

Application Ref: 20/00846/HHFUL

Proposal: Installation of external wall insulation with grey render at ground floor level and off-white render at first floor level, mosaic tile at first floor level to the rear, and the installation of 7no. new AC units located within acoustic housing and the removal of 2no. existing AC units, and associated alterations (Part-retrospective)

Site: 21 Cherryfields, Orton Waterville, Peterborough, PE2 5XD
Applicant: Dr J D Modha

Agent: Mr Robert Gooding
 GOOD-DESIGN-ING LTD

Referred by: **Councillor Howell**

Reason:

Site visit: 29.07.2020

Case officer: Mr Asif Ali
Telephone No. 01733 4501733 207123
E-Mail: asif.ali@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Site and Surrounding Area

The application site comprises a detached property located within a predominantly residential area. The dwelling has previously been extended and altered following a permission granted under ref: 95/P0461, which approved two storey front and side extensions, along with single storey rear extensions and linking the previously detached garage to the main house. Additional single storey extensions to the rear of the dwelling and alterations have recently been approved under refs: 18/00938/HHFUL and 19/01181/HHFUL. Properties within the surrounding area are mainly detached and at two storey height, however the neighbouring No. 22 Cherryfields is a detached bungalow.

Proposal

This proposal seeks the benefit of planning permission for the installation of external wall insulation with grey render at ground floor level and off-white render at first floor level, mosaic tile at first floor level to the rear, and the installation of 7no. new AC units located within acoustic housing and the removal of 2no. existing AC units, and associated alterations (Part-retrospective).

To clarify development has been carried out on the application site without the benefit of planning permission and whilst this application is part-retrospective the application will result in:

- the removal of the black mosaic tiles to the front elevation
- the removal of the aluminium surrounds on the windows and on other parts of the building
- the AC units located on the ground floor side elevation will be removed with the total proposed AC units on the property will be 7
- the rear covered area will be amended so that it will be level to the previously approved single storey rear extension under ref 18/00938/HHFUL

Further, the outbuilding clad in bamboo and grass on the roof is not included within the current application, Class E of Part 1 Schedule 2 of the General Permitted Development Order (2015) places no restrictions on the type of external material that can be used. Officers from the

Enforcement team have previously advised that the outbuilding appears to comply with the provisions of the above mentioned Class and as such would not require the grant of planning permission.

Note

The current application has been revised multiple times with the following being done:

- The extent of the grey render has been reduced from the majority of the dwelling to just the ground floor level of the dwelling
- Introduction of off-white render to the first floor level
- Remove the black mosaic tiles from the front elevation at first floor level
- Removal of aluminium surrounds on the windows and other parts of the building

2 Planning History

Reference	Proposal	Decision	Date
19/01181/HHFUL	Single storey rear extension and roof alterations	Permitted	09/10/2019
19/00503/HHFUL	Proposed alterations with infill flat roof to side	Permitted	28/05/2019
18/01656/HHFUL	Proposed first floor side extension	Refused	13/11/2018
18/00938/HHFUL	Proposed ground floor rear extension including replacement of windows and doors	Permitted	06/08/2018
95/P0461	Erection of extensions as amended by revised plan, rev a dated 7.8.95 deleting north-east facing windows in front bedroom	Permitted	14/08/1995

3 Planning Policy

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

Peterborough Local Plan (2019)

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.

4 Consultations/Representations

PCC Pollution Team (07.04.21)

Following consideration of the additional documentation this section **no longer objects** to the development on the grounds of noise subject to the following comments and conditions:

Noise from AC Units

The revised noise report LFAcoustics Revision 1.0 date 9/02/21 (ref 21 Cherryfields Noise v1.0 090221) has concluded that the at current location of the ground sited AC units there is insufficient space to install an acoustic enclosure. They have proposed to relocate all the AC units to the flat roof, in two separate groups of three and four units.

The LFAcoustic sound levels measured for each unit different unit differ from those included in the Nova Acoustics report. This difference has been queried with LFAcoustics and the following response was received "I have rerun the model with the Nova source data included (assuming a scaled frequency spectra as measured by Acoustic Enclosures)... The calculations indicate an increase in noise levels of 2 dB(A) at the closest neighbouring property, with a level of 24 dB LAeq,T predicted. Applying the 5 dB(A) correction to derive the rating level would result in a rating level of noise of 29 dB LAeq, T, which is equivalent to the prevailing background noise level".

