

**Application Ref:** 14/01691/HHFUL

**Proposal:** Ground and first floor extensions with remodelling

**Site:** Rectory House, Castor Road, Marholm, Peterborough

**Applicant:** Mr Chris Haythornthwaite

**Agent:** Dr David Shaw

**Referred by:** **Cllr John Holdich**

**Reason:** Impact upon the amenity of the neighbour

**Site visit:** 17.10.2015

**Case officer:** Mr D Jolley

**Telephone No.** 01733 453414

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

**Recommendation:** Approval

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

### **Site and surroundings**

The site is a chalet style dwelling of brick and tile construction located within the Marholm Conservation Area directly adjacent to the listed 'Old Rectory'. The site is reached by a short track and is well screened from the public realm. The dwelling has a link garage to the front of the building and garden on three sides. In addition to the garage there is hardstanding with space for 2+ vehicles.

### **Proposal**

Permission is sought for ground and first floor extensions, insertion of dormer windows, garden store and plant room. Permission is also sought for an overall remodelling of the appearance of the dwelling.

## **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.

### **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.

### **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.

### **PP17 - Heritage Assets**

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

### **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.

## **4 Consultations/Representations**

### **PCC Conservation Officer (19.10.14)**

From a heritage consideration the proposed work can be supported.

### **Marholm Parish Council (23.02.15)**

Marholm PC welcomes the development and sees it as beneficial for the village.

The appearance of the dwelling will be improved and will be more in keeping with the village.

There will be big improvements in the energy efficiency of the property

### **Local Residents/Interested Parties**

Initial consultations: 8

Total number of responses: 5

Total number of objections: 2

Total number in support: 3

### **Objections have been received from the occupier of Grey Gables and from an agent acting on their behalf in relation to the proposal stating;**

The occupier of Grey Gables (which lies to the north of the application site) has stated the following:

1. My wife and I would not like to see any further buildings nearer to our site boundary than those which already exist. However at present I shall confine this communication to two major objections.

a) Workshop, Plant Room, Toilet and Garden Store alongside our boundary.

All the properties built on the ex-Rectory House parcel of land of which ours was the first (completed 1958) are of bungalow, chalet type and the rear garden boundaries are kept free from any buildings and mostly consist of trees, hedges and bushes to keep the country feel and provide some colour all year round. We do not want to lose our trees, and bushes which are along our boundary and are likely to be damaged and overwhelmed by buildings. They are also a haven for the birds who visit our feeding stations on that side of our house. For the same reasons we do not

want building operations to be carried out from our side of the boundary as we know from experience what damage and mess that creates to adjacent land, existing vegetation and the like.

These buildings have also been designed with high roofs (over 3 metres to top of ridge) and despite the ground level falling from front to back the ridge height has been maintained to make their garden room even 3 steps higher (to over 3.7 metres). Not only does the whole length of the buildings down this side further detrimentally affect all planting on our side of the boundary but it will also block out a large amount of sunshine and put that side of our garden in permanent shade as the sun moves around that side of our garden throughout the day. They are taking that sunshine by positioning their solar panels on their side of the high roof slope.

**b) High Structure coming nearer to us beyond the existing gable end, housing bedroom 3**

This should be disallowed as it blocks our light and sunshine to our garden and is very overbearing to ourselves. It is around 7 metres high to top of ridge which runs parallel with our garden. It is so obvious that I should not need to comment any further at present.

Please note that their drawing 232-02 Red Line Plan and 232-03 Block Plan choose to indicate Grey Gables plan without the extensions carried out nearly 2 years ago and the design of which gave due consideration to all adjoining properties. Nor do either show the new buildings and extensions superimposed thereon.

There is also no north elevation drawing indicating the large expanse and height of wall and roof surfaces plus toilet window directly facing on to our property and its relationship with the existing ground sloping from front to back of property.

Following your visit to us on Friday we were browsing over the drawings again and realised that we had overlooked the fact that the high roof constructions on the first floor wings housing Bedrooms 4,5 and Dressing Room/ En Suite which run parallel to our property will also block sunlight to our property. We will therefore be including these as our third objection. They are a little further away from us so a reduction of 6 feet or so in the height of the ridges would be helpful. If not then we would request they be accommodated elsewhere.

The heights to ridge mentioned as 3 to 3.7 metres was taken by scaling approximately from the section on an internet copy of drawing 232-P-02. When looking from our property yesterday it appeared to me that the heights would be a good deal more. I therefore went to the nearest point of reference which was the corner of the existing Barn/Garage and physically measured the height which is 2.92 metres from ground level to eaves which would give a total height to ridge of around 4 metres increasing to around 4.7 metres as the ground slopes down the garden. Once again their drawings do not properly indicate the effect of their buildings on our property!

