

## Item No. 4

### Planning and EP Committee

**Application Ref:** 18/01875/FUL

**Proposal:** Erection of a three bedroom, self build, detached dwelling and garage

**Site:** 35A Peterborough Road, Castor, Peterborough, PE5 7AX  
**Applicant:** Mr & Mrs P BROWN

**Agent:** Mr John Dadge  
Barker Storey Matthews

**Site visit:** 27.11.2018

**Called In by:** Castor Parish Council  
**Reason:**

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

**Recommendation:** REFUSE

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

### Site and surroundings

The site is the side garden area of 35a Peterborough Road. This itself was backland development, constructed in the early 1980's. The site is accessed via Peterborough Road. The site is obscured from the public realm by a recent development of two semi detached properties in front of the application site. To the rear of the site lies the bowls green, which is part of Woodlands Sports Club.

N.B. Permission for the erection of two four bedroom dwellings was granted at appeal under application number 14/01397/FUL. This development has commenced but remains unbuilt.

### Proposal

Permission is sought for the erection of a three bedroom dwelling

## 2 Planning History

Reference	Proposal	Decision	Date
14/01397/FUL	Erection of 2 x dwellings	Refused (Allowed at appeal)	30/09/2014

## 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 66 - General duty as respects listed buildings in exercise of planning functions**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest

which it possesses.

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

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

### **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.

#### **PP13 - Parking Standards**

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

#### **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.

### **Peterborough Local Plan 2016 to 2036 (Submission)**

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. The plan has now been examined by the Inspector who has published a list of proposed modifications. These are being consulted upon for 10 weeks. The Inspector's final report is expected shortly after and the Council anticipates being in a position to adopt the Plan in Spring 2019.

#### **LP09 - Custom Build, Self-Build and Prestige Homes**

a) Permission will not be granted for development involving the loss of prestigious, top-of-the market housing unless there is clear evidence of appropriate marketing or new prestigious homes would be created, the dwelling has been realistically marketed and does not contribute to the historic environment.

b) Proposals or residential development will be considered more favourably if they provide appropriate opportunities for custom build and self build.

#### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use

appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

#### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- 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.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

#### **LP19 - The Historic Environment**

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

#### **Castor Neighbourhood Plan (2017-2036) (December 2017)**

NHPCAS - Castor Neighbourhood Plan

#### **Design and Development in selected villages SPD (2011)**

7. Castor - Development proposals in Castor will be determined taking account of the following guiding principles: CAS1-CAS16.

#### **Castor Conservation Area Appraisal and Management Plan (2008)**

February 2008 - The City Council does not intend to prevent change or new development in the Conservation Area. The policies and proposals are intended to manage change and avoid harming the key elements which define the character and appearance of the Conservation Area.

## **4 Consultations/Representations**

### **Initial Scheme**

#### **Conservation Officer**

It is considered that the proposal does not comply with the provisions of Paragraphs 193 and 195 of the NPPF; Peterborough Core Strategy Policy CS17 and Peterborough Planning Policies Development Plan Document Policy PP17, Design and Development in Selected Villages SPD (Castor village specific) (2011) and the adopted Castor Conservation Area Appraisal (2008). and the application be refused.

#### **Castor Parish Council (28.11.18)**

Objection – Insufficient access and over development

#### **PCC Peterborough Highways Services**

Objection

**Cambridgeshire Fire & Rescue Service**

No comments received

**PCC Pollution Team (12.02.19)**

No objection subject to condition

**Waste Management**

No comments received

**Archaeological Officer (26.11.18)**

On the basis of the available evidence, I recommend that a programme of monitoring and/or evaluation by trial trenching targeted on the building footprints is secured by condition.

**Revised Scheme****Archaeological Officer (05.03.19)**

On the basis of the available evidence, I recommend that a programme of monitoring and/or evaluation by trial trenching targeted on the building footprints is secured by condition.

**PCC Conservation Officer (14.03.19)**

It is considered that the proposal does not comply with the provisions of Paragraphs 193 and 195 of the NPPF; Peterborough Core Strategy Policy CS17 and Peterborough Planning Policies Development Plan Document Policy PP17, Design and Development in Selected Villages SPD (Castor village specific) (2011) and the adopted Castor Conservation Area Appraisal (2008). and the application be refused.