This section has a preference for a rating level to be 10dB below background, however it is recognised that a night-time background noise level of 29dB LA90(15min) is low. BS4142 2014 states that "where background levels are low and rating levels are low, absolute levels might be as, or more, relevant than the margin by which the rating levels exceeds the background. This is especially true at night." Consequently, due to the low night-time background noise levels this this section is prepared to accept a rating level that does not exceed the night time background at any time.

Therefore, to ensure noise from the AC units is suitably attenuated the following conditions shall be attached to any planning permission granted:

Condition:

Prior to use all the AC units will be relocated into suitably attenuated acoustic enclosures in accordance with the details and specifications included in Section 4, Appendix B of LF Acoustics Noise Report ref 21 Cherryfields Noise v1.0 090221.docx. Once implemented the acoustic enclosures will be retained and maintained as such in perpetuity.

Condition

The rating level of noise emitted from the site should not exceed 29dB LAeq 15 minutes at any time. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:2014.

Orton Waterville Parish Council (23.03.21) (Final Comments)

Stand by its previous comments made on 17/07/2020. There is also concern that there is now an increase in the number of ac units on a residential property which is out of keeping with the area. There also appears to be no consideration to neighbouring properties of the aesthetics of having this many number of air conditioning units, especially as the application is part-retrospective.

Orton Waterville Parish Council (27.10.20) (Comments on first revision)

No further comments to make.

Orton Waterville Parish Council (17.07.20) (Original comments)

Objection, for the following reasons:

- Cladding and finishes now applied to the above property are not in keeping with the design, appearance and materials of the surrounding residential properties. They appear to be designed for use on a commercial property.
- Clause 3 of the original planning application has been breached. The original brickwork was not black - the bricks on this development are a very light red and darker red. The shiny black glittery tiles on the front and back of the house are not in keeping with any other property in the surrounding area.
- The planning application states 2 air-conditioning units on the flat roof, the plans show differently, with one on the rear elevation. Currently there appears to be brackets for 3 air-conditioning units on the flat roof, one unit is currently fitted. It needs to be confirmed how many units are to be fitted.
- The AC units will cause a noise disturbance for neighbours. They are also being sited with no regard to the visual amenity of the neighbours.
- Outbuilding has appeared within the rear grounds of the property which it is not shown on any plan. Should planning permission be sought for the building?

PCC Enforcement Team

No comments received.

Local Residents/Interested Parties

Initial consultations: 17

Total number of responses: 26

Total number of objections: 26

Total number in support: 0

26 comments were received during the public consultation from 8 different addresses. **All the comments** received were in **objection** to the proposal.

The comments objecting to the proposal can be summarised as follows:

- The attenuation units for the AC Units will be large. The view from my bungalow will be extraordinarily unsightly and more in keeping with an industrial/commercial area.
- There has been no application to locate the AC units to the rear of the ground floor where they would be inconspicuous to surrounding the neighbours.
- Proposed external finishes, to the rear are not aligned to the original building or other residential properties in the area.
- Black mosaic tiles are not in keeping with the existing materials in use on this or other properties. They are a highly polished shiny finish off which the sunshine reflects and have resulted in closing our kitchen blinds when the sun is reflected off these tiles.
- Current grey render is a breach of planning and should be covered in the same off-white render proposed.
- Mosaic tiles on the rear elevation should also be replaced with off white render. Just because they are sited to the rear elevation does not make them anymore acceptable to Clause 3 Policy LP17. The tiles to the front have been deleted, why not the rear?
- The original planning application has been totally ignored, breached and treated with contempt.
- Noise survey indicates that some noise reduction measure should already be in place, but there are none.
- Even if this application fails, existing AC units still need acoustic reduction methods and should be part of an enforcement action.
- The number of AC units for a domestic property, even of its size, seems a little over the top.
- No permission sought, until notice of enforcement action was made to the owner/agent, when additional units started appearing on the property.
- The AC units to the rear of the house in direct line of sight and sound and relatively close to our principal bedroom windows, for No.14 Cherryfields.
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- The proposed enclosure for the AC units are large and visible from my property and no colour or finish description is given.
- Outbuilding not included within this application, is clad with bamboo and palm leaves for a roof, who knows what could appear.
- The property owner has considered common walkways and utility strips as his land and continues to grow plants over the public highway.
- The drive has been concreted over without any surface drainage.
- The number of AC units will be increased and placed directly over our garden and the noise levels of these units in such close proximity to our garden and over an open space of less than 2.5m is clearly not acceptable. We also sleep in the summer with the windows to the rear open so any level of noise will cause sleep to be disturbed.
- Pollution from AC units also cause concern.
- No visuals of the AC unit housing have been submitted.
- The original brickwork was not in black, the bricks on this development are a very light red and a darker red.
- Reading the noise survey for the existing AC units, mentions that should more than 2 units be running together they recommend acoustic enclosures be used, to reduce the noise to an acceptable limit. Any further AC units installed will only add to the already identified levels of noise, acoustic enclosures should be used on all of the AC units right now, as it is a fact that more than 2 units have been running together and have done for some time.
- Plans submitted are not accurate to the existing situation of the application site.
- There is a discharge vent directly onto 22 Cherryfields wall, not sure what this is for, if it is a tumble drier or AC unit, but it is not detailed on the plan or mentioned in the description.
- The hard surfacing does not appear to be comply with Class F requirement with no provision to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.
- Relocating the AC units to the rear garden away from the neighbouring properties would screen the view of the AC units.
- Large industrial type black cabling system for the AC units have already been installed and are an additional eyesore.
- The alterations have been carried out poorly by non-accredited builders and it is not known whether any building regulations have been breached.

5 Assessment of the planning issues

The main considerations are:

- Design and character of the site and surrounding area
- Noise
- Neighbour amenity
- Other

a) Design and character of the site and surrounding area

The revised proposal would result in off-white render at first floor level and grey render at ground floor level, black mosaic tiles would be proposed at first floor level on the rear elevation. The existing dwellinghouse was finished in white paint to the front elevation and a dark red brick on the side elevation, as such the existing dwellinghouse differed from the general character of the surrounding area which is character with a two tone finish to the dwellinghouses. The surrounding dwellinghouses are generally finished in brick to the ground floor level and either timber cladding or render at first floor level. Another consideration for Officers is what the Applicant can carry out without the benefit of planning permission. The Applicant would be able to paint his dwellinghouse a grey colour without the need for planning permission the provision of Class C Part 2 of Schedule 2 of the GPDO (2015), however, the installation of external wall insulation finished in grey colour would require the benefit of planning permission under Class A Part 1 of the same Schedule of the GPDO (2015). As such it is considered that Officers seeking to amend the original design to a more acceptable design sympathetic to the surrounding area is reasonable.

The revised proposal would add an off-white render at first floor level, breaking up the extent of the grey render on the side elevation as well as allowing for a more sympathetic external finish being more prominent within the streetscene. The grey finish would be limited to the ground floor level which would not be as prominent within the street scene as the original proposal as such it is considered that the revised proposal would mitigate on balance against an adverse level of impact on the street scene.

The black mosaic tiles to the rear would be in a less prominent position than the front elevation, and whilst the location of the mosaic tiling to the rear elevation would not automatically mitigate against the impact on the street scene, it is considered that the mosaic tiling is in a much less prominent position. Officers would agree that finishing the black mosaic tiling in an off-white render instead would be an improvement, however, the proposal as submitted can only be considered and it is considered on balance that the black mosaic tiling to the rear would not adversely impact the streetscene to an adverse level. The black mosaic tiling would be limited to the first floor level and would be viewed against the dark roof tiling of the single storey extension and two storey element of the dwellinghouse and as such it is considered that the impact on balance will be acceptable.

The acoustic attenuation units housing the AC Units will be located on the rear and side elevations at first floor level. The acoustic units will be finished in powder coated aluminium with the colour to mirror the grey colour proposed on the ground floor level. The acoustic unit located on the side elevation will be screened by the single storey element located to the front of the acoustic unit. Further, the acoustic attenuation unit would be screened from views from the street scene by virtue of the neighbouring building at No.22 Cherryfields. The acoustic attenuation unit to the rear of the site would be visible from the side and rear of the street scene, however, it is considered that the units would not adversely impact the design and character of the site and surrounding area. Therefore, it is considered that on balance the acoustic units would not result in an adverse level of impact on the design and character of the surrounding area.

