

Application Ref: 13/00765/HHFUL

Proposal: Construction of two storey rear, first floor front and single storey front extension, and installation of first floor side facing window (part retrospective)

Site: 26 Apsley Way, Longthorpe, Peterborough , PE3 9NE

Applicant: Mr Usman Arif

Agent: H A Architectural Services

Referred by: Cllr Dalton

Reason: Size and impact of the proposal with respect to neighbour properties – loss of light and privacy.

Site visit: 09.07.2013

Case officer: Mr M A Thomson

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Recommendation: **APPROVE** subject to conditions

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

Site Description

The application site is a two storey link-detached dwelling set back from the road with off-street parking to front. The rear garden is surrounded by a variety of hard and soft boundary treatments generally standing at 1.8m in height. The surrounding area is residential in character and the property is not within the Longthorpe Conservation Area.

Proposal

The proposal consists of;

- Rear extension
- Front porch extension
- Insertion of side elevation 1st floor window to serve existing bedroom
- Front extension to increase the height of existing stairwell to eaves level of existing house and insertion of window to stairwell.

The application was submitted following a report by a member of the public of unauthorised development and investigation by the Planning Compliance Team. The shell of a two storey rear extension has been erected; however the roof has not been finished. The shell projects 4m over two floors and runs for the full width of the dwelling. No other works to which this application relates has commenced.

Planning officers considered that the depth of the first floor element of the rear extension was inappropriate given its impact on the neighbouring property and asked for it to be reduced by 1m. Amended plans have been received (21.08.13) the rear two storey extension would have a depth of 4 metres at ground floor and 3 metres at first floor and would run for the full width of the dwelling. The extension would stand at 4.7m to eaves and 6.2m to ridge, which is the same as the existing original dwelling, and proposes a hipped roof.

A side first floor window is proposed on the north elevation to serve a bedroom.

The height of the existing stairwell (located on the front elevation of the house) would be increased in height to 4.7m and the front porch would have a floor area of 3.35m x 3.6m and proposes to stand at 2.5m in height.

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 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

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)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

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.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

4 Consultations/Representations

Initial consultations: 10
Total number of responses: 9
Total number of objections: 9
Total number in support: 0

9 letters of objection have been received. These raise the following concerns;

- Inaccurate plans and description of works;
- Permission should have been granted prior to commencing works;
- Granting retrospective consent sets a precedent;
- Poor quality of workmanship and materials used;
- Litter;
- Nuisance;
- Works being undertaken at weekends;
- Overbearing impact;
- Loss of light and privacy;
- Out of keeping with the character of the area;
- Loss of trees and wildlife;
- Substandard garden;
- Surface runoff;
- Loss of parking;
- Devaluation of property;
- Implementation of the Party Wall Act; and
- Potential for conversion to a House of Multiple Occupancy.

5 Assessment of the planning issues

The main considerations are;

- 1) Design and Layout
- 2) Amenity of existing and future occupiers
- 3) Biodiversity and Trees
- 4) Access and Parking
- 5) Other Matters

1) Design and Layout

As indicated under Section 1 the two storey rear extension would project 4m at ground floor and 3m at first floor and stand at 6.2m to ridge. Whilst the proposed extension is large the application site is a generously sized plot. As sufficient garden space remains it is considered that the plot can accommodate the footprint of the rear extension subject to consideration of the other matters below.

Letters of representation received state that if the two storey rear extension were built in accordance with the submitted plans then the roof would sit higher than the original building. The drawings submitted do not show this as the ridge to the new extension is not higher than the ridge height of the original existing house.

The proposed first floor front extension would have a flat roof and would stand no higher than the existing eaves level of the original house. The proposed porch at the front of the site would square off an existing curved porch. Subject to matching materials it is considered that the porch would be proportionate to the attached flat roof garage and the first floor front extension would not be visually prominent. These elements of the proposal would not detract from the character or appearance of the host building or street scene.

The rear extension has not been built in matching materials. However, it is not considered that the match is so poor that justifies a refusal of planning permission.

2) Amenity of Existing and Future Occupiers

Given the juxtaposition of the rear extension to No. 24 Aspley Way and considering the travelling sun path, the proposal would not have an unacceptably adverse impact with respect to light as the extension is located due north. The 3m projection at first floor is not considered to be overbearing or have an unacceptably adverse impact on the outlook from No. 24's principal rooms.