**PCC Pollution Team (15.03.19)**

No objection.

**PCC Peterborough Highways Services (05.03.19)**

Refusal - The proposed access to the site is inadequate and below the standard required by reason of inadequate vehicle-to-pedestrian visibility splays and insufficient width for 2 vehicles to pass. As a result, the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway.

**Cambridgeshire Fire & Rescue Service**

No comments received

**Castor Parish Council (15.03.19)**

Parish council therefore no longer object to the development.

**Waste Management**

No comments received

**Local Residents/Interested Parties**

Initial consultations: 8

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

A single objection has been received in relation to the proposal stating;

The location does not follow the line of the village boundary, thereby setting a standard that could considerably enlarge the village.

There is currently a drainage and sewage issue within the village and adding houses will increase

the problem. We would like to point out that there is a culvert running roughly in line with the side fence of our property and across the land of 35A into a ditch at the rear, this is piped and takes water from the hill and storm water from the road, but this is not shown on the plans. There has certainly been problems with the new houses in Port Lane with sewage coming up through the toilet pipes. This will also impact the problem of decreased water pressure in the area.

There are concerns about the extra traffic and exit onto the main road, especially with proximity to the school.

The width of the drive does not allow for two cars to pass on the drive therefore if a car is exiting and meets a car awaiting to turn into the drive, it leaves the main highway blocked whilst the car reverses back down the drive, or the car on the highway has to reverse to allow the other car out. This is dangerous and causes traffic build up and confusion made worse as the road is particularly busy at school times.

I have been in contact with PCC in highway services recently regarding the parking safety issues during school hours and any additional traffic around the school should be carefully avoided.

There is height, proximity and privacy issues in having a property built directly behind our property

The aesthetics and noise implications of overlooking the proposed properties

The boundaries shown on the site plan do not appear to match the land registry records of the plot.

We believe that there is a covenant on the garden land behind our house that suggests the land should only be used as a garden.

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

The main considerations are;

- The principle of development
- The impact of the proposal on the character of the Castor Conservation Area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- The impact of the proposal on highway safety
- Amenity provision in the new development

### **The principle of development**

The site is located within the village envelope on previously developed land, however for the reasons set out below it is considered that the principle of development is not sound.

### **The impact of the proposal on the character of the Castor Conservation Area**

The proposed dwelling will be out of context and character with the former outbuildings/barns now converted into a low run of cottages, which take the form of single storey dwellings with attics. The general expectation is that size and grandeur of buildings decreases the further you travel into historic plots. The proposed dwelling is oversized and overly grand for its setting and position within the site. The proposal is two storey with a marginally subservient 1¾ storey side element, a building of this scale should be the principle building on a site, not located halfway along a drive, facing and close to a side boundary.

The proposal appears as a significant overdevelopment of the plot, with approximately 50% of the total site area being developed. This is a significantly greater degree of development as compared to the vast majority of dwellings within the Conservation Area.

Good design is particularly important as the proposed building will be visible in views from Peterborough Road and within the setting of 23 Peterborough Road (GII listed). Any building in this linear development along the track should take on a more agricultural appearance and be no taller

than 1.5 storey, so as not to dominate its surroundings and narrow track.

The amenity space, at approximately 75sqm is considered to be undersized compared to the majority of dwelling within the conservation area. The location of the amenity space, its layout and the position of the dwelling within its curtilage are both considered to be contrived and result in unacceptable overdevelopment of the plot. The majority of the dwelling is directly abuts the rear boundary in order to provide sufficient space to the front of the dwelling and this result in an inability to have normal fenestration to the rear.

Although the dwellings approved at appeal under application 14/01397/FUL are relatively large, they are not visible from the public realm and as such their large size should not be used as justification for the scale of dwelling proposed here. Likewise whilst 35A is a large dwelling, it is set back a significant distance from the small cottages at the front of the site and is not immediately apparent when passing. Given the proposed dwellings proximity to the cottages it is considered that any proposal must be compatible with these more prominent buildings.

In light of the significant harm caused by the incongruous, contrived nature of the size and design of the proposed dwelling it is considered that the proposal would result in unacceptable harm to the character of the Castor Conservation Area.

