

Planning and EP Committee 19 September 2017

Application Ref: 17/00992/HHFUL

Proposal: Erection of detached annex

Site: 185 Broadway, Peterborough, PE1 4DS,
Applicant: Mr M Akram

Agent: Mr N P Branston
Branston Assoc.

Referred by: The application should be heard by committee for a fuller discussion of the issues

Reason: Called in by Cllr Ferris.
Site visit: 04.08.2017

Case officer: Mr D Jolley
Telephone No. 01733 453414
E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

The application site is an extended detached dwelling of brick and tile construction, located within the Broadway Conservation Area. The dwelling has an enclosed, paved front garden with space for three vehicles to park clear of the highway. The rear garden is full enclosed with a mix of fence and trees/mature shrubs.

Proposal

Permission is sought for the erection of a detached annexe to the rear of the garden.

N.B. The description has been changed back to the agent's original description of the proposal 'Erection of a detached annexe'.

The application type has been changed back to a householder application to reflect that an annexe, ancillary to the host dwelling, is proposed.

2 Planning History

Reference	Proposal	Decision	Date
03/01392/FUL	Two storey rear/side extension	Permitted	17/11/2003
13/00859/HHFUL	Proposed rear conservatory	Permitted	13/08/2013

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.

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.

PP13 - Parking Standards

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

4 Consultations/Representations

Victoria Park Residents Association

No comments received

PCC Conservation Officer (19.07.17)

From a heritage perspective, the works can be supported.

PCC Archaeological Officer (17.07.17)

The archaeological potential is deemed to be low. Given the small scale of the propose development, a programme of archaeological work would not be justified.

PCC Building Control Manager

No comments received

PCC Peterborough Highways Services

This is a separate dwelling and as such requires its own parking, being outside the city core area.

There is insufficient space to provide the parking on site for the dwelling therefore the local highway authority objects to the application because it fails the requirements of the adopted Peterborough City Council Planning Policies DPD, policy PP13 (Parking Standards).

It also does not meet the requirements of policy PP12 (The Transport Implications of Development) because without space to turn a vehicle on site there are highway safety implications for vehicles reversing onto or off Broadway which is a classified road.

To provide for residents of the new unit, the requisite independent access from the highway would need the existing access widening. The presence of neighbouring boundary walls would prevent the appropriate pedestrian visibility splays being available.

A further complication to this development is that it is opposite Park Crescent and this causes the local highway authority to resist the proposal further as it would introduce more conflict with turning vehicles using the junction.

In summary the policy and highway safety requirements are such that we must object to the application. There is little sense in recommending any conditions which might deal with visibility issues as the physical makeup of the site means that they would not be able to be delivered.

N.B. These comments were made in relation to the original description and FUL application type. The LHA have been reconsulted on the change to the description and alteration of application type to HHFUL and their revised comments area awaited.

Cambridgeshire Fire & Rescue Service

No comments received

PCC Pollution Team

No comments received

Waste Management

No comments received

PCC Peterborough Highways Services

No comments received

PCC Tree Officer (30.08.17)

No reply received.

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 4

Total number of objections: 4

Total number in support: 0

4 objections have been received in relation to the proposal stating;

I was surprised that the property is having further accommodation added as the garage has already been converted to a dwelling. Is this a HMO? overcrowding?

The documents describe this as an extension to the existing property whereas in fact it is a stand alone bungalow being built right next to my border.

The property is close to my border and I am likely to suffer from any noise from the occupants (current and future) when relaxing in the garden as you never know what this dwelling will be used for in the future and who will live there after the current owners.

I see that a window will face in the direction of my property which I object to and seems unnecessary. If the existing hedge was damaged, died or was removed my privacy in the garden is severely affected.

I think there is a danger that the building works will be both noisy and could damage the current border hedge which the owner has in the past cut back to reveal large gaps losing my privacy. He did stop when asked.

I have discovered that this house has had more development than I mentioned with multiple bedrooms and bathrooms added more than doubling the original size. My view is that this is already at saturation and that the character and original plan for the area is now being adversely affected.

I fear that in future there will be a temptation by any owner of 185 Broadway to rent out the annexe as a separate dwelling with all the potential for noise and disruption that this would entail. If you were minded to grant planning approval, I would ask that you attach a condition stating that the annexe could only be used by the family of No. 185. However, even this would be difficult to police and my preference would be that planning permission be denied altogether.