*2. The following objection has been received from an agent working on behalf of the occupier of Grey Gables. This objection discusses how a past scheme at the objectors' property was dealt with at the time. The agent has quoted expired policies which are no longer relevant to the determination of the application. However in the interests of transparency this objection will be reproduced in full within the appendix to this report. The objection contains a summary which states;\**

"The dwellings in the Marholm Conservation Area benefit from large plots and generous separation spaces between dwellings and their boundaries.

The proposal so close to the Grey Gables boundary and so long (14 metres) and high (4 -4.7 metres) viewed from Grey Gables, fails to embrace the material considerations of policy CBE3 and is totally incompatible with the character of the Conservation Area.

My clients have no objection in principal to the extending of rectory house. However the applicants, no doubt conscious of the orientation of their own plot, have chosen to extend their house to the

north east thus preserving their own south facing amenity space, but harming the amenity space of their neighbours.

It is obvious, with all the space to the south west of Rectory House, that any extension should be sited in that direction so that the benefit of the development is not achieved at the expense of the neighbour.

I respectfully request that on behalf of my clients that the council insists on the extensions to rectory house be made in a south westerly direction and be consistent with advice my clients received when planning their extension.

The facts are that the neighbours' ground and floor levels are a lot higher than our own and the ground falls from front to back of our property. Due to the differences in levels the height to the ridge of the three bed and en suite extension will be 8 metres above our ground level and only 4.0 metres away from our boundary and 16 metres away from our lower level extended building. It is very overbearing and restrictive to light and we consider contrary to policy PP3. It could be accommodated elsewhere on their property without overburdening themselves. It is not in keeping with our chalet bungalow design where roof and floor levels are kept down in consideration for all other chalet bungalows built on the Old Rectory land.

In conservation area we are in we could never have expected to have such overbearing buildings thrust upon us.

**3.** In relation to the revised scheme the following objection has been received from the occupier at Grey Gables (north of the application site).

We were astounded that the Council Planning should even consider putting these plans forward to Committee when the only alterations we can see are that the buildings next to our rear boundary have been moved back half a metre and the roof over the garden store increased in height. All of our previous objections still apply and reference to our previous letters and emails from 7th October 2014 onwards and those from our Consultant Architect, John Hartley, should all be read by the Committee members.

Buildings so close to our garden boundary might have been more expected had we lived on a City building estate, but NOT here, in an individually designed property in the country and within a prime conservation area on a parcel of land originally owned by the Church and Rectory where all the eight dwellings built thereon have been restricted in height to bungalow or chalet bungalows. All their rear boundaries inter connect and it has not been allowable to construct buildings next to those boundaries. All the rear boundaries are hedges, shrubs or fences as befits a country/conservation area location. If this application goes ahead we shall feel extremely cheated and unhappy with a loss of quality of life in our property. Also will it be a precedent for others to erect buildings near their rear boundaries in the future?

Although the buildings now appear to be approximately 1.1 metres away from our rear boundary, they are still too close and the impact of them is immense and overbearing to our property. There has been NO attempt to lower their floor levels or roof heights to be more comparable with the lower ground levels of our garden and floor levels of our extensions. It should be remembered also that the extensions on the rear of our property are not shown on their drawings 232.02 Red Line Plan and 232.03 Block Plan so how our property is affected is not obvious from their drawings. See copies of our drawings attached to our letter of 23rd October 2014 for block plan of our building extensions and stepped down roofs and floors. Our paved patios are not shown on our block plan. Our extensions include our Lounge, Garden Room and External Paved Patio, all of which will be affected by these overbearing and light restricting structures. The left hand side of our rear garden will also be put in permanent shade.

We were not allowed to build against our rear garden boundaries and the floor levels of our extensions were stepped down as required by planning in consideration of our neighbours. The

heights of their buildings alongside our boundary range from 4 metres as previously stated to now in excess of 6 metres due to raising roof height and downward slope of our land. The garden room height is equivalent to a two storey dwelling next to our boundary. These are dwelling outbuildings which should not warrant such high floors or roofs.

We are also still objecting to the Bedroom 3 and En Suite 1st floor extension for reasons already recorded. It is overbearing to our property as it is 6.7 metres wide and 4.2 metres nearer and only 4 metres away from our boundary. It is 8 metres high to ridge above our land. It replaces an existing triangular gable end average 3 metres wide. So it fills in considerably more space where light usually passes through to ourselves. The sun also travels round that side of the property throughout the day and that structure will restrict our afternoon and evening light. It also contributes to putting the left hand side of our garden into permanent shade as previously mentioned.

