

Application Ref: 17/00003/HHFUL

Proposal: Erection of detached garden building - retrospective (Resubmission)

Site: 2 Cowper Road, New England, Peterborough, PE1 3JX
Applicant: Mr Singh

Agent: Mr Brian Shemeld

Referred by: Councillor Nadeem
Reason: Proposal is not contrary to policy as other similar developments have been approved elsewhere

Site visit: 12.09.2016

Case officer: Miss Louise Lovegrove
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Recommendation: REFUSE

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

Site and Surroundings

The application site comprises a two storey detached residential dwelling located on the eastern side of Cowper Road. The property occupies a prominent position within the street scene, as the first dwelling on Cowper Road. It is bound to the south by residential gardens of properties on St Pauls Road, and residential development surrounds. The area is of relatively uniform character, with dwellings of similar periods, form and design.

Proposal

The application seeks planning permission for the construction of a detached outbuilding to the rear. The submitted drawings identify that it would be for use as a gymnasium/play room with a shower room. The dimensions of the building are: 6 metres (width) x 7.5 metres (depth) x 2.5 metres (eaves height) x 3.9 metres (ridge height). The footprint of the building stands at 45sqm.

It should be noted that development has been completed and as such, the application is retrospective.

This application follows refusal in September 2016 of an earlier identical application for the same development (reference 16/01399/HHFUL). This earlier application was refused for the following reasons:

- R 1 *The proposed detached outbuilding is of a size and scale which fails to respect the character and built form of the surrounding locality. The proposal would occupy approximately half of the existing outdoor amenity area associated with the host dwelling, far in excess of any developments within the surrounding locality. This, in combination with the significant height, would result in an unduly dominant and obtrusive form of development which harms the character, appearance and visual amenity of the surrounding area. The proposal is therefore 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 detached outbuilding, by virtue of its height, size and siting, would represent an unduly obtrusive and dominant feature to the rear garden area of the adjacent dwelling No.4 Cowper Road. The proposal would result in an unacceptably overbearing impact and, given its siting due south of this garden, would result in an unacceptable loss of natural daylight throughout the year. The proposal would therefore result in an unacceptable level of harm to the amenities of occupants of this neighbouring dwelling and is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).*

2 Planning History

| Reference | Proposal | Decision | Date |
|------------------|--|-----------------|-------------|
| 16/01399/HHFUL | Detached gym/playroom (part-retrospective) | Refused | 14/09/2016 |

3 Planning Policy

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

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

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 took place between December 2016 and 9 February 2017.

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

Millfield & New England Residents Planning Sub Group

No comments received.

Local Residents/Interested Parties

Initial consultations: 8

Total number of responses: 3

Total number of objections: 1

Total number in support: 1

1no. objection has been received from an immediately neighbouring resident on the following grounds:

- We are finding the garden building roof very high as it is blocking our sunlight. A flatter roof would be better.
- The fencing put up is too high in comparison to the rest of the neighbours.

In addition, 1no. further representation has been received neither objecting to or supporting the proposal. The following however was raised:

- My concern is that the fence and roof of the building is too high. As a result, there is a bit of obstruction to my garden. If the roof was flat, I am sure that there wouldn't be any obstruction.

Councillor Nadeem has expressed his support for the proposal as follows:

My constituents Mr and Mrs Singh would like to use this building for the family use and have no intentions to use it for sleeping accommodation or renting for the commercial market. I would be grateful if you consider below examples (provided by the applicant and their agent) when you make decision.

Similar examples of approved, detached buildings are:

- 135 Northfield Road 15/01157/HHFUL
- 33 Warbon Avenue 09/00205/FUL
- 9 Springfield Road 15/01094/HHFUL
- 35 Vere Road 01/01288/FUL

There are several examples of similar buildings within our City's boundary which was approved by your department.

A further example of a detached, new dwelling rear of 76 Fulbridge Road 06/01049/FUL. This was refused by PCC, then won on appeal.

All of the above are less separated from adjoining dwellings than the 2 Cowper Road building. Some are far larger, the new dwelling for instance.

The 2 Cowper Road building is located adjacent to the bottom end of gardens on St Paul's Road , and Fulbridge Road with separations of 20m plus and 40m plus respectively from the rear of those dwellings. The closest dwelling to the 2 Cowper Road building is No.4 Cowper Road the rear wall of which is approximately 20m separated.

