

Application Ref: 15/00621/FUL

Proposal: Erection of detached bungalow with access

Site: Land To Rear Of, 37 And 39 Lincoln Road, Glington, Peterborough

Applicant: Ms Lenton and Hannan

Agent: Mr David Shaw

Referred by: **Glington Parish Council**

Reason: The Parish Council were equally divided in their opinion of the merits of the plans before them.

Site visit: 15.05.2015

Case officer: Mr M A Thomson

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Recommendation: **REFUSE**

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

Site Description

The application site forms part of two rear gardens, serving no's 37 and 39 Lincoln Road, a detached bungalow and two storey dwelling, and has a site area of 400 square metres. Both properties front onto Lincoln Road and have direct vehicular access to Lincoln Road; No.37 has two off street parking spaces, and No.39 could accommodate up to 4 off-street parking spaces to front. The application site is set back some 50 metres from Lincoln Road and is surrounded by a two metre high close board fence. There are a number of trees within and immediately adjacent to the site, which include a willow and lime tree, several fruit trees and a leylandii hedge.

To the north of the site is the rear garden to No.41 Lincoln Road, to the west is a Residential Care Home (Garden Lodge), to the south-west is a detached bungalow (No. 35A Lincoln Road), to the south is a recently built detached bungalow (No.35B Lincoln Road) approved under 09/01550/FUL, and to the south-east is the former site of a detached bungalow (No.35 Lincoln Road) which has recently been demolished. No's 37 and 39 Lincoln Road are to the immediate east.

The application site would be accessed by an existing access from Lincoln Road, which serves No's 35A, 37 and a Residential Care Home. It is understood that there are a maximum of 10 people residing at the Care Home.

Planning History

In 2010 and 2011 pre-planning advice was sought for the erection of two dwellings (PAOTH/10/00044) and a single dwelling (PAOTH/11/00115), both of which were not supported by Planning Officers on both character and context, as well as highway grounds.

In 2012 a planning application for the erection of a 2 bed bungalow was refused (12/00297/FUL) and was dismissed at appeal (APP/J0540/A/12/2179519). The Inspector concluded that the proposal '*...would fail to integrate itself successfully into its surroundings and would be harmful to the character and appearance of the area ... [and] the increased use of the existing access would result in additional coming and goings that would interfere with the quiet enjoyment, the occupiers of nearby dwellings, would reasonably expect from their homes...*'

The appeal was dismissed against Policies CS16, PP2 and PP3, which remain the up-to-date and relevant Local policies in relation to the current application. A copy of the appeal decision has been attached as Appendix A.

In 2009 planning permission was granted for a development at No. 35 Lincoln Road which has some similarities to the application before Committee. Planning Permission (Ref: 09/01550/FUL) was given to rebuild the existing dwelling (No.35) which fronts Lincoln Road, and erect a new bungalow to rear. This development has been carried out and the new bungalow is addressed as No. 35B. The similarities between the current proposal before committee and the development at No. 35 is that they are both tandem/backland developments.

It should be highlighted that this 2009 decision, which was considered at planning appeal and dismissed by the Inspectorate in 2012, pre dated the National Planning Policy Framework and the adoption of the current development plan.

Proposal

The applicant seeks consent for the erection of a single storey two-bed dwelling. The proposal would have a maximum footprint of 9.6m x 10m respectively, and would stand at 2.1m to eaves and 5.2 metres to ridge.

The proposal illustrates off street parking for two vehicles with a turning area to front.

The scheme now submitted differs from the 2012 scheme in the following ways;

- the footprint of the dwelling has been reduced from 99.5sqm to 92sqm; and
- the size of the garden has been increased from 146sqm to 193sqm;

The access onto Lincoln Road and access track widths are similar, with an area of landscaping and low wall introduced to the southern visibility splay.

2 Planning History

12/00297/FUL - Construction of 1 x 2 bed bungalow (REFUSED)

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)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

CS10 - Environment Capital

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

CS13 - Development Contributions to Infrastructure Provision

Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

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.

