

**Application Ref:** 16/01340/FUL

**Proposal:** Construction of one new dwelling and new vehicular crossing

**Site:** Rear of 160 Broadway, Peterborough, PE1 4DQ,  
**Applicant:** Mr Asif Iqbal

**Agent:** Mr Mohammed Iqbal  
M A Iqbal

**Referred by:** Councillor Shearman

**Reason:** No overlooking to neighbours; acceptable design; other examples of backland development in the area; and negligible impact from the access, parking and traffic on the surrounding area.

**Site visit:** 26.08.16

**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 large detached two storey residential dwellinghouse located on the western side of Broadway, one of the principal routes into the City Centre. The site occupies a prominent position in the streetscene, at a crossroads junction of Broadway with Huntly Grove. The existing dwelling is set back from the public highway by a distance of approximately 12 metres with a landscaping screen of mature trees and hawthorn hedgerow intervening with a 1 metre high wooden fence. This screening and fence also forms the southern boundary of the site along Huntly Grove.

The surrounding area is predominantly residential in nature, with large detached period two and three storey dwellings the main character along Broadway. Immediately to the west and further to the north are a group of 1980s three storey residential flats with some commercial properties to the south along Huntly Grove.

The site is located within the boundary of the Park Conservation Area.

**Proposal**

The application seeks planning permission for the construction of a two storey detached residential dwelling within the rear/side garden area of the host dwelling. The proposal also includes associated hard surfacing, felling of 7no. trees (which are protected by virtue of their siting within the Conservation Area) and the creation of a new vehicular access from Broadway to serve the host dwellinghouse of No.160.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
P1005/86	Erection of one dwelling (outline)	Permitted	11/02/1987
03/01275/FUL	Erection of 14 2-bed flats in a three storey block	Refused	29/07/2004
04/00751/CON	Demolition of house, garage and shed	Refused	03/08/2004
04/01232/FUL	Erection of 11 x 2 bedroom and 3 x 1 bedroom flats	Refused	30/11/2004
04/01299/CON	Erection of 11 x 2 bedroom and 3 x1 bedroom flats	Refused	30/11/2004

## **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

### **Planning (Listed Building and Conservation Areas) Act 1990**

#### **Section 72 - General duty as respects conservation areas in exercise of planning functions.**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

### **National Planning Policy Framework (2012)**

#### **Section 12 - Conservation of Heritage Assets**

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

### **Peterborough Core Strategy DPD (2011)**

#### **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.

#### **CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

#### **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)**

### **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.

### **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.

## **The Park Conservation Area Appraisal Report and Management Plan (2007)**

### **Peterborough Local Plan 2016 to 2036 (Preliminary Draft)**

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

## **4 Consultations/Representations**

### **PCC Conservation Officer (09.08.16)**

Objection – The sub-division of this plot would erode this character of single detached dwellings in large landscaped plots. The development would be out of context in this spacious area which is a transition between the more intensive scale of development to the south and the larger landscaped plots to the north. Change to character of Broadway from the punctuation in the boundary for a new access. Views of a large and dominant building and the loss of mature tree planting would erode the Arcadian character of the area.

The proposal is not supported as this would not preserve the character and appearance of the

Park Conservation Area and is not in accordance with Peterborough Core Strategy DPD (2011), Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations)

The development, if approved, will set an unwelcome precedent which may be difficult to resist similar developments elsewhere to the detriment of the character and appearance of the area.

**PCC Tree Officer (16.08.16)**

Objection – The tree survey findings and quality/categorisation of the trees inspected are agreed however the overall principle that there is a sound juxtaposition of the proposed dwelling and the retained trees is not. It has not been adequately demonstrated that the altered driveway to serve the proposed dwelling would not harm the retained Yew tree.

Contrary to the conclusions of the tree report, shading and light loss would be a real and ongoing issue for any prospective resident. Leaf litter and apprehension would also be a problem in my opinion. Given that pruning of 2.5m has already been specified to the Cedar tree, and that the tree is likely to grow larger, I believe that the proximity to the dwelling to the tree is too close. Requests for the hard pruning of the Cedar are likely and given its prominence in the streetscene and the loss of amenity are likely to be refused resulting in the serving of a possible Tree Preservation Order.

The existing/proposed dwellings would be served by gardens which are significantly impacted upon by the retained trees in terms of apprehension, leaf litter and shading.

