

Application Ref: 14/00895/HHFUL

Proposal: Two storey side extension and first floor rear extension

Site: 80 Ledbury Road, Netherton, Peterborough, PE3 9PJ

Applicant: Mr Shokat Ali

Agent: Mr N P Branston mrics
Branston Assoc.

Referred by: **Simon Machen – Director of growth and regeneration**

Reason: Level of public interest

Site visit: 14.06.2014

Case officer: Mr Lee Collins

Telephone No. 01733 453414

E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Site Description

The application site is a significantly extended two storey property located on a corner plot. The street scene comprises large detached and link detached properties with a school to the west and Netherton local centre to north-east. The property benefits from two off-street parking spaces to front.

History

The site received planning permission in 2009 for the erection of a single storey front extension, first floor extension above garage to the eastern side, two storey side extension to the western side and single storey rear extension. The development that took place was not in accordance with the approved plans which also contained a number of discrepancies. As a result, subsequent applications were submitted to regularise the situation, including the current application.

Under the 2009 consent the width of the western two storey side extension was approved at 4.8 metres wide. Application number 13/01691/HHFUL approved an increase in the width of the western extension to 5.2m. In addition, at first floor permission was given for an additional 1.8m from the original rear wall to facilitate a usable disabled bathroom. The previous approved application did not extend beyond the rear wall at first floor. However the 2013 approval did not include the large single storey rear extension shown on the 2009 plans.

A garage/outbuilding has also been partially erected in the rear garden with a tarmac vehicular access. This aspect does not form part of this application.

Currently the enforcement team are monitoring the property in relation to a number of points:

- The ground floor single storey rear extension is larger than approved under the 2009 consent and was not included in the subsequent 2013 planning application has now been demolished.
- The applicant has partially erected a hoarding around the site, the hoarding has been moved to an agreed position and to an agreed height.

- The outbuilding has been altered and is considered to now be permitted development, providing the roof does not exceed 4.0 metres and it is not used as a separate dwelling.

Proposal

The Applicant seeks to regularise what has been constructed on site.

The two storey side extension adjacent to the neighbour's garage on the eastern side has been constructed approximately 1.0 metre further forward than the approved scheme under application number 09//00156/FUL and 13/01691/HHFUL. The applicant also seeks to alter the two storey side extension to the west side of the property, creating a gable end as opposed to the two dormer window arrangement approved under 13/01691/HHFUL.

2 Planning History

Reference	Proposal	Decision	Date
13/01691/HHFUL	Construction of 2 X two storey side extensions and single storey rear extension (part retrospective)	Permitted	15/01/2014
09/00156/FUL	Two storey side extension, first floor extension above garage, single storey rear extension	Permitted	29/07/2009

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

Enforcement Team

The latest position with regard to enforcement has been discussed above.

Local Residents/Interested Parties

Initial consultations: 21
Total number of responses: 8
Total number of objections: 8
Total number in support: 0

Below are the results of the initial consultation 02/06/2014

- The floor plans do not tie in with what has already been erected on the site. Object to both as overdevelopment of a prominent corner site. The proposed ground floor and first floor rear extensions, which are already under construction, will result in a massive house out of keeping with the scale of its neighbours. Its impact will be exacerbated by the proposed outbuilding which is far larger than any other in the vicinity and appears to take up more than half of the remaining garden. Only a small part of the building appears to be a garage which begs the question of what use the remaining two-thirds will put to, given the presence of what appear to be significant windows and doors in what has already been constructed.
- The rear walls as built on site project farther into the garden than the two storey side extension shown on these plans, covering the hatched area shown on the block plan. I assume that the inclusion of this extension on the block plan, although not on the detailed floor plans, could not be used to circumvent the need for planning permission in future if the owner wanted to retain it should planning permission be granted for this proposal. In addition the very substantial outbuilding at the end of the garden is not included in this application even though it has been partially erected.
- Taking on board one of the resident's complaints about the appalling state of 80 Ledbury Road and the hope that something can be done under the Untidy Land Notices (Section 215 of the Town and Country Planning Act).
- It seems the building is already under construction, plus a separate dwelling in the garden with access across private land.
- There have been several planning applications for this building and it seems the property owner will build what he wants with no care for the environment and community. If he had any respect for the neighbourhood the house would have been completed some time ago and been in sympathy with the area.
- It has long been the owner's intention to build an old peoples home here and he is simply trying to confuse the situation with various planning applications.

