

Application Ref: 17/01198/HHFUL

Proposal: Two storey side and rear extension and single storey rear extension - No 35. Removal of garage. Two storey side and rear extension and single storey rear extension - No 37

Site: 35 And 37 Lawn Avenue, Peterborough, PE1 3RA,
Applicant: Mr J Iqbal

Agent: Mr Iqbal

Referred by: Cllr Ferris
Reason: In view of the strength of feeling among local residents, I think it would be wise for this to go to the Planning Committee for an airing of all the issues of concern,

Site visit: 05.07.2017

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 two adjacent dwellings, each one of a pair of semi detached dwellings located on Lawn Avenue, approximately 1.0 mile north of the City Centre. The dwellings have front gardens, enclosed by low walls, with driveways to the sides and garages to the rear. The dwellings both have fully enclosed rear gardens.

Proposal

The original proposal was for linked two storey side extensions with car port, two storey rear extensions and single storey rear extensions

Following objections, the proposal was revised to separate the two extensions, remove the car port elements and to set back the 1st floor of one of the two storey side extensions by 4.5 metres and reduce the width of the single storey rear extensions by 2.0 metres.

The proposal was also revised to correct errors in relation to the position of the two dwellings relative to each other.

2 Planning History

No relevant planning history

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.

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.

4 Consultations/Representations

Councillor K F Sharp

No comments received

Councillor Richard Ferris (19.07.17)

My biggest concern about the proposal is the impact it will have on the general character of Lawn Avenue. This is a street comprised of semi-detached properties with a wide, open streetscene. The proposal will change this completely, creating a 'terrace' and exacerbating the on-street parking problems that are already beginning in the area, as some properties have become HMOs.

The proposed development is overbearing in design, linking two properties as it does. Local residents are rightly concerned about the implications for the values of their own properties, having been advised that this would lead to their re-classification as 'linked semi-detached'.

At present, there is access to the rear of number 35, and this is used for parking of a number of vehicles. The development will cut off access, and there are questions about the dimensions of the proposed car ports. As a result, it is likely that on-street parking will be the norm for vehicles associated with these properties. Local residents have already raised this problem with me. Some living opposite these properties are already facing problems entering and exiting their own properties. There is a safety issue to be considered, particularly for elderly people and young children.

An examination of the property deeds reveals this land to be owned by the church, such that any proposed development needs to seek approval of the Bishop of Peterborough and other ecclesiastical bodies. In the deeds, there is reference to average property density and comments that any development should not cause disturbance by way of noise, nuisance and damage and should not adversely affect light and air. The scale of the rear elevation of the proposed development is such that I would contest that these conditions are being broken. In fact, the scale of the existing extension at number 37 exceeds that of a single garage (was planning consent ever granted for this?)

There are a number of inconsistencies in the plans.

Millfield & New England Residents Planning Sub Group

No comments received

Victoria Park Residents Association

No comments received

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 15

Total number of objections: 14

Total number in support: 0

18 Objections were received in relation to the original submission stating;

Having studied our deeds in detail of 39 Lawn Ave, any new build needs to have church commissioner building restrictions consent. There is also an average density of houses and bungalows that is allowed throughout the whole of this land around Lawn Avenue, annoyance, nuisance damage, or disturbance. We ourselves will not be able to enjoy light or air. Buildings should not affect or diminish this according to our deeds and as the south wall is a party wall the new build would need our consent.

The planning application and drawings have a lot of errors.

Will lead to terrace properties.

Won't be able to match bricks and tiles.

Houses are not on the same building line

Loss of parking.

Already recently added living space.

Necessity to park on the road may lead to safety issues.

Will set a precedent for more of the same.

Surface water run off increased.

7 Objections have been received in relation to the amended proposal stating;

Concerned about extension that attaches to neighbours property. Can you guarantee no damage to brick, plaster etc?

Will playroom have soundproofing?

Should second playroom have a second exit?

Will there be 7 parking spaces for 7 bedrooms?

Loss of parking

Out of character

No rear access

Is an overdevelopment

Will have a disproportionate impact on the streetscene given their position.

The applicants have recently built a building in the garden and extended their conservatory.

The application form is still wrong.

Is the garage to be converted and the asbestos roof removed by specialist contractor? Are the old footings up to the extra weight?

Concerned at removal of parking spaces as cars are currently parked at the rear. Will exacerbate the on road parking problem. Will look like a terrace block.

Concerns regarding number of houses rented out to multiple occupancy.

5 Assessment of the planning issues

The main considerations are;

- 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
- The impact of the proposal on parking provision and the surrounding highway network

The impact of the proposal on the character of the area

The area benefits from a relatively strong character of semi-detached dwellings, un-extended, with generous spacing between pairs of dwellings. A small number of dwellings have had single storey side extensions and there is a somewhat inappropriate two storey side extension with flat roof the opposite side of the road.

The revised proposal, which separates the extensions and removes the unattractive car ports is considered to preserve the necessary spacing between the pairs of dwellings and is unlikely to result in unacceptable terracing effect due to the setting back of the 1st floor side extension of number 35 by 4.45 metres. This element of the proposal will only be immediately apparent from directly to the front of the dwellings and not from most locations within the street scene

The appearance of the two storey side extension to 35 is somewhat unconventional, but due to its set back it will not be prominent within the street scene. The more conventional appearance of the extensions to 37 is considered to be acceptable and will not harm the character of the area.