The annexe will face the rear of our property, in particular our first floor rear bedroom window, leading to a loss of privacy. The proximity of the annexe to the surrounding boundary fences will be intrusive in what is a residential garden setting. The reduction in hedges along the boundaries, as set out in the arboricultural report, will lead to a loss of amenity for surrounding neighbours and an important habitat for garden wildlife.

So the current property has by my calculation a gross internal area of over 300 sq. m. which constitutes more than 100% increase in size of the original dwelling. The proposed residential annexe which is fully self-contained will add an additional 50 sq. m. and take the overall accommodation to at least 6 bedrooms.

Further additional floor area, whether attached or detached from the house would constitute an over-development of the plot.

Whilst the houses along this section of Broadway vary significantly in terms of size the pattern of development is characterised by houses relatively close to the road frontage and long back gardens, with mature landscape boundaries with modest, functional garden buildings such as sheds and greenhouses.

The Peterborough City Council Planning Policies DPD adopted 2012 at Policy PP2 Design Quality indicates planning permission will only be granted for development where the layout, design and appearance of the proposal meet certain criteria. Criteria C requires that: -

the development would not have a detrimental effect on the character of any immediately adjoining properties or the surrounding area.

The proposed annexe is located as close as 1m from the rear boundary with no. 11 St. Mary's Close and requires the severe reduction in width and mass of the mixed species Group A hedge along that boundary; we feel that this could lead to the hedge becoming thin in places and thereby failing to provide the privacy and screening that might reasonably be expected by adjoining residents. This proposal would lead to a harmful erosion of this character and, in this case, if allowed would establish a clear precedent which would make any future proposals to develop residential annexes in large back gardens in this area difficult for the Council to resist.

Because the previous integral garage was changed to an additional living room this has put pressure on car parking on the house frontage where there is no soft landscaping in place whatsoever.

Appendix A of the Local Plan requires that houses of four or more bedrooms have two spaces per dwelling bracket plus spaces for visitors. Significantly the "informative notes" to Appendix 3 states that:- Annexes which create extra bedrooms will require additional parking unless existing provision is demonstrated to be adequate.

We believe that the creation of an additional detached annexe would lead to increased pressure on car park provision (a 6 bedroomed property might easily generate a need for 4 car parking spaces) and currently there are 3 vehicles parked there. This current arrangement is already congested with the need for the occupier to open the entrance gates outwards over the adopted pavement (see appended recent photo); this is obviously unacceptable and indeed dangerous for pedestrians. Additional accommodation on site would only serve to exacerbate this unacceptable situation.

It is interesting to note the Arboricultural report prepared by Andrew Belson. Whilst tree NT2 Sycamore that is located in the corner of our garden has been assessed with a reduced RPZ, the new proposed annexe cuts into the RPA by 15%. For a tree that has been assessed as having a limited lifespan (10 years suggested by Andrew Belson) this would serve to reduce the health and potential life of the tree. Whilst the tree is only graded at C1 it does have meaningful amenity and wildlife value and would be a loss to both ourselves and the adjoining properties in St. Mary's Close.

We note from the submitted drawings (albeit that the Location Plan and Block Plan are not accurately drawn) that the new annexe will have its front wall facing the existing house approx. 17m away from the rear of the property. It will also be approx. the same distance from the rear wing of the adjacent house at 183 Broadway which has a south-facing first floor bedroom window. Whilst the new annexe will only be single storey this separation distance would be seen as inadequate if this was completely new development; it should therefore also be seen as unacceptable in an established residential area.

See the comments above on parking and Highways issues- this proposal could lead to pressure for additional frontage car parking and the removal of the front boundary wall which would be detrimental to the character of the Conservation Area.

We would therefore wish to register our strong objection to this Application and request that the application is refused on the basis that the proposal:-

- is not in character and keeping with the area
- has inadequate car parking
- will set an undesirable precedent
- increase potential pressure to remove a front boundary wall thereby having an adverse impact of the Conservation Area

5 Assessment of the planning issues

The main considerations are;

- Principle of development
- 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
- Parking and highways implications of the development
- Arboricultural implications

Principle of Development

Under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) it is possible to erect an outbuilding without planning permission provided it meets set tolerances. For example providing that the outbuilding was less than 4m in height, situated more than 2m from any boundary, did not take up more than 50% of the curtilage of the dwelling and was deemed to be incidental to the enjoyment of the dwelling house, planning permission may not be required. It is important to highlight this fall back position that a physical structure could be erected without planning permission.