**PCC Wildlife Officer (08.08.16)**

No objections – Pleased to note that bat roost potential has been assessed and it is noted that no evidence of their presence found. However, in line with the submitted Ecology Report, it is recommended that the precautionary measures contained therein are implemented. In addition, the proposal involves the removal of vegetation which may support nesting birds. As mitigation, request a condition which requires the provision of a range of nesting boxes.

**Archaeological Officer (25.07.16)**

No objections – The proposed development site and immediately surrounding area do not appear to contain important heritage assets.

**Building Control Manager (12.08.16)**

Building Regulations approval required. Part M relating to disabled requirements also applicable. Level access should be ensured.

**PCC Transport & Engineering Services (09.08.16)**

No objections – The proposed new access onto Broadway is of insufficient width and should be no less than 3.5 metres wide to ensure safe simultaneous access/egress by pedestrians and motorists. Request conditions relating to the provision of vehicle-to-pedestrian visibility splays and a construction management plan.

**PCC Pollution Team**

No comments received.

**Waste Management**

No comments received.

**Cambridgeshire Fire & Rescue Service**

No comments received.

**Victoria Park Residents Association (20.07.16)**

No comments as the site falls outside of our area of concern.

**Local Residents/Interested Parties**

Initial consultations: 12

Total number of responses: 7

Total number of objections: 2 (one resident and one from Stewart Jackson MP)

Total number in support: 4 (Councillors)

One objection has been received from a local resident on the following grounds:

- The majority of tenants of William Nichols Court (flats to the west) are either retired or parents with very young children. We are used to a quiet environment and fresh air during both night and day. Any kind of construction work would seriously harm our day-to-day routine and wellbeing. There are enough problems with occasional noise pollutants from the nearby businesses and we don't want to experience any more stress which definitely result from having a building site right underneath our windows.

In addition, one further letter of representation (neither objecting nor supporting the proposal) has been submitted which raises the following:

- Expect that builders and other trade persons will gain access to the site via the existing Huntly Grove access. There is potential for overspill onto Huntly Grove itself which would cause parking issues for residents, staff and clients. Seeking reassurance that the parking restrictions will be enforced so that people are not impacted by a larger demand for parking than at present.
- At the end of the school day, Huntly Grove becomes a waiting area for parents with many parking on double yellow lines while waiting for their children. At this time of day, movement of larger vehicles could be problematic.

#### **Stewart Jackson MP**

I write to oppose this application and ask that it is reported to the Planning and Environmental Protection Committee.

I believe that it is an over intensive use of the site, the density of the development is inappropriate and the proximity to the busy Huntly Grove/Broadway junction will make access and egress difficult and parking problems will ensue if the application is approved. The new vehicular access will be problematic too on too busy roads and as a result of its proximity to the Broadway Vets Surgery opposite and to the block of flats at William Nichols Court - in what is effectively a cul de sac.

I would ask the Planning Committee to refuse this inappropriate application.

#### **Councillor Peach**

I am happy that this small development will not distract from the street scene and fit in nicely with surrounding residential properties, I thus am happy to recommend approval from my point of view.

#### **Councillor Shearman**

I am writing in support of the application to build a new dwelling and vehicular access to rear of 160 Broadway.

I recently met the owner and agent on site and noted that the proposed development will not directly overlook any other property - with flats on Princes Gate some distance to the north, and trees providing a visual-barrier to the east and south. I consider the design of the property to be sympathetic to the character and appearance of the surrounding area.

I understand that the Tree Officer, Mr Clary, has been consulted over the effects the development will have on trees on the site.

Although some concern may be expressed over the loss of part of the grassed area to the rear of 160 Broadway, there are other examples of this in the area, notably the development on the former tennis courts in nearby Park Crescent.

### **Councillor Ferris**

As one of the Park Ward councillors, I have spoken to some local residents living nearby. They have expressed concern about the access from Broadway, but are broadly neutral about the application. I am concerned about the visibility of any entrance/exit from/onto Broadway and its proximity to one of the mature street trees. Otherwise, I am satisfied that the proposed development is sympathetically planned, particularly in respect of not overlooking neighbouring properties and am prepared to support it.

### **Councillor Nadeem**

I am writing in support of the above application for one number residential dwelling located at the rear of property no. 160 Broadway facing Huntly Grove with new vehicular access for the existing property at no. 160 Broadway.

I have had number of meetings with Mr Iqbal (owner), his family and Mohammed Iqbal (Agent) at pre-application stage and before formal planning application.

I do not consider that the proposed dwelling will have any impact to the surrounding properties of the application site.