CS21 - Biodiversity and Geological Conservation

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

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.

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

4 Consultations/Representations

PCC Transport & Engineering Services (13.05.15)

Comments - vehicle to pedestrian visibility splays of 2m x 2m shall be required on both sides of the new access. The access dimensions and parking and turning facilities for the development are acceptable.

Archaeological Officer (18.05.15)

No objection - subject to a condition being attached securing a written scheme of archaeological investigation and evaluation by trial trenching.

Cambridgeshire Fire & Rescue Service

No comments received.

PCC Pollution Team

No comments received.

Waste Management

No comments received.

Welland & Deeping Internal Drainage Board

No comments received.

Glinton Parish Council (20.05.15)

Comments - We noted that a previous application for this site had been refused and the refusal upheld on appeal. The basis of the refusal had been the small size of the bungalow and its garden. Planners had been of the opinion that the development was not in keeping with surrounding development. We noted that the application before us was smaller to increase the garden size. We also noted the objections of neighbours. Councillor Johnson proposed that the parish council object to these plans on the same grounds as those of the planners and inspector. Parish council were equally divided 5-5 in their opinion of the merits of the plans before them. RESOLVED to ask the city council to refer this application to a planning committee

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 3

Total number of objections: 2

Total number in support: 0

The Parish Council are undecided. Two letters of representation have been received raising the following concerns;

- The scheme is contrary to current planning policies and was refused by the Inspectorate;
- Character and Appearance;
- Overdevelopment of the plot, exacerbated by potential future sun room;
- Neighbour amenity;
- The development would have an impact on the peaceful and tranquil environment;
- Proximity of boundary wall to care home;
- Substandard garden size for future occupiers;
- No fencing proposed between the site and No. 39.
- Impact on trees and wildlife;
- There are leylandii between No. 39 and 41 which have a height restriction of 4.5m to 5m (EPA/657859)
- Pedestrian and Highway safety;
- The OS Plan is not up to date/accurate;
- Construction noise and disruption; and
- Impact on solar panels affixed to No. 41's swimming pool roof.

5 Assessment of the planning issues

Principle of Development

Policy CS1 identifies Glinton as a 'Limited Growth Village'; this policy states 'there is no absolute restriction on the number of dwellings that would be acceptable; this would be determined by applying Local Development Framework policies relating to such matters of density, amenity [and] traffic implications.' As such the principle of a new dwelling can be considered however is required to satisfy the following matters.

Design and Layout

Policies CS16 and PP2 states 'new development should respond appropriately to the particular character of the site and its surroundings ... [and] should not result in unacceptable impact on the amenities of occupiers of any nearby properties'. This is consistent with the Villages SPD (2011) for Glinton, which states 'the design of new buildings should be sympathetic to neighbouring buildings and in keeping with the village environment'.

The area is characterised by large bungalows and two storey dwellings, situated on large plots with off street parking for between 2 and 4 vehicles to front. No's 37 and 41 both have large single storey rear extensions, which project in the region of 15m and 17m respectively.

Reason 1 of the 2012 refusal of planning permission (12/00297/FUL) and Paragraph 6 of the dismissed appeal (12/2179519) concluded that "*...the dwelling would occupy an uncharacteristically small plot in comparison to the majority of nearby dwellings [and] this would give an impression of a cramped, over-development of the site the proposal would result in nos. 37 and 39 standing within plots that would be much reduced in size ... [which] ... would bring about an unwelcome change, at odds with the prevailing development pattern of this part of the village*".

Further to assessing the revised application the footprint of the dwelling has been reduced by some 5sqm and the plot size has increased in the region of 30sqm. However, these minor changes are not considered to overcome Officer or the Inspector's concerns previously raised. By enlarging the plot this reduces the amount of garden to Numbers 37 and 39 Lincoln Road, further eroding the established and identified character of the area.

