflects the character of the existing garage and the proposal is typical of other detached outbuildings not only in the locality, but elsewhere within the City. In addition, this door and the replacement windows will not be readily visible from the public realm as the eastern elevation faces into the site, away from the streetscene. Accordingly, it is considered that these alterations will have no discernable impact upon the character and appearance of the surrounding area.

It is also proposed to remove the existing plastic-clad metal roller shutter garage door to the northern elevation and replace this with cladding of a similar colour and appearance with solid wall behind. The overall appearance of this elevation will not materially differ from the present and as such, the resultant development will retain its appearance of a garage. This will ensure that no detriment to the overall character and appearance of the site within its context will result.

On this basis, it is considered that the proposed external alterations will not result in any unacceptable impact to the character, appearance or visual amenity of the streetscene or surrounding area and the proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

c) Impact upon neighbour amenity

With regards to the impact upon the amenities of neighbouring occupants, it is considered that the proposal will not result in any unacceptable impact in terms of overlooking as a result of the proposed door. The existing 2 small windows and proposed part-glazed door would face directly towards No.13, the host property, with only oblique views at some distance to No.11. As such, the proposal will not result in any unacceptable harm to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

d) Other matters

In addition to the above assessment, the following objections raised by local residents are addressed:

- *The reason for the original refusal is not in accordance with the debate of Councillors who discussed the social effects, change of use of the premises and the effect on the estate and surrounding area. This looks like a 'fudged' way of recording the refusal so that Mr Singh only has to re-site the windows and the revised application will go through.*

Officer response: The reason for refusal accords with the resolution proposed by the Planning and Environmental Protection Committee. Whilst debate of the application may have included other issues, such issues did not form the resolution for refusal of the application.

- *The revised plan sites the floor and windows at one end of the garage, what about fire regulations?*

Officer response: This is not a material planning consideration and instead, falls within the remit of Building Regulation legislation.

- *What guarantee can the council give the residents that in the future, there won't be applications to install facilities and rent out to members of the public?*
- *If the consent was agreed what would stop the occupants applying to add a second storey to the building and creating a whole new property on the site?*

Officer response: Whilst the conversion to an annex in these circumstances does not require planning permission, as the premises would be occupied by a family member associated with the main dwellinghouse with the sharing of facilities within the main dwellinghouse (e.g. cooking/kitchen facilities) any further changes such as the requirement of a second storey would require planning permission. The Local Planning Authority cannot prevent a planning application being made for further changes to the building or for future changes in use, any such applications would be considered on their own merits.

- *Allowing the conversion would set a dangerous precedent. Further developments such as this would only make things much worse.*

Officer response: As already discussed, the conversion in this case is exempt from planning permission. Notwithstanding this, all applications are taken on their own merits and therefore, no precedent is set.

- *The conversion if approved will devalue properties around it.*

Officer response: House values are not a material planning consideration and cannot be taken into account when determining a planning application.

- *The owner has already felled two trees in anticipation of planning permission. There is a restrictive covenant which states that no trees or shrubs shall be removed unless they are replaced with the same.*

Officer response: Restrictive covenants are not a material planning consideration and cannot be taken into account when determining a planning application.

6 Conclusions

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

- the proposed external alterations will not result in any unacceptable impact upon the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012); and
- the proposed door to the eastern elevation will not result in any unacceptable impact to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **GRANTED** subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 No development shall take place until details of the external materials to be used have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

Notes to the Applicant

- IN1 It should be noted that the ancillary residential accommodation must retain some functional relationship to the host dwelling (in this case, shared kitchen facilities) and be occupied by relatives of occupants of the host dwelling to prevent the need for planning permission. If at any point in the future, the unit becomes self-contained, or is sold, leased or rented to occupants with no family relationship to the host dwelling, planning permission will be required.

- IN2 Building Regulation approval is required for this development. For further information contact the Building Control Section on 01733 453422 or email buildingcontrol@peterborough.gov.uk.

IN3 Your attention is drawn to the relevant provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information of the provisions of 'The Act' can be obtained from the Council's Building Control Section on 01733 453422 or email buildingcontrol@peterborough.gov.uk, or on website <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.

Copy to Councillors: P M Kreling, J Shearman and J P Peach

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