The proposed dwelling has been designed taking all matters into consideration, such as other properties, trees, amenity areas etc. The position of the proposed dwelling will not overlook any other properties, it is set away from the mature trees and would not affect the trees along Huntly Grove. It is therefore considered that the proposal would not affect the amenities of the adjacent properties.

The proposed dwelling is set well away from the trees facing Huntly Grove and tree surveys show no impact to the tree roots within the proposed development. The proposed property will also be screened by the trees facing which will provide a visual barrier facing Huntly Grove. Therefore, Planning Officers should not have any concerns regarding visual impact within the surrounding area.

The design of the proposed property has been well captured of the surrounding area's characters and appearances and has been well designed to match the surrounding properties.

The proposed development will still leave ample of garden area for the existing property no. 160 Broadway and for the proposed dwelling.

There are number of examples within the area of similar developments granted, I therefore, do not consider this application to be resisted.

The proposal will not have any negative impact on the highway. There are number of existing vehicular crossings along Broadway and I understand the site meeting at pre-application stage with applicant, agent, Planning Officer and Tree Officer, it was agreed the position of the vehicular crossing on Broadway.

I therefore, hope Planning Officers are in support and grant this application for approval.

## **5 Assessment of the planning issues**

The main considerations are:

- Design and impact upon the character, appearance and visual amenity of the area
- Impact upon the Park Conservation Area
- Neighbour amenity
- Parking, access and highway implications
- Trees
- Future occupant amenity
- Ecology

**a) Design and impact upon the character, appearance and visual amenity of the area**

As detailed in Section 1 above, the application site currently has its frontage onto Broadway. With the exception of the 1980s flat development to the west and further north, the streetscene along Broadway is characterised by large detached period properties set within large and spacious grounds. Furthermore, within the immediate locality the streetscene is heavily verdant, with mature trees, shrubs and hedgerows along the back edge of the public footway. This is a key feature of the locality and offers strong visual amenity. The proposal seeks to introduce backland residential development, to the rear of the host dwellinghouse. The proposal would front onto Huntly Grove and introduce a new vehicular entrance onto Broadway.

Whilst backland development itself is not unacceptable in principle, due consideration must be given to the need to respect the character and built form of the locality. It is considered that the proposal would result in unacceptable overdevelopment of the site, wholly at odds with the established built form of the locality. It is acknowledged that the application site is a large plot, however the host dwellinghouse in turn is also large which is a common characteristic within the Conservation Area. The proposal seeks development which is far in excess of the size of land to the rear, and would appear cramped.

In addition to the above, it is considered that the form and appearance of the proposal fails to respect the character and appearance of the locality. Whilst it is acknowledged that some attempt has been made to respect the architectural detailing of the host property and those which surround, the proposal introduces a number of competing architectural styles and periods which results in a contrived and incongruous appearance. Furthermore, the design of the dwelling with its large two storey side projection (which incorporates an integral double garage) results in an unbalanced appearance which will not protect, conserve or enhance the Conservation Area.

In terms of the proposed additional vehicular access to serve the host dwellinghouse, this would involve 'punching through' the existing verdant frontage along Broadway. Whilst there are examples of vehicular access directly onto the highway within the streetscene, the introduction of a further hard feature in this locality would erode the soft character of the immediate locality to the detriment of its visual amenity.

On the basis of the above, it is considered that the proposal would result in an unacceptable degree of harm to the character, appearance and visual amenity of the surrounding area. Accordingly, the proposal is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

**b) Impact upon the Park Conservation Area**

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the need to ensure that new development preserves or enhances the special features for which a Conservation Area has been designated. This is further reinforced through both local and national planning policies, whereby significant weight is attached to this need.

The proposal is situated within the Park Conservation Area, designated in 1988 in recognition of the special character, architectural and historic interest of the area. There is an adopted Conservation Area appraisal which specifies the special qualities which are to be retained and, where possible, enhanced. The character of the Conservation Area in the locality of the application site is predominantly shaped by the garden landscape which comprises mature hedges, forest trees and street trees which form a visually cohesive enclosure to the north of Huntly Grove. Furthermore, the built form is characterised (as set out above) by large period dwellings set within large landscaped grounds thereby representing relatively low density development. This character is a key feature of this part of the Conservation Area and forms its special character.

Along Broadway, the application site frontage is currently continuously verdant, formed by a 1 metre high timber fence, tall privet hedge and mature forest trees. This is repeated in properties to

the north. The Conservation Officer has advised that the puncturing of this key frontage would unacceptably detract from the streetscene, thereby representing harm to the special character of the heritage asset.