In view of the somewhat extreme roof heights we have asked whether they could be lowered above the 1st floor wings housing Bedrooms 4,5 and Dressing Room/En Suite. This appears to have been ignored. See John Hartley's North elevation indicating the vast wall of structures which would be viewed from our property through a length of 14 metres of that elevation (sent with his letter of 23rd October 2014)!

With these objection items we are also very concerned for the wellbeing of our trees, shrubs and bushes along that boundary and also for the birds who use them as a haven. We have often had to cajole and persuade the previous owners of Rectory Cottage to cut down the height of their Leylandii trees on their land alongside our rear boundary when they have been allowed to grow too high. However at least with trees their height can be controlled and cut down when necessary but the building proposed will be high permanently.

I moved here with my parents as a teenager and this has been the Plant family home since 1958. A brief history was outlined in our communications dated 7th and 23rd October 2014. My father Mr B Plant was awarded a compensation by the Council in 1980 when the full effect on Grey Gables of the original Rectory Cottage building was realised and after I became involved. He would have been distraught if he knew what was happening now.

We consider our objections illustrate that these proposed extensions to which we refer are in breach of Peterborough Planning Policy 2.3 PP3 Clauses (d) and (e), quote "Planning permission will not be granted for development which would result in unacceptable loss of light to and/or overshadowing of any nearby property or overbearing impact on any nearby property. They are damaging to ourselves as neighbouring residents and invoke on us a loss of amenity. They will greatly affect our enjoyment of our property which we should have expected in this Conservation area during the remaining years of our lives.

We believe that because a lot of the extensions are loaded against our side of the property and that there is a seeming unwillingness to alter them, it has become extremely unsympathetic and unneighbourly on our neighbour's part. They did not have the courtesy to advise us of any of their proposals prior to submission of their plans; neither has any of them come to view the impact of their proposals from our property and perspective.

Their proposals are in need of some radical changes and not just minor titivation.

#### **4. A single letter of support has been received in relation to the proposal stating;**

This will improve the look of the building. I should like to suggest that the stone used is in keeping with the older houses in the village, i.e. not too white.

### **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

### **The impact of the proposal on the character of the area**

The current building is believed to date from the 1970's and is set back a distance off Castor Road, probably within the original curtilage of The Old Rectory (grade II listed). The site lies to the north and north-west of The Old Rectory.

The present building is not readily visible within the conservation area, save for occasional glimpses of the main ridge of the building. Viewed from the Old Rectory, between the former stable block and main building, part of the main ridge of the building is visible over a boundary of conifer trees cut as a large high hedge (located within the application property). Other trees at the end of the driveway to the application property screen direct views of the property from Castor Road.

Although the proposal represents a significant change in the scale and appearance of the building the LPA consider that the setting of the listed building (the Old Rectory) will not be adversely affected. There will be no adverse impact on the character and appearance of the Marholm Conservation area due to the set-back location from Castor Road and limited views of the building.

The alterations will provide the building with arts and crafts inspired design, which will significantly improve the appearance of the existing building which suffers from a lack of strong design identity and through the use of unsympathetic materials. The Conservation Officer has raised no objection to the proposals but has requested that details of materials and finish, and any landscaping or boundary treatments can be conditioned.

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

The proposal includes a large amount of single storey development directly adjacent to the northern site boundary and 2 storey development close to this northern boundary. The single storey development extends for 14 metres from the rear of the existing garage at a height of 4.1 metres increasing to 4.4 metres (as the land level drops) before this element joins with the proposed two storey extension. This element has been revised to move it further from the neighbour's boundary, leaving a gap of 1.7 metres between the boundary to the extension. The 1.7 metre inset will help to reduce the overshadowing caused to the neighbours amenity space and moves the highpoint of this element 3.3 metres from the boundary, reducing its impact and in the opinion of the LPA preventing this element from being unacceptably overbearing.

The two storey extension will be seen as an 8.0 metre wide roof slope, bringing development 5.0 metres closer to the boundary. Clearly this represents a significant change to the outlook of the neighbour to the north and will cause some additional overshadowing of the neighbours amenity space. However this element is not considered to be unacceptably harmful to the amenity of the neighbour as the overshadowing will mainly affect amenity space and is unlikely to unacceptably overshadow the primary habitable room windows of the dwelling. The proposal will not result in any overlooking of the neighbour to the north. The proposal is not considered unacceptably overbearing as the neighbour benefits from a relatively generous rear garden, the proposed two storey side extension would result in development of 8 metres along a total rear boundary length of 90 metres and as such represents a small amount of development of the boundary area.