The following objections were received from the attached neighbour (02/06/2014)

- I would like your assurance that my views will be taken into account when this planning application comes before the officers-planning committee and in particular about the eaves of the new extension overhanging my boundary, the damage to my garage roof and the joining of the new extension to my garage which does not I think comply with correct building regulations as the photos show.

The following was received from the neighbour following the 11/09/2014 reconsult

- Planning Application Reference 14/00895/HHFUL – 13.097/2E
- I would like to bring some points of concern to your attention and explain the problems I am facing in relation to the building works taking place at 80 Ledbury Road.
- In regard to the new drawing submitted (13.097/2E) all this seems to do is cover up the

mistake made when the original drawing (13.097/2C) was not adhered to. The 80 Ledbury Road extension has not been built according to the plans and this has caused problems on my property. The present flooding which occurs above and in my garage (see photos below) shouldn't happen if the building work had been done according to the plans which Mr. Ali (the owner of 80 Ledbury Road) provided to the Council in his original planning application.

- On 26 June Mr. David Jolley the Planning Officer visited and inspected my property, took some photos and was able to see the problems I am facing. Mr Sam from Building Control also visited, inspected and promised me that he would not sign off the extension works until the issue was sorted out.
- Mr. Ali has offered to try to correct the problem by drilling through my garage roof and putting a PVC pipe along my garage roof, down the end wall and into my garden. I do not want this to be done to my property and as the problem should never have occurred I do not understand the attitude of the Council Officers who appear to think that as long as Mr. Ali is offering to rectify the problem via this means I should have no need to complain and that because Mr. Ali has offered to try to solve the problem the Council can do nothing to help me – this cannot be right or just.
- As well as the side extension at 80 Ledbury Road not been built according to the plans as the eaves of the extension overhang my property which also is not correct.
- I would be grateful if you would look carefully at the problems which have arisen following the building work which has (and will be) taking place at 80 Ledbury Road and please take my views into account when Mr. Ali's latest planning application comes before you.

The following was received from Longthorpe and Netherton Residents Association (LANRA) after the reconsultation of 11/09/2014

- I have also received today copy of an email the neighbour has sent to you re the amended drawing (13.097/2E) for the above planning application, which was not mentioned in your letter to me. The amending drawing does appear to simply to have added another pencil line thereby closing the gap that should be visible between the two storey side extension to 80 Ledbury Road and the single storey garage belonging to 78 Ledbury Road as shown in the original approved planning application (13.097/2C). As we now know the change to the approved plans that occurred whilst the extension was being built is causing water retention on the neighbour garage roof and water seeping into his garage, plus the eaves of the two storey extension overhang Mr Oommen's garage which I understand does not meet planning regulations.
- Whilst I am aware Mr Ali offered to "fix" the water problem, Mr Ali's solution did not meet with the neighbour approval. He did not want a PVC pipe drilled through his garage roof nor did he want the pipe running along his garage wall and out into his back garden. He feels strongly that the problem should never have arisen if the extension had been built to the original plans – with a gap between the buildings. To be told "there is no planning reason to refuse consent because Mr Ali has offered to fix the issue plus it is unclear whether the damage is even a planning issue to begin with" seems incomprehensible especially as the problem lies with the fact that the extension was not built to the approved plans. There was no water problem outside or inside the neighbours garage until the extension was built so how can it not be a planning issue?
- Planning rules are there for a reason and when they are not adhered to and problems then arise, doesn't that prove the point and isn't that why rules should be followed so as not to cause disruption to others as has happened in this case.