Turning next to the proposed dwelling, the Conservation Officer has further advised that over time, the character of the Conservation Area has been eroded over time by the loss of original detailing, boundary enclosures, loss of street trees, loss of garden forest trees, and the subdivision of large plots through more intensive modern infill development. The proposal would further exacerbate the harm that has already resulted. The design of the proposed dwelling fails to respect the scale and spacious feeling of the historic built form, and would appear an unduly dominant feature owing to its excessive size and scale.

Furthermore, the loss of a number of trees within the site (discussed in more detail below) would unacceptably erode the existing frontage landscaping at the key junction of Broadway. This soft landscaping makes a significantly positive contribution to the character and appearance of the Conservation Area, specifically identified within its Appraisal. It is the view of the Conservation Officer that the loss of these trees, along with the more intensive scale of development, would unacceptably harm the streetscene by eroding the transition within the Conservation Area when viewed from the south-east and south-west approached.

On this basis, the proposal would result in unacceptable harm to the character and appearance of the Park Conservation Area, thereby failing to preserve the special features for which it has been designated. Accordingly, the proposal is contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012) and paragraph 131 of the National Planning Policy Framework (2012).

### **c) Trees**

As detailed in Section 1 above, the application site contains dense and mature trees and hedgerow along both the Broadway and Huntly Grove frontages. By virtue of the location of the site, within the Park Conservation Area, these trees are subject to protections and cannot be felled without the prior approval of the Local Planning Authority. The City Council's Tree Officer has advised that owing to this protection, the trees are not subject to further protection by virtue of a Tree Preservation Order (TPO) albeit some are worthy of this status.

The application has been accompanied by a detailed Arboricultural Impact Assessment, which has surveyed all trees within the site and the impact that the proposal would have. The City Council's Tree Officer has confirmed that the tree survey findings and the quality and categorisation of the trees inspected are accepted however the conclusions contained therein are not.

In total, 7no. trees are proposed for removal which are a mixture of C1 category (trees of low quality and value) and B1/B2 (trees of moderate value). As a whole, the Tree Officer does not object to the removal of these trees as they are of low quality. The proposed retained Beech has significant future growth potential which would be suppressed by the adjacent Cedar and may become unstable. However, the impact upon the trees to be retained is not considered acceptable by the Tree Officer. With regards to the driveway to serve the proposed dwelling, it is likely that the retained Yew tree will be adversely affected even in the event of the proposed 'no dig' as level changes will still result. The ground conditions and construction of the new driveway are not described in sufficient detail for a true understanding of the impact to be considered and as such, this could not be conditioned.

Furthermore, the proposed dwelling would be sited in very close proximity to other retained trees, notably the large Cedar. The Tree Officer has advised that, contrary to the conclusions of the Arboricultural Assessment, the retained trees would result in such a level of overshadowing and loss of light, along with leaf litter and apprehension, that there would be pressure for significant pruning and future felling may be required. Given the prominence of the trees within the streetscene, the loss of amenity to the locality would be significant if the other trees were to be lost



or heavily pruned.

Accordingly, the proposal would result in an unacceptable level of harm to trees of key amenity value and is therefore contrary to Policy PP16 of the Peterborough Planning Policies DPD (2012).

#### **d) Neighbour amenity**

The proposed dwelling would be sited immediately adjacent to the western boundary of the application site which is shared with Nos.1-6 William Nichols Court (residential flats). By virtue of its siting and size, the proposal would project approximately 2.4 metres beyond the rear elevation of this flat block. Within the rear elevation of the neighbouring building, are primary habitable windows to all floors with an outdoor amenity area beyond. The proposal would be set only 1.2 metres from the shared boundary and it is considered that this lack of separation, in combination with the level of projection and two storey nature of the proposal, would result in an unduly dominant and overbearing feature to neighbouring occupants. Furthermore, direct overshadowing would result for a large part of the day to the outdoor amenity area. It is therefore considered that an unacceptable level of harm would result to the amenity of occupants.

In addition to this, the proposal would be sited only 9.85 metres from the shared boundary with No.162 Broadway, to the north. The facing rear elevation of the proposal would include primary habitable bedroom windows at first floor which would permit direct views into a large area of this neighbouring garden. This would therefore represent an unacceptable loss of privacy to neighbouring occupants given the context of the traditional built form of the area. Furthermore, whilst there is some separation distance to the shared boundary, the proposal would be clearly visible from this neighbouring gardening. This, in combination with the level of existing development, would result in a feeling of enclosure to the entire depth of the garden serving No.162 which would result in an unacceptably overbearing impact.