The neighbour has objected to the window which would be located above the fence line. In order to prevent overlooking from this window a condition will be appended to the permission requiring that this window be obscure glazed and fixed shut.

The new wing running east west and constructed above the existing single storey element will reach a height of 7.25 metres, the ridge point will be approximately 17 metres from the northern site boundary. At this distance this element of the proposal will not cause material overshadowing and will not be overbearing to the occupiers of the dwelling to the north.

Whilst policies PP3 and CS16 state that planning permission should not be granted if the proposal results in unacceptable harm to the amenity of the occupiers of neighbouring dwellings, Policy PP1 states that there is a presumption in favour of sustainable development as contained within the National Planning Policy Framework. Therefore the aims of these policies must be balanced and a decision made that gives weight to the sustainability of the proposal against any harm that it causes.

For the reasons listed above the LPA are of the opinion that on balance the proposal is acceptable, due to the limited impact upon the neighbours located to north being balanced by the overall improvement to the quality of the dwelling proposed for the application site and the efficiency improvements that will result. However it must be noted that an impact does result and that this impact could be detrimental to the amenity of the occupiers of the neighbouring dwelling.

The proposal involve the creation of additional bedrooms and subsequently additional 1st floor windows facing south and west. The new 1st floor south facing windows will be approximately 15 metres from the closest part of the Old Rectory and 21 metres from the main body of the dwelling, this level of separation distance is acceptable and the proposal is considered unlikely to result in unacceptable overlooking especially when the mitigating factor of the conifer hedge boundary treatment is taken into account. The dwellings to the west are at least 35 metres from the location of the new windows, at this distance the windows will not result in unacceptable overlooking of neighbouring primary habitable rooms. No overshadowing will be caused to these other neighbours and the development will not be overbearing.

#### **Other Matters**

The neighbour to the north (and their agent) has submitted a number of objections to the proposal. Many of the points raised have been addressed above, those outstanding will now be addressed.

The objector has stated that this type of development, and its resulting impacts should not happen in Conservation Areas. The designation as a conservation area is not to protect residential amenity, but to preserve the character of such areas. Given that that the majority of the development will not be visible from the public realm the LPA do not consider that this could constitute a reason for the refusal of the application.

The agent highlights the wording of expired policies stating that an application should be refused if any adverse impact is caused. The new policies (PP3 and CS16) have different wording, stating that applications should be refused only if unacceptable impact is caused. As stated above the LPA do not consider that the proposal results in unacceptable impact, but do acknowledge some harm is caused.

The agent also highlights the fact that Grey Gables were made to revise their extension in order to preserve the character of the Conservation Area and the amenity of the neighbour. Each case must be judged on the specific merits, on a site specific basis. The application site is not easily visible from the Conservation Area and the alignment of dwellings is completely different and therefore this objection is not considered to be a reasonable reason for the refusal of the application.

The occupier of Grey Gables and the agent representing the neighbour have stated that there is ample room within the site to accommodate much of the development and that there is no need to develop along the northern boundary. This is true and the applicant was asked to explore development in alternative locations. Unfortunately this was not deemed to be suitable to the applicant who wished to continue development along the northern boundary, albeit with a revised scheme that set the development in by an additional metre.

The occupier of Grey Gables has raised concerns about their trees and shrubs. Given the amendment to the proposal, which sets back development 1.7 metres from the boundary the LPA consider it unlikely that the proposal will result in the loss of the neighbours shrubs. If damage is caused then this would be a civil matter.

## 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 policies PP2, PP3 and PP17 of the Peterborough Planning Policies (DPD) 2012 and policies CS16 and CS17 of the Peterborough Core Strategy (DPD) 2011.

## 7 **Recommendation**

The Director of Growth and Regeneration recommends that Planning Permission is **APPROVED**.

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 materials to be used in the external surfaces of the development hereby approved 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: In order to preserve the special architectural and historic character of the Marholm Conservation Area; in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

C 3 No development shall take place until details of the windows, doors and rainwater goods 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: In order to preserve the special architectural and historic character of the Marholm Conservation Area; in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

C4 Before the development hereby permitted is first occupied, the proposed north east facing ground floor window serving the proposed w/c shall be obscure glazed, and non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall subsequently be retained as such.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).



C5 Surface water shall be disposed of by way of a soakaway. Should percolation tests indicate that soakaway would be ineffective then details of an alternative means of surface water disposed shall be submitted to and approved by the LPA and implemented in accordance with the approved details before the development is first occupied.

Reason: In the interest of flood prevents in accordance with National Planning Policy Guidance.

Copies to Councillors: J Holdich OBE, D Lamb

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