

Application Ref: 14/01103/FUL

Proposal: Proposed additions to existing play hide

Site: 101 Garton End Road, Peterborough, PE1 4EZ,
Applicant: Mr M Younis

Agent: Mr Robert Gooding, GOOD-DESIGN-ING LTD

Referred by: Councillor Shearman
Reason: The application scheme appears reasonable
Site visit:

Case officer: Miss Louise Lovegrove
Telephone No. 01733 454439
E-Mail: louise.lovegrove@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and Surroundings

The application site comprises a single storey nursery building which was converted from a residential dwelling following the granting of planning permission under application reference 09/00885/FUL. The site is located on the northern side of Garton End Road and in a prominent position at the junction with Pyecroft. Vehicular access to the site is taken via Pyecroft, a small cul-de-sac with an area of parking located immediately to the rear of the site.

The surrounding area is characterised by a variety of single storey and two storey detached and semi-detached dwellings albeit all are residential in use.

Proposal

The application seeks planning permission to alter an existing raised platform located within the rear outdoor space of the nursery to allow for children to access the upper platform. It should be noted that this platform has been in situ since the change of use to a children's nursery was implemented however access to the raised platform was restricted. A more detailed background to this history of the site is provided in Section 5 below.

2 Planning History

Reference	Proposal	Decision	Date
91/P0440	Change of use to child nursery for up to 18 children	Permitted	01/08/1991
07/01740/FUL	Change of use from day nursery to residential dwelling	Permitted	25/04/2008
09/00885/FUL	Change of use from residential to Child Day Nursery	Permitted	06/10/2009
10/01724/FUL	External canopy (retrospective)	Refused	03/02/2011

11/00351/FUL	Installation of external canopy and play equipment - retrospective	Refused	10/06/2011
11/00359/ADV	Banner signage	Refused	10/06/2011
11/01253/FUL	Proposed part retrospective application for canopy and raised platform around tree	Permitted	29/09/2011

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 8 - School Development

Great weight should be given to the need to create, expand or alter schools.

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.

Early Years & Child Intervention Team

No comments received.

Local Residents/Interested Parties

Initial consultations: 7

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No neighbour representations have been received.

Councillor Shearman (31.07.14)

In view of the fact the application appears to me to be perfectly reasonable, I request that it be referred to the Planning Committee.

5 Assessment of the planning issues

The main considerations are:

- Impact upon the amenities of neighbouring occupants

a) **Background**

As detailed in Section 1 above, the change of use to children's day nursery was granted planning permission under application reference 09/00885/FUL. As part of the conversion, the Applicant erected a 'tree house' type structure around an existing tree within the rear outdoor play area which comprised a raised platform with play hide beneath. This 'play hide' was constructed without the benefit of planning permission.

Following enforcement action, planning application reference 11/00351/FUL was submitted to regularise the situation, seeking retrospective permission for the play hide (along with a further unauthorised canopy). This application came before Members of the Planning and Environmental Protection Committee on 7th June 2011 and the play hide was refused for the following reason:

R2 The height and location of the tree house structure is considered to be too close to the boundary, at an unfortunate height where all users of the platform will have unrestricted views into the rear windows and the private rear garden at 99 Garton End Road having a detrimental impact on the occupant's amenity.

Following refusal of this application, a further scheme was submitted under application reference 11/01253/FUL. This revised scheme removed the access to the raised platform, thereby removing the potential for overlooking to the neighbouring dwelling. Given that this scheme had resolved the earlier reason for refusal, planning permission was granted under delegated powers.

The current planning application now seeks to reinstate access to the raised platform.

b) **Impact upon the amenities of neighbouring occupants**

The play hide is located in close proximity to the shared boundary with No.99 Garton End Road (0.5 metres), located to the west of the application site. The raised platform, which this scheme seeks to provide access to, stands at a height of 1.3 metres above ground level whereas the adjoining boundary fence stands at a height of only 1.8 metres. Having previously reviewed the relationship between the adjacent neighbouring property and the play hide, it was considered that even a small child standing upon the raised platform would be tall enough to peer into the neighbours garden and conservatory. It is not considered that the relationship has altered during the intervening period and as such, there are no grounds upon which to alter the recommendation made by Officers.

It is considered that the proposed alterations to the play hide would permit direct overlooking to the neighbouring garden area and primary habitable rooms of No.99 Garton End Road, resulting in a loss of privacy and unacceptable level of harm to occupants amenity.

Accordingly, the proposal is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

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 reason given below.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The proposed alterations to provide access to the raised platform of the play hide, by virtue of the platform height and proximity to the shared boundary with No.99 Garton End Road, would permit direct views into the rear windows and private rear garden of the neighbouring property. The proposal would result in an unacceptable loss of privacy for neighbouring occupants and therefore an unacceptable level of harm to their amenity. As such, the proposal is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors J Shearman, J P Peach