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

The proposal will result in development within 10 metres of the side boundary shared with number 37 Peterborough Road. It is considered that the proposed dwelling would permit unacceptable overlooking of the private amenity space of 37 Peterborough Road. Whilst it is noted that 35A permits views into the neighbours amenity space, this dwelling is located significantly further from the neighbouring dwelling and as such the impact is limited.

Whilst there are no windows overlooking or material overshadowing of the neighbouring dwelling to the south east it is nonetheless considered that such a large structure, directly adjacent to the boundary is unacceptably overbearing to the occupiers of the neighbouring dwellings.

There is a north east facing window overlooking the amenity space of 35e Peterborough Road. If the application were to be approved, this window would need to be obscurely glazed and fixed shut. However as the bedroom in question is dual aspect, this could be done without unacceptable harm to the amenity of future occupiers of the dwelling.

### **The impact of the proposal on highway safety**

This proposal shall increase the number of dwellings sharing the access to 5 in total (subject to construction of previously approved dwellings). The dimensions of the access remain the same - 4.7m in width narrowing down to 3.8m at a distance of approximately 6m into the site. A shared driveway for motorists and pedestrians should measure at least 5.5m in width for the first 10m of the driveway to allow vehicles and pedestrians to safely access and egress the site.

The insufficient width of the access will not permit 2 vehicles to pass safely in and out of the site. This shall result in vehicles wanting to access the site waiting on the adjoining carriageway whilst another vehicle exits the site which is not acceptable. As Peterborough Road is quite busy in terms of vehicle movements this could create vehicle to vehicle conflict on the adjacent carriageway and vehicle to pedestrian conflict on the footway which is not acceptable.

As the access shall become intensified adequate vehicle to pedestrian visibility should also be provided. Due to the existing boundary wall the required vehicle to pedestrian visibility splay of 2m x 2m cannot be provided to the east of the access. Pedestrian splays should be located on both sides of a shared access measured and located from and along the back edge of the adjacent public highway.

Parking space number 1 is located behind a 1.5 metre wall and has no visibility of cars entering the

site from Peterborough Road, this is considered to be unsafe and further exacerbates the issue of the substandard access width and lack of visibility splays.

### **Amenity provision in the new development**

The dwelling itself is large and although somewhat contrived in terms of design, nonetheless has a good level of fenestration through the use of roof lights and is likely to be well illuminated by natural light.

### **Other matters**

The Authorities Monitoring Report 2018 highlights a small shortfall in the number of self build plots required, with three permissions required and only one granted. However the shortfall is considered to be minor and the requirement of the council to provide self build plots does not outweigh the harm caused to the character of the Castor Conservation Area, neighbour amenity and highway safety.

## **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**

- R 1 The proposal by way of its size, design and location is incongruous and out of place, contrived to fit the plot, the dwelling is overly tall and high status, to the detriment of the character of the Castor Conservation Area. This is considered that the proposal does not comply with the provisions of Paragraphs 193 and 195 of the NPPF; Peterborough Core Strategy Policy CS17 and Peterborough Planning Policies Development Plan Document Policy PP17 and policy LP17 of the Peterborough Local Plan (submission) 2018.
- R 2 By way of its position and proximity to boundaries, the proposed dwelling would be overbearing to the occupiers of numbers 35a and 35b Peterborough Road and would permit unacceptable overlooking of the amenity space of 37 Peterborough Road to the detriment of their amenity. This is contrary to policy PP3 of the Peterborough Planning Policies (DPD) 2011, policy CS16 of the Peterborough Core Strategy (DPD) 2012 and policy LP17 of the Peterborough Local Plan (Submission) 2018.
- R 3 The proposed access to the site is inadequate and below the standard required by reason of inadequate vehicle-to-pedestrian visibility splays and insufficient width for 2 vehicles to pass. As a result, the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway. Parking space 1 suffers from a lack of visibility and vehicles leaving this space will not be able to see oncoming vehicles travelling along the access, to the unacceptable detriment of the safety of vehicles and pedestrians using the access. This is contrary to Policy PP12 of the Adopted Planning Policy DPD: 2012

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