Letters of representation have advised that the proposal is out of character with the area and that it would set a precedent for future development, however given what can be undertaken without planning permission the principle of a detached outbuilding is accepted.

Planning permission is required in this instance as the proposal would be to create an annex for a family member. An annex can be either attached or detached from the host building. For the avoidance of doubt this is an application for an annex and not a separate, independent planning unit. If approved a condition will be appended to the permission requiring the building to remain as ancillary accommodation and not be sold, rented or leased as a separate planning unit.

The impact of the proposal on the character of the area

The annexe would be located at the bottom of what is a relatively generous garden of approximately 300sqm. The annexe has a footprint of approximately 50sqm, following its construction 200sqm of useable rear amenity space will remain. This is considered to be an acceptable provision and does not constitute overdevelopment of the plot.

Although located in the Broadway Conservation Area, the Conservation Officer has raised no objection to the proposal as the building is not visible from the public realm. Any works required to the existing trees within the rear garden will not harm the character of the Conservation Area as these trees provide no public amenity and are not worthy of protection.

Further to the submission of the application, justification has been submitted demonstrating that the annex would be for a member of the family with complex health issues, and the structure has been revised to provide a bathroom, lounge and bedroom only. The building would be ancillary to the host building. The applicant was asked by the LPA if the annex could be constructed as an extension to the main property. The applicant has stated that this would not be practical due to the presence of a large conservatory to the rear of the dwelling. The LPA accept this position.

Neighbours have raised concern regarding the precedent that this proposal sets. As stated above a building of this scale could generally be constructed under permitted development and is not out of scale compared to the host dwelling. Each application is judged on its particular circumstance and the material considerations relevant to each proposal.

In light of the above the proposal would accord with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012).

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

The structure is single storey and sited at least 1.0 metre from all boundaries it is considered that the building will not be overbearing to neighbours or cause unacceptable overshadowing of amenity space or primary habitable rooms.

A neighbour has stated that the separation between the front of the annex and the rearmost 1st floor window of the neighbouring dwelling is substandard at 17 metres and would not be allowed in new developments. However this building is ancillary to an existing dwelling and as such is not considered to be new residential development. The proposed building is single storey and as such there is flexibility in terms of acceptable separation, as the proposed annexe is unlikely to result in unacceptable overlooking into a 1st floor window or vice versa.

Some noise may emanate from the annex, but it is not expected that this will result in unacceptable disturbance and could be comparable to other buildings that could be constructed under permitted development allowances, such as workshops, home offices etc.

The proposal features the removal of trees and some of the surrounding boundary treatments are in poor condition. Therefore a condition will be appended to the permission to ensure that all boundaries are adequately fenced to provide amenity for both neighbours and the future occupants of the annexe.

A condition will be appended to the permission making the rear facing lounge window fixed shut, in order to help prevent unacceptable disturbance to neighbours located to the rear of the application site. As this window is at ground floor, and a new boundary treatment condition is proposed, it is not necessary to insist that this window be obscure glazed.

Parking and highways implications of the development

The current representation from the Local Highway Authority is in relation to the original incarnation of this application which proposed that the building was to be a standalone dwelling and the application type FUL. The LHA have objected to a standalone dwelling but have been reconsulted on the basis of the revised description and application type.

The LPA are of the opinion that the three spaces to the front of the dwelling are adequate. This provision is in line with current parking policy which states a dwellings of two bedrooms or more must have at least 2 off street parking spaces, with an additional space provided for the annexe. Notwithstanding this, as the annexe is to provide accommodation for somebody already at the property, it is considered unlikely that the proposal would materially increase the intensity of the use of the site.

There is physical space to the front of the dwelling to park 4 cars and the property does not enjoy an on site turning area. Therefore it would not be considered sensible to refuse the application on a lack of parking as this may incentivise the applicant to remove the wall to make all 4 spaces available, this would be detrimental to the character of the Conservation Area.

It would not be reasonable to condition that the gate only open inwards as the gate is already in situ and the alteration is not required to make the proposal acceptable.

In light of the above it is considered that the current level of parking provision for the site is acceptable and accords with current adopted policy.