The following objections were received after the reconsulation of 11/09/2014

- The additional buildings on this site are in my opinion a considerable over development when you consider the type of location.
- This project constitutes considerable over development of the site in a very obvious way at a very visible corner.
- The extension has been going on for too long and is out of character and should not have been given approval in the first place
- The extensions should be demolished
- The workmen are noisy and cause disturbance

5 Assessment of the planning issues

The main considerations are;

- 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
- Objections

This report will focus on the differences between the previously approved applications and what is now being proposed. This is because the applicant has already substantially extended the house under the 2013 planning permission. Therefore the key consideration for members is assessing what impact the latest changes would have on neighbour amenity and the character of the area.

The impact of the proposal on the character of the area

The bringing forward of the two storey side extension by 1.0 metre so that it is level with the neighbour's garage and adjoining it, will have no material impact upon the character of the area as the extension will still appear subservient to the host dwelling because the ridge of the extension sits below the main house roof.

The alteration to the first floor of the two storey extension on the opposite side of the dwelling is considered to be neutral in impact. Whilst it increases the bulk and depth of this element of the proposal by extending out a further 2.3 metres, it removes the double dormer arrangement of the previous approvals. There is no precedent of dormers within the local area and it is considered that a more conventional design for the extension is beneficial to the overall character of the area.

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

The impact of the two storey side extension adjacent to the neighbour's garage has become a complex matter in so far as an acceptable drainage solution between the applicant and the neighbour has not been found.

Notwithstanding this, it is not considered to be a material planning consideration. The issue of drainage is a private and civil law matter; the operation of private and civil law provisions between neighbours may be used to resolve any outstanding issues. The public law planning process is not intended to deal with such issues.

It is the Local Planning Authorities view that the proposal to bring the extension forward by 1.0 metre and adjoin the neighbour's garage will have no greater impact upon the amenity of the neighbour than the development approved under applications numbers 09/00156/FUL and 13/01691/HHFUL. It does not overshadow the neighbour and will not have an overbearing impact.

The neighbour has also objected on the grounds that the eaves of the roof of the extension overhang his property. The granting of planning permission does not permit the applicant to

overhang neighbouring land. The neighbour's permission is required in order to do this. This is a private land law matter and will not be dealt with through the planning process.

The two storey side extension to the west flank of the dwelling has no impact upon neighbour amenity as it is sufficiently far from all neighbours so as not to cause overshadowing or be overbearing.

Building control issues

Some of the objections raise concern about drainage; these are Building Regulations issues and must be dealt with outside of the planning regime. The building regulations team are currently considering an application for Building Regulations approval.

Objections

Eight letters of representation were received in relation to the proposal, including five from the revised consultation of 11/09/2014.

The LANRA have highlighted the untidiness of the land. This is not a material consideration in the determination of this application.

An objector states that the development is taking too long. This is not a material consideration in the determination of the application.

An objector states that the dwelling will be used for an old people's home. This change would require planning permission and does not form part of this application and as such is not a material consideration.

An objection relates to the description of development. The objector states that the detached outbuilding and single storey rear extension that has been constructed should be included. The garage to the rear of the garden does not form part of the consideration of this application. The single storey rear extension shown on the block plan is included in error and it is recommended that if Committee is minded to approve the application that the proposed condition C2 below is included to expressly exclude the extension from the approval. In any case the rear ground floor extension has now been demolished.

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 proposal will not unacceptably harm the character of the area or the amenity of the occupiers of neighbouring dwellings; in accordance with policy CS16 of the Peterborough Core Strategy (DPD) and policies PP2 and PP3 of the Peterborough Planning Policies (DPD) 2012.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

C 1 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 2 Notwithstanding the approved plans, the hatched area within the proposed block plan shown on drawing number 13.097/2 E does not form part of this application and no extension in this location is approved under this permission.

Reason: To preserve the character of the area; in accordance with policy PP3 of the Peterborough Planning Policies (DPD) 2012 and policy CS16 of the Peterborough Core Strategy (DPD) 2011.

Copies to Councillors N Arculus, Y Maqbool

This page is intentionally left blank