Finally, whilst it is noted that the host dwellinghouse (No.160 Broadway) is located within the confines of the application site boundary, due regard must be paid to the need to ensure that an acceptable level of amenity is afforded to occupants. The proposal would introduce two storey development in very close proximity to the primary habitable rear windows of the host dwelling. At its closest, the proposal would be sited only 6.8 metres from the rear double storey bay window with the facing side elevation largely blank and lacking relief. It is considered that this would result in an unacceptable level of overbearing impact and would fundamentally reduce the outlook from those windows.

Accordingly, it is considered that the proposal would result in an unacceptable level of harm to the amenities of neighbouring occupants and is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

#### **e) Future occupant amenity**

As set out in part (c) above, the trees within the site which are to be retained, result in a considerable level of shading across almost the entire plot of the proposed dwelling. Furthermore, the proposal is sited in such close proximity to those retained trees that some primary habitable windows (to the front room and a bedroom) would be underneath the canopy of the large Cedar tree. This significant overshadowing would result in an unacceptable level of light to both the internal rooms and the outside amenity space which would not afford future occupants an acceptable level of amenity. Whilst the same is true to a certain extent in relation to the host dwellinghouse, there are presently parts of the garden which are not shaded and the dwellinghouse is set a sufficient distance from the tree canopies so as to receive adequate natural daylight.

In addition to the above, the submitted drawings do not clearly identify whether any subdivision of the outside amenity space will take place. Notwithstanding this, the outdoor amenity area immediately to the rear of the proposed dwelling would be subject to overlooking from both the proposal and host dwelling. As such, it would not afford any privacy to either occupants and is therefore not considered an acceptable quality living space for future occupants.

On this basis, the proposal would fail to provide an adequate level of amenity for future occupants and is therefore contrary to Policy PP4 of the Peterborough Planning Policies DPD (2012).

#### **f) Parking, access and highway implications**

The proposed dwelling seeks to reuse an existing vehicular crossing onto Huntly Grove albeit in a slightly altered position and with widening to a width of 3.4 metres. Furthermore, a new vehicular access to serve the host dwellinghouse is proposed from Broadway of 3.2 metres in width. The Local Highway Authority (LHA) has not raised any objections to this however they have advised that both accesses should be widened to 3.5 metres in width. This widening, in their opinion, is required as the access is to serve both pedestrians and vehicles safely. Whilst this is noted, the proposal is only 0.1 metres and 0.3 metres of insufficient width respectively. It is considered that these widths are suitable to serve single dwellings as the potential for both vehicular and pedestrian access/egress at the same time is limited and will likely occur infrequently. Furthermore, both accesses would be sufficient for emergency vehicles. It is considered that this acceptability, and the further harm that would result to the character of the streetscene through unnecessarily wide vehicular accesses, does not result in the need for wider accesses to be secured.

In addition to the widened accesses, the LHA has requested that a condition be imposed regarding the provision of 1.5 metre x 1.5 metre pedestrian visibility splays (measured from and along the back edge of the public highway) on either side of the proposed accesses. These are considered necessary to ensure the safety of pedestrians using the footway in the event of vehicles exiting the site. Such splays could be conditioned however this would involve the further loss of vegetation along the site frontages and result in lengths of 6.4 metres and 6.2 metres being lost to Huntly Grove and Broadway respectively. This would further exacerbate the harm which has been identified in parts (a), (b) and (c) above.

With regards to the level of parking and turning provision, these are considered adequate to meet minimum adopted parking standards. Both the proposed dwelling and host dwellinghouse would be afforded at least 2 parking spaces, with sufficient turning areas to enable vehicles to enter and exit the highway in a forward gear.

Notwithstanding this, the introduction of accesses wide enough to accommodate the necessary vehicle-to-pedestrian visibility splays would result in further unacceptable harm to the character and appearance of the streetscene and Park Conservation Area (as set out above). For this reason, it is not considered that a condition could be imposed requiring the visibility splays provided. As such, without the splays, the accesses would be substandard and would pose an unacceptable safety risk to pedestrians and users of the public highway. Accordingly, the proposal is contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

#### **g) Ecology**

The application has been accompanied by an Ecology Report which the City Council's Wildlife Officer has accepted. The existing garage to be demolished, and trees proposed for felling have been inspected and no evidence of bats found. Notwithstanding this, the submitted report recommends that a precautionary approach be taken to include removal of the garage roof by hand and under the supervision of a suitably qualified ecologist; 'soft-felling' techniques be employed for the felling of the trees; and provision of a range of bat boxes or tiles. All of these could be secured by condition.