As referred to above a new bungalow (No.35B) was approved in 2009 (App Ref: 09/01550/FUL) and has been built to the rear of No.35 Lincoln Road; as part of this planning permission has been implemented, this planning permission is extant. Part of this approval requires the replacement of No.35, positioning it to the South, to allow the creation of a new access along the Northern boundary onto Lincoln Road.

The existing access of the current proposal would be significantly widened from 3.6 metres to 5 metres at the widest point to comply with Highway standards, and would require 2m x 2m visibility splays to Lincoln Road; this would effectively create a new road, directly onto Lincoln Road. In isolation the proposed access would be unduly prominent on the street scene, forming a large, incongruous and over-engineered feature which would be out of keeping with the established context of the area and the village environment. Its prominence would be exacerbated when considered alongside the access which is to serve No.35B, as well as cutting across the front garden of No. 37 Lincoln Road; combined these accesses would form a large gap in the street scene, dedicated purely for the purposes of accessing back land, which is considered to adversely impact the character of its surroundings.

As such the proposal fails to integrate itself successfully into its surroundings and would be harmful to the character and appearance of the area and the proposal is contrary to Policy CS16 of the Peterborough Core Strategy (2011) and PP2 of the Peterborough Policies DPD (2012).

Access, Parking and Highway Safety

The proposed dwelling would be accessed by a to-be revised gravel driveway which serves No. 37 Lincoln Road, No. 35A Lincoln Road and Garden Lodge (Residential Care Home). It is understood the Care Home caters for up to 10 residents, with staff, delivery vehicles and family visiting the site on a regular basis.

A letter of representations received states that the proposal would increase the intensity of use of the access, and is not wide enough to allow two vehicles travelling in the opposite directions to pass pedestrians or wheel chair users safely. However, further to receiving comments from the Local Highway Authority who have not objected to the access arrangement, it is not considered the proposal would give rise to a Highway safety hazard. Highways have however requested updated vehicle to pedestrian visibility splays, which could be secured by condition should planning permission be granted.

Neighbour Amenity

Concerns have been raised that the development would harm the peaceful and tranquil environment, it would result in overlooking to No. 41 Lincoln Road, as well as overlooking and a loss of privacy to 2 facing bedroom windows on the east elevation of the Care Home. The structure is single storey in height, therefore levels could be controlled by way of planning condition and the site would be bounded by 1.8m high boundary treatments.

The proposal would be sited 14 metres from the rear of No.37 and 22 meters from the rear of No. 39; as such these properties would retain a sufficient distance for the proposal to not result in a loss of outlook. It is considered the outlook from the Care Home is already compromised given there is an existing 1.8m high close board fence within 4.5m.

The layout of the proposal is largely unchanged; these relationships were previously considered by the Inspectorate and were not found to be contentious.

With respect to the supporting Planning Statement (Point 10) it is stated a better surface is proposed which would benefit wheelchair access and would reduce tyre noise from cars. Whilst this may be the case, the proposal would intensify the use of the existing access. Whilst details of traffic calming measures have not been provided, these details could be secured by condition should planning permission be granted. However, if traffic calming measures were introduced, such as speed bumps, there would still remain potential issues of cars revving their engines to change gears to reach speeds at which vehicles could realistically travel, bearing in mind two vehicles would be able to pass one another without much negotiation or hesitation. As such the revised scheme is not considered to overcome the previous reasons for refusal stated within the Case officer or Inspector decision.

The proposal would result in additional coming and goings of vehicles that would interfere with the quiet enjoyment the occupiers of nearby dwellings would reasonably expect from their homes, and accordingly the proposal is contrary to Policy CS16 of the Peterborough Core Strategy (2011) and PP3 of the Peterborough Policies DPD (2012).

Concerns have been raised that the proposed chimney would result in amenity harm, as well as smells emanating from the proposed kitchen. These features are not considered to result in harm, and smells associated with cooking in a residential area should be expected.

