

09/00687/FUL: ERECTION OF A CONSERVATORY TO REAR OF 5 DRAGONFLY CLOSE  
HAMPTON HARGATE PETERBOROUGH PE7 8DD  
VALID: 26 JUNE 2009  
APPLICANT: DR ZAMAN  
AGENT: VISION HOME DESIGN LTD  
REFERRED BY: COUNCILLOR SCOTT  
REASON: OVERDEVELOPMENT AND IMPACT ON NEIGHBOUR AMENITY  
DEPARTURE: NO  
  
CASE OFFICER: LOUISE LEWIS  
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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact on Amenity of Neighbouring Residents
- Design/ Impact on Visual Amenity
- Impact on Amenity of Application Property

The Head of Planning Services recommends that the application is APPROVED.

## 2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### Development Plan Policies

#### **The Peterborough Local Plan (First Replacement)**

Notation- Within the Urban Boundary

DA2 – Requires that development does not have any adverse impact on the character of the area or neighbour amenity.

## 3 DESCRIPTION OF PROPOSAL

This application seeks planning permission for a conservatory at the rear of the dwelling measuring some 5.7 metres in depth by 4.2 metres in width. It would be some 2.4 metres at the eaves with a maximum height of 3.35 metres (at the centre of the apex).

## 4 DESCRIPTION OF SITE AND SURROUNDINGS

The application property is a modern two storey dwelling with a south facing rear garden. The neighbouring property to the east, No 3 Dragonfly Close, has a garage at the rear which forms part of the boundary treatment. The rest of the garden is enclosed by 1.80 metre high fencing.

There is an existing shed in the south west corner of the garden which measures some 3 metres by 5 metres.

## 5 PLANNING HISTORY

There is no relevant planning history.

**EXTERNAL**

**Hampton Parish Council Steering Group-** Object to the application on the grounds of the size of the conservatory, the cumulative impact with the existing shed and drainage issues. Support the objection from the neighbour.

**NEIGHBOURS**

Two letters of representation have been received. One letter raises no objections to the application, the other raises the following concerns:-

- The size of the conservatory would not in keeping with the character of the area;
- The conservatory would extend beyond the rear elevation of No 3 Dragonfly Close so does not respect the size and scale of the existing buildings and would be visible from all surrounding back gardens;
- Would overlook the topmost windows and roof of the conservatory given change in levels between gardens;
- The plans are incomplete as they do not show shed already within the garden. Need to check amount of garden built on to ensure that it is not more than 50%;
- No indication is given to how rainwater would be dealt with. Water already 'pools' at boundary, the conservatory is likely to make situation worse;
- Foundations would need to be of adequate depth/construction as houses built on reclaimed land;
- Noise from large numbers of people using the conservatory, particularly in the evenings. This may prevent their child from sleeping. This would adversely affect their child who suffers from ill health.

**COUNCILLORS**

A representation has been received from Councillor Scott referring this application to Planning and Environmental Protection Committee and raising the following issues:-

- The impact of a conservatory of this size (in terms of footprint and height) on the amenity of the neighbouring properties particularly given the size of the gardens.

**7 REASONING****a) Impact on Neighbour Amenity**

The proposed conservatory would be located adjacent to the garage of No 3 Dragonfly Close, but off set from it by some 0.7 metres. It would extend beyond the rear elevation of the garage by some 1.5 metres. Given the position of the garage on the boundary it is not considered that the conservatory would have any overbearing impact on No 3. Although side facing windows are proposed in view of this relationship and the nature of the remaining boundary treatment it is not considered that any loss of privacy would result.

The proposed conservatory would be off set from the boundary with No 7 Dragonfly Close by some 6 metres and from the boundary with No 1 Dragonfly Close by some 3.5 metres. Given these separation distances it is not considered that the conservatory would have any overbearing impact upon these properties. Whilst the upper part of the conservatory would be visible from the surrounding properties, in view of the boundary treatment i.e. 1.80 metre high fencing, it is not considered that it would result in any unacceptable loss of privacy.

The representations received from the Hampton Parish Steering Group and the neighbour raise concerns about how the conservatory would be drained and the potential impact on the soak away at No 1 Dragonfly Close. This is considered to be a matter which would need to be addressed at the construction stage (if planning permission is granted) and not one which could be taken into consideration in determining this application. Concerns have also been raised by the neighbour regarding the construction of the conservatory, particularly in relation to the foundation depth. As with the above, this is a construction issue rather than a planning matter. It is not therefore relevant to the determination of the application.

Concerns have been raised by the neighbour about noise disturbance from the large number of people potentially using the conservatory and the resulting impact upon their amenity.

Provided that the occupiers of the application property live together as a family then the number of people in the house is not a planning matter. The conservatory itself would not generate noise. Given this, it is not considered that this application for the erection of a conservatory could reasonably be resisted on the grounds of potential noise disturbance.

#### **b) Design/ Impact on Visual Amenity**

The proposed conservatory is typical in its design and whilst large, it is not considered that it would be out of keeping with the character of the existing dwelling. It would not be clearly visible from Dragonfly Close and as such would not have any significant impact upon the visual amenity of the area. A number of other dwellings in the immediate area already have conservatories.

#### **c) Impact on Amenity of Application Property**

Taking into account the existing shed, the property would have some 60 square metres of amenity space remaining. Concerns have been raised that the proposed conservatory would be too big and contrary to Government guidelines which say that no more than 50% of a garden area can be developed.

The size of the conservatory is not a planning issue per se; rather it is the impact which it would have, that has to be assessed. As set out above, the conservatory would not have an adverse impact upon the amenity of the neighbouring properties or upon visual amenity. Under the planning system proposals which would result in more than 50% of the curtilage (which includes the front garden and driveway areas) of a dwelling being developed require planning permission in order that their impact to be properly assessed.

In this instance, the proposed conservatory could be satisfactorily accommodated on the site and would not result in more than 50% of the curtilage of the dwelling being developed. Whilst it would reduce the overall amount of garden space, given that the garden is south facing it is considered that the remaining area would provide the dwelling with sufficient usable amenity space. It is not, therefore, considered that the application could be reasonably be resisted on this basis.

#### **d) Other Matters**

The proposal would not impact upon the existing parking provision of the dwelling or result in any additional increase in provision.

### **8 CONCLUSIONS**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The proposed conservatory is considered to be in keeping with the character of the area and the existing building. There would be no unacceptable adverse impact upon the amenities of the occupiers of the neighbouring dwellings. The proposal therefore accords with policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

### **9 RECOMMENDATION**

It is recommended that the application be approved subject to the following condition:

#### **C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

Copy to Councillors: North, Seaton, Scott

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