In addition, the Wildlife Officer has advised that the trees to be felled would result in the loss of vegetation which may support nesting birds. To mitigate this, it is considered that the provision of bird nesting boxes be secured, again by condition.

Subject to securing the necessary mitigation, it is not considered that the proposal would result in undue harm to protected species or the biodiversity of the site and accordingly, the proposal is in

accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011).

## **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 proposed dwelling, by virtue of its size, scale and siting, would be wholly at odds with the established built form of the locality. The proposal would represent a cramped form of development which unacceptably detracts from the character of the area. Furthermore, by virtue of the design and appearance of the proposal, it would appear an incongruous element within the streetscene, failing to respect the appearance and architectural style of the surrounding properties. Accordingly, the proposal would result in unacceptable harm to the character, appearance and visual amenity of the surrounding area which is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).
- R 2 The proposed dwelling and vehicular accesses, by virtue of their size, scale, loss of trees and siting would unacceptably erode the character and appearance of the Park Conservation Area. The proposal would appear an incongruous element within the streetscene, cramped into the plot which is wholly at odds with the established built form along Broadway. The loss of trees within the site would erode the significant and mature verdant frontage which is a key feature of this part of the heritage asset. On this basis, the proposal would fail to preserve the special features for which the Conservation Area has been designated and moreover, would give rise to an unacceptable degree of harm. The proposal is therefore contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012), paragraph 131 of the National Planning Policy Framework (2012) and The Park Conservation Area Appraisal Report and Management Plan (2007).
- R 3 The proposed dwelling, by virtue of its siting, would result in unacceptable harm to mature trees within the site which are of key amenity value within the streetscene. The proposal has failed to adequately demonstrate that no harm would result to the root protection areas of the trees and, owing to the likely change in levels which would result from the proposal, it is not considered that protection of the root protection areas is feasible. Furthermore, the proposed dwelling would be sited in such close proximity to key mature trees within the site that future pressure to prune or fell would result. Accordingly, the proposal is contrary to Policy PP16 of the Peterborough Planning Policies DPD (2012).
- R 4 The siting, height and scale of the proposed dwelling would result in an unacceptable relationship to the neighbouring residential properties. To the west, the proposal would result in an unacceptably overbearing and overshadowing impact to the primary habitable windows and private outdoor amenity area of Nos.1-6 William Nichols Court owing to the depth of projection and proximity to the shared boundary. To the north, the proposal would be sited so as to represent an unduly dominant feature, unacceptably enclosing the entire southern boundary of the garden to No.162 Broadway. Furthermore, there would be insufficient separation which would result in direct overlooking and loss of privacy to the garden area. In addition, the proposed side flank elevation of the proposed dwelling would be sited only 6.8 metres from the primary habitable rear windows of the host dwellinghouse (No.160 Broadway) which would result in unacceptable overbearing and loss of outlook.

Accordingly, the proposal would result in an unacceptable level of harm to the amenities of neighbouring occupants which is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- R 5 The proposed dwelling would fail to afford future occupants an acceptable level of amenity owing to the lack of private outdoor amenity area and unacceptable levels of natural daylight to primary habitable windows. The submitted drawings fail to identify an allocated area of outdoor space. Notwithstanding this, the retained outdoor space to the rear of the proposed dwelling would be directly overlooked by both the proposal and host dwellinghouse (No.160 Broadway). As such, it would not provide a private amenity space for either set of occupants. In addition, the proposed dwelling would be sited such that significant shading and lack of natural daylight would result from the trees within the site so that an inadequate level of natural daylight would occur to primary habitable rooms. Accordingly, the proposal is contrary to Policy PP4 of the Peterborough Planning Policies DPD (2012).
- R 6 The proposed vehicular accesses are incapable of acceptably providing the necessary vehicle-to-pedestrian visibility splays owing to the additional harm that would result to the character and appearance of the Park Conservation Area. Without provision of such splays, vehicles exiting the site would not have clear sight of oncoming pedestrians within the public highway. This would therefore pose an unacceptable danger to users of the public highway network and is therefore contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

Copies to: Cllr Richard Ferris, Cllr John Peach and Cllr John Shearman