The proposed extension of the glazed area at single storey would be built in similar matching to the existing materials used at the rear of the application site, as such the proposal would not adversely impact the design and character of the surrounding area.

In light of the above it is considered on balance that the proposal would not result in an adverse level of impact on the site and surrounding area in accordance with Policy LP16 of the Peterborough Local Plan (2019).

b) Noise

The Council's Pollution Control team no longer objected to the development on the grounds of noise following the information and mitigation provided as part of the revised proposal. As part of their comments Pollution Control recommended the inclusion of two conditions first with regards the attenuation acoustic enclosures and their installation before the first use of the AC units, this is considered reasonable and necessary given the mitigation provided by the units which allow the AC units to be acceptable.

Second, the Council's Pollution Control team recommended the inclusion of a condition which would ensure that the rating level of noise emitted from the site should not exceed 29dB LAeq 15 minutes at any time, this was recommended due to the low night-time background noise levels and as such the recommendation was made by the Pollution Control team. It is considered that the condition is also reasonable and necessary to ensure that there is no adverse level of impact on the amenity of the adjacent neighbour properties in accordance with Policy LP17 of the Peterborough Local Plan (2019).

c) Neighbour amenity

Whilst the attenuation acoustic enclosures will be visible by the adjacent neighbouring properties, the closest of which will be No.22 Cherryfields. However, given the above recommendation by the Council's Pollution Control team it is considered that the proposal would not adversely impact the amenity of the adjacent neighbouring properties including No.22 subject to the inclusion of the necessary conditions as recommended by Pollution Control.

Further, the proposal would not result in any further overbearing, overshadowing or overlooking impact on the adjacent neighbouring properties.

In light of the above it is considered that the proposal will be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

d) Other

Objections were raised in relation to the revised proposal by Orton Waterville Parish Council and neighbours, the issues not raised above will be addressed below.

- Increase in the number of AC units on a residential property which is out of keeping with the area. Whilst the number of AC units itself is not directly considered, Officers did consider the impact of the design and noise impact which are both material considerations.

- The attenuation units for the AC Units will be large. The view from my bungalow will be extraordinarily unsightly and more in keeping with an industrial/commercial area. The attenuation units will be large but would be sited back from the neighbouring properties to provide some mitigation against a dominance or overbearing impact.

- There has been no application to locate the AC units to the rear of the ground floor where they would be inconspicuous to surrounding the neighbours. Officers can only consider the application as submitted, and whilst Officers do try to work with the Applicant to improve an application, a decision does need to be made on the application as it stands.

- The original planning application has been totally ignored, breached and treated with contempt. This application has been treated on its merits and a recommendation has been made based on

the submitted information.

- Noise survey indicates that some noise reduction measure should already be in place, but there are none.

A condition will be recommended to be included to ensure that the noise reduction measures are put in place by the first use of the AC Units.

- Even if this application fails, existing AC units still need acoustic reduction methods and should be part of an enforcement action.

If the application is refused then the necessary action can be taken by the Enforcement team with regards any matters which require planning permission.

- The number of AC units for a domestic property, even of its size, seems a little over the top. Officers cannot comment on the level of appropriateness of the number of AC units proposed, and have taken into account the necessary material considerations.

- No permission sought, until notice of enforcement action was made to the owner/agent, when additional units started appearing on the property.

This is not a material consideration.

- The AC units to the rear of the house in direct line of sight and sound and relatively close to our principal bedroom windows, for No.14 Cherryfields.

The Council's Pollution Control team has taken into account the noise impact of the AC units and have raised no objections subject to the inclusion of recommended conditions.

- The proposed enclosure for the AC units are large and visible from my property and will be across the end wall, no colour or finish description is given.

The proposed enclosures will be powder coated aluminium units finished in a grey colour.

- Outbuilding not included within this application, is clad with bamboo and palm leaves for a roof, who knows what could appear.