No. 26 Aspley Way is set 6 metres to the rear of No. 28 and there is a distance of 2.7m between these two properties. The first floor extension would project 3 metres; as it is located more than 2m from the shared boundary, this element of the development could be built under Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) without the need to apply for planning permission. As such it would not be reasonable to refuse consent on neighbour amenity grounds.

With regards to No. 2 Wayford Close, located to rear, the proposal would introduce rear facing windows. There would be a separation distance of approximately 20 metres to No. 2's garden room and 23 metres to No. 2's primary amenity space. Given the separation distance and the angles involved it is not considered that the windows would result in an unacceptably adverse impact on the privacy of this property.

A side first floor window is proposed to serve a bedroom, however this would result in unacceptable levels of overlooking to No. 28 Aspley Way's primary amenity space. Whilst this window would serve a bedroom, in the interests of protecting neighbour amenity it is considered reasonable to condition that this window be obscurely glazed (to level 3) up to 1.7m from floor level and be top opening only.

The proposal would reduce the amount of garden available to serve the dwelling, however with reference to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) it is possible to erect a 4m deep extension without planning permission subject to meeting set tolerances. As such this matter could not justify a standalone reason for refusal. Notwithstanding this, the amount of garden space that would be available further to the granting of planning permission is considered proportionate.

It is noted that work undertaken at weekends has caused nuisance to neighbours. If planning permission is granted it is considered reasonable, in this instance, to restrict the hours of external construction to Monday-Friday 08:00 – 18:00 and Saturdays 08:00-13:00 only.

3) Biodiversity and Trees

It is noted in letters of representation that works have already commenced, that trees were present on site prior to commencement and that there could have been wildlife present. The application site is not within a conservation area nor are any of the trees on site protected by tree preservation orders (TPO's), as such the trees could have been removed without consent from the Local Planning Authority. Wildlife is afforded separate protection under the Country and Wildlife Act 1981; the onerous is on the Applicant to comply with this legislation.

4) Access and Parking

The proposed extension would create a dwelling with 5 bedrooms. To accord with minimum parking standard (PP13) the property requires three off street parking spaces, which the site can provide. As such the proposal would not constitute a highway safety hazard and accords with Policy PP13 of the Peterborough Policies DPD (2012).

5) Other Matters

- Devaluation of Property - This is not a planning consideration and therefore cannot form a reason for refusal.

- Party Wall Act - This is a separate private legal matter between the applicant and the relevant neighbours therefore cannot be considered as part of the planning process.

- Conversion to a House of Multiple Occupancy (HMO) – Planning permission would be needed for use as a House of Multiple Occupancy and the Council cannot consider possible future applications in the determination of the current application.

- Drainage and soakaways – A planning condition is proposed to address surface water disposal and foul drainage is dealt with under building regulations approval.

- Litter, Nuisance and Workmanship – Whilst the concerns are noted the application cannot be resisted on this basis.

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 design of the extensions would not result in an unacceptably adverse impact on the appearance of the dwelling or visual amenity of the street scene;
- the design of the extensions would not result in an unacceptably adverse impact on neighbouring amenity;
- the proposal would not result in a highway safety hazard and can accommodate sufficient off street parking

Hence the proposal accords with Policy CS16 of the Peterborough Core Strategy (2011), the NPPF (2012) and Policies PP1, PP2, PP3 and PP13 of the Peterborough Policies DPD (2012)

7 Recommendation

The case officer recommends that planning permission is

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 The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

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).

C 3 Notwithstanding the approved plans the first floor window on the north elevation shall be obscurely glazed (Pilkington Level 3 or equivalent) up to 1.7m measured from the internal floor level and be top opening only.

Reason: To protect the amenity of No. 28 Aspley Way and to accord with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012).

C4 Surface water shall be disposed of by means of soakaway. If percolation tests show that this method would not operate satisfactorily an alternative method of disposal shall be submitted to the local planning authority for approval and the approved method shall be implemented before the development comes into use.

Reason: In the interest of flood prevention in accordance with the provisions of the NPPF.

Councillors N Arculus, M Dalton, Y Maqbool