The proposals represent extensive development of both sites, with large increases to the floor spaces of both dwellings. However the curtilages of both dwellings are also generous at approximately 265sqm, and following the developments approximately 95sqm of amenity space will remain for number 37 and 75sqm for number 35. This is considered to be an acceptable provision of amenity space.

In light of the above it is considered that although large and extensive, the proposed extensions will not result in overdevelopment of the plots or unacceptable harm to the character of the area, and are on balance acceptable. However the LPA are of the opinion that the proposals represent the absolute limit of the sites development potential and further development of either dwelling would not be acceptable.

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

Each dwelling makes up one of a semi-detached pair of dwellings. The extension to number 35 projects 3.0 metres at 1st floor and 3.0 metres at ground floor, the 1st floor element is set in 2.6 metres from the shared boundary with the ground floor element adjacent to the boundary. The attached neighbour, 33 Lawn Avenue, is south of the application site and as such the proposal will not unacceptably overshadow the amenity space or primary habitable room windows of the attached neighbour. The ground floor element adjacent to the boundary is small and could be constructed without planning permission, whilst the two storey rear extension is set in sufficiently far from the boundary so that it is unlikely to be overbearing to the occupiers of number 33. The single storey kitchen extension is set in 5.0 metres from the boundary and will have no material impact upon the amenity of the occupiers of number 33.

The extension to number 37 has no new development at ground floor adjacent to the shared boundary, the two storey rear extension is set in 2.6 metres from the shared boundary. The roof has been hipped to minimise the bulk and overshadowing impact of the extension. Though some overshadowing to the amenity space and habitable room windows may result during the morning, this will be limited to winter months when the sun is lower in the sky and it is considered that impact upon number 39 Lawn Avenue is not severe enough to warrant the refusal of the application.

The set in of the ground floor kitchen and the two storey rear extensions are sufficient and are unlikely to be unacceptably overbearing to the occupiers of the attached neighbouring dwelling.

The impact of the proposal parking provision and the surrounding highway network

A number of objectors have stated that these dwellings are used as HMO's and as a result there are greater numbers of cars parked outside than would normally be expected at dwelling of this size, and that by approving additional bedrooms for both dwellings, these problems will be exacerbated.

The LPA cannot rule this out, however until there are 6 or more people living within the property the dwelling is still considered to be a C3 dwelling house and no change of use has occurred. Current adopted policy for dwellings states that dwellings of two or more bedrooms require two parking spaces clear of the public highway; both sites have at least 2 and potentially 3 spaces to the front.

The LPA note that the side extensions result in the loss of parking to the sides of both properties and that one garage is lost and the access to the other garage blocked. Ground floor side extensions can be constructed without the requirement for planning permission and the development is in accordance with policy PP13 and as such it is unlikely that the LPA could defend refusing the proposal for a lack of on site parking at appeal.

Other matters

The application has received 18 objections to its original incarnation. At the time of writing the revised scheme has resulted in 5 objections. Objections relating to appearance, parking provision, character and overdevelopment have been addressed above. In addition to these, the following objections have also been received.

An objector has asked whether the LPA can guarantee that extension will not damage their property. As the LPA will not be undertaking the extension it is not possible for the LPA to make such a guarantee.

An objector has asked whether the playroom will be soundproofed and whether it should have a second exit. The LPA feel it would be unreasonable to insist that the playrooms be sound proofed and that current building regulation standards will ensure a reasonable level of sound proofing. A second exit is not deemed necessary and there is no policy framework for the LPA to insist one is added.

An objector has highlighted the loss of a rear access, however they have not explained why they would consider this detrimental. As a ground floor extension, which resulted in the loss of the rear access, could be constructed without planning permission, the LPA do not consider this a reasonable reason for the refusal of the application.

Objectors have raised concern that number 37 has recently constructed additional living accommodation with a brick building in the garden and extension to a conservatory. This is a brick store to the rear of the amenity space and will not be incorporated into the proposed extensions. The LPA feel that the brick store is a reasonable addition that should not prejudice the consideration of this application. The brick store and the extension do not constitute overdevelopment of the plot. The extension to the conservatory is small does not provide much in the way of additional living space.

Objectors have highlighted that their deeds appear to restrict certain types of development. Covenants on deeds are not relevant to the determination of planning applications and could not form a basis for the refusal of the application.

An objectors has stated that the application form is still wrong. The LPA has been made aware of the perceived discrepancies through the objections received and do not consider that this has materially affected the consideration or determination of the application.

An objector has asked whether the garage to be converted and the asbestos roof removed by specialist contractor and are the old footings able to cope with the extra weight. Neither of these elements are considered to be relevant to the determination of the application, however judging by the construction of the garage and the proposed plans it is likely the structure will be removed.

Finally an objector has stated the unacceptable behaviour of occupiers of one of the dwellings and requested how many additional persons will be moving into the properties as a result of the extension. The LPA cannot say how many additional persons will be living in the properties, however if more than 6 persons are living in the dwelling, planning permission to convert the dwelling to a House of Multiple Occupancy would be required. At this time it is considered unlikely that permission to convert to a HMO would be granted. The bad behaviour of occupants is not considered to be a material consideration in the determination of the application and could not form a reason for the refusal of the application.

6 Conclusions

Subject to the imposition of the attached conditions, 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 area, the amenity of the occupiers of neighbouring dwellings or highway safety; in accordance with policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policies PP2, PP3, PP12 and PP13 of the Peterborough Planning Policies (DPD) 2012.

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 drawings; 002 rev C, 006 rev C and 007 rev C.

Reason: for the avoidance of doubt.

- C 3 The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the respective existing buildings.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

This page is intentionally left blank