5 Assessment of the planning issues

The main considerations are:

- Design and impact upon the character and appearance of the surrounding area
- Neighbour amenity

a) Design and impact upon the character and appearance of the surrounding area

As detailed in Section 1 above, the application site is located in a prominent position within the street scene being the first dwelling upon entering Cowper Road. To the south, are residential gardens and views are possible towards the garden of the application site from the public realm.

It is considered that the building is of considerable size and scale, extending to a depth of 7.5 metres and height to ridge of 3.9 metres. Whilst there are examples of detached outbuildings within the locality, these are of a far smaller size and scale representative of incidental garden buildings. It is considered that the proposal appears unduly obtrusive and dominant within the locality. It is far larger and taller than any surrounding detached outbuildings and appears prominent when viewed from the public realm. Furthermore, whilst the site within which it is sited is of a relatively large size, the proposal fills almost half of the available outdoor amenity area and represents a footprint which is more than half of that of the existing main dwellinghouse. This further compounds the building's prominence and incongruous nature within the locality.

On this basis, the development results in unacceptable harm to the character, appearance and visual amenity of the surrounding area, and is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

b) Neighbour amenity

To the south, the building is sited across the entire width of the rear garden serving No.206 St Paul's Road. It is considered that the height of the building, with eaves standing at 0.7 metres above an average 1.8 metre high boundary fence, and pitched roof to 3.9 metres overall height, results in a prominent feature. This, to some degree, harms the outlook down the length of the garden to this neighbouring property. However, it is acknowledged that the garden depth to No.206 stands at 43 metres and as such, the impact of the building is somewhat diminished. The area adjacent to the proposal is not the immediately private outdoor amenity space and as such, the impact upon occupants is considered to be within an acceptable tolerance.

To the rear, the proposal straddles the rear gardens of Nos.5 and 7 Fulbridge Road. Neither of these properties are subject to the full impact of the proposal in terms of its width as it does not occupy the full width of either garden (i.e. it can only be seen across half of the width of each garden). Given this off-set, and the depth of gardens (approximately 67.5 metres), it is considered that the building does not appear unduly prominent or obtrusive so as to detract from the enjoyment of the garden areas.

However, to the north, the building is sited immediately adjacent to the shared boundary with No.4 Cowper Road. This garden is not of the same considerable depth, and as such, the building occupies the length of half of the garden. Given its height and depth, it is considered that this appears an unduly obtrusive and dominant feature to occupants using this neighbouring garden. Furthermore, given that it is sited immediately to the south of this neighbour, considerable levels of overshadowing/loss of daylight result. The development therefore significantly detract from the enjoyment of the outdoor amenity area associated with No.4.

On this basis, the development results in an unacceptable level of harm to the amenities of neighbouring residents and is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

c) Other matters

It is noted that Councillor Nadeem has requested that other examples of similar developments across the City be taken into consideration. This request is noted however it is not considered that these approved schemes set a precedent for allowing development which, as above, is considered to result in unacceptable harm. Each planning application must be considered in its own merits, taking into account the relationship of the development to its context and surroundings. None of the examples provided by Councillor Nadeem are located within the vicinity of the application site and, many are of a far smaller scale than that which is currently proposed.

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 case officer recommends that Planning Permission is **REFUSED** for the following reasons:

- R 1 The detached outbuilding is of a size and scale which fails to respect the character and built form of the surrounding locality. The development occupies approximately half of the existing outdoor amenity area associated with the host dwelling, far in excess of any developments within the surrounding locality. This, in combination with the significant height, results in an unduly dominant and obtrusive form of development which harms the character, appearance and visual amenity of the surrounding area. The development is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- R 2 The detached outbuilding, by virtue of its height, size and siting, represents an unduly obtrusive and dominant feature to the rear garden area of the adjacent dwelling No.4 Cowper Road. The development results in an unacceptably overbearing impact and, given its siting due south of this garden, results in an unacceptable loss of natural daylight throughout the year. The detached outbuilding therefore results in an unacceptable level of harm to the amenities of occupants of this neighbouring dwelling and is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

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