Arboricultural implications

Supporting the application is an arboricultural report produced by Andrew Belson Arboricultural Consultant. The reports outlines the location and quality of the trees onsite and those of importance immediately adjacent to it. The report clearly outlines for removal a handful of low value cypress which would not merit a Tree Preservation Order.

The Tree Officer has stated that the only other tree potentially to be implicated by the proposal is an offsite Sycamore which has been previously pollarded and subsequently has an upright form. The Tree Officer agrees with the RPA modifications for this tree as outlined within the submitted report and has stated that whilst in his opinion the proximity and over all relationship between the tree and the proposed annexe is not ideal, the solution outlined in the report and depicted on the tree protection plan is feasible.

The Tree Office has requested a condition that the development be carried out in accordance with the Arboricultural assessment. This is a reasonable and necessary request and the condition will be appended to the permission.

Other matters

A number of objections have been received in relation to the proposal, many have been addressed within the report. Outstanding objections shall now be discussed.

An objector has stated that the works to trees and hedges to facilitate the development could result in loss of the integrity of boundary treatments, leading to harm to the amenity of the occupiers of neighbours. As stated above a condition will be appended to the permission requiring submission of boundary treatment details in order to ensure that adequate boundary treatments are retained following the development.

An objector has highlighted the extensive developments to the existing dwelling and the conversion to the existing garage, suggesting that the site is already overdeveloped and queried whether the dwelling is a HMO. The plot is approximately 600sqm which is considered to be large in comparison to most curtilages within the urban area. Such a plot can accept a large family dwelling and the LPA do not consider that the plot will be overdeveloped following construction of the annexe. There is no record of an application to convert the dwelling to a HMO and this is not proposed under this development, as such this element of the proposal is not considered to be a material consideration in the determination of the application.

An objector has raised concern regarding an offsite Sycamore tree and the impact of the proposal would have on this tree. The encroachment into the root protection area of this tree has been assessed by the author of the Arboricultural Implications Assessment and LPA's tree officer as feasible and therefore it would not be reasonable to refuse the application on this basis.

An objector has stated that the plans are incorrectly drawn but has not detailed the discrepancies. The LPA consider the plans are submitted in good faith and do not appear obviously inaccurate.

6 Conclusions

Subject to the imposition of the attached conditions and taking into account the health needs of the proposed occupant, 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 Broadway Conservation Area, the amenity of the occupiers of neighbouring dwellings or highway safety; in accordance with policies PP2, PP3, PP13 and PP17 of the Peterborough Planning Policies (DPD) 2012, policies CS16 and CS17 of the Peterborough Core Strategy (DPD) 2011 and Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

7 Recommendation

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

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 The development shall be carried out in accordance with drawing 17.010/1 B.

Reason: For the avoidance of doubt.

C 3 Prior to the commencement of above ground works, details of the materials to be used in the external surfaces of the annexe hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be in accordance with the approved details.

Reason: In order to preserve the special architectural and historic character of the Broadway 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 4 The proposed rear facing high level window serving the lounge shall be non opening 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).

C 5 The annexe hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as 185 Broadway and shall not be occupied, leased or rented as a separate dwelling.

Reason: The site is not adequate to support a separate dwelling and therefore this development is only acceptable as ancillary accommodation in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP4 of the Peterborough Planning Policies DPD (2012).

C 6 Following the works to the trees as set out in BS 5837 Arboricultural Implications Assessment and Method Statement produced by Andrew Belson Arboricultural Consultant dated 05 July 2017 and prior to the first occupation of the annexe hereby approved, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected in accordance with the approved details and 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).

C 7 Prior and throughout the duration of the development, the applicants shall implement the recommendations, principles and methodologies as contained within the BS 5837 Arboricultural Implications Assessment and Method Statement produced by Andrew Belson Arboricultural Consultant dated 05 July 2017.

Tree protection fencing and ground protection shall be erected according to the specifications and locations illustrated on the Tree Protection Plan, within the associated report thereby creating a Construction exclusion Zone. Signs will be placed and retained on the tree protective fencing outlining its importance and emphasising that it is not to be moved, nor the area entered into until the end of development.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C8 Notwithstanding the provisions of Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no alterations to the annexe shall be undertaken other than as those expressly authorised by this permission or those expressly authorised by any future planning permission.
- Reason: In order to protect the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).