Amenity of Future Occupiers of the proposed Dwelling

Further to reviewing the revised plan it is noted that the private amenity space would be marginally enlarged, however this is not considered to overcome the reasons for refusal set out above. It is noted that a future sun room is proposed, however as details have not been provided it is not possible to comment on this feature at this time. Should permission be granted the Local Planning Authority would seek to restrict permitted development rights for extensions and outbuildings for the avoidance of doubt.

Biodiversity

To facilitate development a Willow Tree, a number of fruit trees and conifer hedges would be removed. Whilst the Willow Tree appears to be a healthy specimen it is not visually prominent from the public realm, as such it would not be eligible for a Tree Preservation Order.

A letter of representation raised issue with the proposal putting wildlife at risk. The Agent has stated there are no protected species on site, however the proposal would result in the loss of a number of trees and a conifer hedgerow. Therefore if planning permission were granted, a condition would be attached advising no works to trees during bird breeding season as well as securing biodiversity enhancements for the site, such as bird and bat boxes.

It is noted that a leylandii hedge may be subject to height restrictions. The Local Planning Authority are not familiar with the reference EPA/657859, however this appears to be a civil matter between

the two parties and is separate to the planning process.

Environmental Capital

The scheme does not illustrate any on-site renewable energies as part of the proposal, therefore to be consistent with the LPA's green planning agenda, if planning permission was approved, a condition should be attached stating 'the development shall be constructed so that it achieves a Target Emission Ratio of at least 10% better than building regulations at the time of building regulation approval being sought'. This is to accord with Policy CS10 of the Peterborough Core Strategy DPD (2011).

Flood Risk

The application site is not within a Flood Risk Zone. The Drainage Board previously responded, stating there is a lack of information on how surface water would be disposed of, nor are there any foul sewers in the immediate vicinity. Matters of foul and surface water disposal can be secured by way of planning condition.

Section 106 and the CIL Regulations

As the application was validated after the 24th April 2015 the scheme is captured by the CIL regulations. Accordingly a Section 106 Legal Agreement or Unilateral Undertaking is no longer sought.

Other Matters

O/S Plans - It is noted that the ordinance survey drawings are not up to date, however the drawings are sufficient for the Case Officer to make their recommendation.

Construction noise and traffic - Should permission be granted the Local Planning Authority would seek to secure a Construction Management Plan for the site, which would limit hours of construction.

Impact on solar panels - It is understood that an adjacent property has a solar panels atop a swimming pool roof. The proposed structure is unlikely to result in any overshadowing of the panels.

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 reasons given below.

7 Recommendation

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

- R 1 The proposal fails to accord with Policies CS16 and PP2, which seeks to ensure any development would not have an adverse impact on the character of the area. The proposed dwelling and its associated plot would be significantly smaller than that of the surrounding properties, which would result in an overdeveloped and out of keeping form of development. To facilitate development this would result in Nos 37 and 39 Lincoln Road having a smaller plot, which would result in an unacceptably adverse and out of keeping form of development that is uncharacteristic of this part of the village. The proposal fails to accord with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012).
- R 2 The proposal fails to accord with Policies CS16 and PP2, which seeks to ensure any development would not have an adverse impact on the character of the area. The proposed access would form a large, incongruous and over-engineered access purely serving back

land development which would adversely impact on the character of the surrounding area. Its prominence would be exacerbated as the access would cut across the front garden of No. 37 Lincoln Road and when considered alongside the access which will be created to serve No.35B Lincoln Road it would form a large gap within the street scene. This would be at odds with the prevailing context of the area. The proposal fails to accord with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012).

- R 3 The proposal fails to accord with Policy PP3, which seeks to ensure that any development would not result in unacceptable harm to neighbour amenity. The proposal would result in additional comings and goings of vehicles that would interfere with the quiet enjoyment, the occupiers of nearby dwellings, would reasonable expect from their homes. The proposal fails to accord with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012).

Copies to Councillors Lamb D and Holdich MBE J