The Outbuilding is not included within the application, Officers from the Enforcement team have previously advised that the outbuilding complies with the provisions of Class E Part1 of Schedule 2 of the GPDO (2015) and as such would not necessarily require the benefit of planning permission.

- The property owner has considered common walkways and utility strips as his land and continues to grow plants over the public highway.

Unauthorised works to the public highway are dealt with by the Highway Maintenance team.

- The drive has been concreted over without any surface drainage.

Works associated with the hardstanding have not been included within the current application.

- The number of AC units will be increased and placed directly over our garden and the noise levels of these units in such close proximity to our garden and over an open space of less than 2.5m is clearly not acceptable. We also sleep in the summer with the windows to the rear open so any level of noise will cause sleep to be disturbed.

Concerns with regards the noise impact of the AC units have been addressed above.

- Pollution from AC units also cause concern.

No such concerns were raised by the Pollution Control team.

- No visuals of the AC unit housing have been submitted.

A photo of an example unit housing was provided by the agent and indexed onto the file as a supporting document on 29-03-2021.

- There is a discharge vent directly onto 22 Cherryfields wall, not sure what this is for, if it is a tumble drier or AC unit, but it is not detailed on the plan or mentioned in the description.

Officers queried this matter with the Agent and it was confirmed that this was not a vent but some part of the previous boundary treatment.

- Relocating the AC units to the rear garden away from the neighbouring properties would screen the view of the AC units.

The application can be assessed as submitted and the considerations given are outlined above.

- The alterations have been carried out poorly by non-accredited builders and it is not known whether any building regulations have been breached.

Building Regulations are looked at by the Building Control department of the Council, and any contraventions can be reported to them via email or phone on buildingcontrol@peterborough.gov.uk and 01733 453422.

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 would not on balance impact the design and character of the site and surrounding area in accordance with Policy LP16 of the Peterborough Local Plan (2019); and

- The proposal would not on balance adversely impact the amenity of the adjoining surrounding neighbours in accordance with Policy LP17 of the Peterborough Local Plan (2019).

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission is **GRANTED** subject to the following conditions:

C 1 The development hereby approved must be carried out in accordance with the following approved plans:

- Proposed First Floor Plan and Location Plan (Drawing number 201156-06 Revision B)
- Proposed Ground Floor Plan (Drawing number 191040-05 Revision B)
- Proposed Elevations (Drawing number 201156-07 Revision D)

Reason: To avoid doubt and in the interest of proper planning.

C 2 Within 2 months from the date of this permission, the proposed grey aluminium edging and the AC units on the side elevation at ground floor level shall be removed. The AC units hereby approved shall not be installed until the all the AC units have been removed in accordance with the approved plans.

Reason: In the interest of neighbour amenity and character of surrounding area, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan.

C 3 Prior to first use all the AC units hereby approved will be relocated into suitably attenuated acoustic enclosures in accordance with the details and specifications included in Section 4, Appendix B of 'Assessment of Noise Mitigation Proposals - February 2021' (Ref. 21 Cherryfields Noise v1.0 090221.docx, received 17-02-2021). Once implemented the acoustic enclosures will be retained and maintained as such in perpetuity.

Reason: In the interest of neighbour amenity in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- C 4 The rating level of noise emitted from the AC units hereby approved should not exceed 29dB LAeq 15 minutes at any time. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:2014.

In the event of any reasonable noise complaint being received by the Local Planning Authority, the Developer or their successors in Title, shall be required to undertake a full noise assessment to demonstrate compliance with the above noise limit and submit this within 28 days of notice issued by the Local Planning Authority. Should such an assessment fail to demonstrate compliance, then further mitigation measures shall be submitted alongside the noise assessment and implemented in accordance with the submitted details within 28 days of written approval by the Local Planning Authority.

Reason: In the interest of neighbour amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- C 5 The development hereby approved shall use the following materials in accordance with the approved plans:

- First floor level - Off-White render BS2660-4046
- Acoustic attenuation units - Powder coated aluminium in a grey colour same colour as the ground floor grey render

Reason: In the interest of design and character of the site and surrounding area in accordance with Policy LP16 of the Peterborough Local Plan (2019).

Copies to Councillor Kim Aitken, Councillor Julie Howell and Councillor Nicola Day