

**Application Ref:** 21/00150/HHFUL

**Proposal:** Ground and first floor extension to front, sides and rear of the property

**Site:** Pond House, The Park, Wisbech Road, Thorney  
**Applicant:** Dr A Qayyum

**Agent:** Mr Sajjad Panjwani

**Referred by:** Executive Director of Place and Economy  
**Reason:** Constitutional - Applicant's spouse is an elected Member

**Site visit:** 02.03.2021

**Case officer:** Karen Ip  
**Telephone No.** 01733 453405  
**E-Mail:** karen.ip@peterborough.gov.uk

**Recommendation:** REFUSE

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

**Site and surroundings**

The application site comprises a two storey detached residential dwelling located within an extensive plot to the rear of properties fronting Wisbech Road to the north. The site sits adjacent to Thorney Park (to the south and west) and is partially within the designated Thorney Conservation Area. Properties surrounding the site vary in style and sizes, with the prevailing character being large detached dwellings set within spacious plots.

The dwelling is sited to the northern-most area of the plot, with a large number of mature trees both within and surrounding the site. Those trees to the north-western corner of the site are subject to formal protection by way of a Tree Preservation Order.

**Proposal**

The applicant is seeking planning permission for the construction of ground and first floor extensions to the front, rear and both sides of the property. The overall effect would be to completely remodel the entire appearance of the property.

To the front (north) elevation, the proposal would extend at two storeys forwards by some 2.9 metres, with two small gable projections in addition (to 3.7 metres). The existing attached garage would also be extended upwards, to one and a half storeys in height. The rear elevation would be extended outwards at two storeys by some 3 metres, with two larger gable projections beyond this. Whilst the western side elevation would be extended by approximately 3.5 metres at two storeys.

The proposal also includes converting the existing garage into a habitable space.

It should be noted that the proposal has been amended from that which was originally submitted. The original application sought the construction a detached 4 berth garage, however this has now been removed from the proposal.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
17/02011/HHFUL	Proposed extensions and alterations	Refused	07/09/2018

## **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 or its setting, or any features of special architectural or historic interest which it possesses.

### **Peterborough Local Plan 2016 to 2036 (2019)**

#### **LP13 - Transport**

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

#### **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.

#### **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.

#### **LP29 - Trees and Woodland**

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered. Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where

a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

## **Peterborough Design and Development in Selected Villages SPD (2011)**

### **4 Consultations/Representations**

#### **PCC Conservation Officer (26.03.21 and 05.05.21)**

Objection - The proposals are incongruous with the setting of the Thorney Conservation Area. The building needs simplifying and designing in a proportionate manner that respects and reflects the distinctive local character of the conservation area in which it stands.

#### **Historic England (27.04.21)**

No comments

#### **Thorney Parish Council (04.05.21)**

A majority of Thorney Parish Council are opposed to this development (4 objections, 3 no objections).

a) The documents state that the property is not visible from the public realm. This is not the case as it is visible from both the Wisbech Road and Thorney Park. Thorney Parish Council continue to have concerns over the visual impact this large development would have on the conservation area of Thorney.

b) There is a secondary staircase shown at first floor level. Does this give access to additional accommodation which is not shown on the drawings or what is its purpose? This needs to be clarified please.

c) The Biodiversity Checklist, Question 4 is incorrectly answered as there is a pond in the grounds to the rear of the house. This can be seen on the additional drawings which were requested by the Tree Officer due to inaccurate information in the application about trees on the site.

There remain some feelings that the proposed building is too large in this location and that it may dominate views from the Wisbech Road and the Conservation Area. The second storey above the existing garage on the north facing side is of particular concern on Wisbech Road frontage in the proposed increase in the mass of the building. This would become a dominant view from Wisbech Road, detracting from an otherwise picturesque street scene. Thorney is an historic village and all efforts should be made to uphold the conservation status parts of the village hold. We support the conservation officer's comments in this regard.

We are pleased the issue with the garage raised by neighbours has been addressed, by way of removing this from the application.

#### **PCC Tree Officer (30.04.21)**

No objection - Pleased to see the garage removed from the proposed development. Happy to accept the submitted Arboricultural Impact Assessment and Arboricultural Method Statement together with the proposed planting. Please condition accordingly with any future planning approval.

#### **Local Residents/Interested Parties**

Initial consultations: 5

Total number of responses: 4 (including the Parish Council)

Total number of objections: 4

Total number in support: 0

Two rounds of public consultation have taken place. The first related to the original proposal and the second following removal of the garage from the scheme.

A total of 3no. objections have been received from neighbours on the following grounds (all were received during the first round of consultation):

- The proposed garage would dominate views from neighbouring garden
- Garages causing loss of light to neighbouring properties
- Concerns regarding the size of the garage
- Possible light pollution from security lights.
- Impacts to the 150 year old Oak tree at the entrance to Pond House
- Concerns for wildlife habitats close to the West extension of the house

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

The main considerations are:

- Design and impact to the character and appearance of the site and the surrounding area, including heritage assets
- Neighbour amenity
- Parking provision
- Trees

### **a) Design and impact to the character and appearance of the site and the surrounding area, including heritage assets**

As set out in Section 1 above, the application site is partially within the designated Thorney Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that special regard be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is further reinforced through the National Planning Policy Framework (2019) which states that great weight should be given to the conservation of heritage assets.

Significance is one of the guiding principles in relation to assessing the impact of proposals upon the historic environment, and is defined in the NPPF as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic, and it may derive not only from a heritage asset's physical presence, but also from its setting.

Thorney is a historical village with a string of heritage assets in the heart of the village and along Wisbech Road. The application site is in a prominent position of the higher grounds which overlook Wisbech Road and the properties which front it. Although the existing dwelling itself has no distinctive character or architectural merit, and the physical building itself does not sit within the CA, due to its prominent position and the fact that the CA surrounds it, it is important for any developments to uphold the character of the CA and ensure they complement the flavour of the village.

The proposal seeks to considerably enlarge the host dwelling on all sides, with a design which is considered to result in wholesale remodelling of the existing dwelling. This in itself is wholly contrary to Policy Thor 7 of the Peterborough Design and Development in Selected Villages SPD (2011), which clearly states that extensions should be subservient and smaller than the principal building. However notwithstanding and further to this, it is considered that the proposal would result in a form of development which appears incongruous and alien within the surrounding area. The overall composition of the resultant dwelling would be to a scale and mass which is considered to be unduly obtrusive and harmful to the overall appearance of the surrounding area.

Whilst it is accepted and agreed that the allocation site plot is of sufficient size to accommodate a large detached executive-style dwelling, Officers and the Conservation Officer, are of the view that the dwelling needs to be remodelled in a sympathetic and holistic manner, to the highest standards of design. The proposal in its current form is considered to represent a poor standard of design,

appearing a contrived and awkward arrangement of different building lines and forms such that the dwelling loses all structure or visual amenity. Given its prominent position within the public realm, this poor quality of design would be readily noticeable (particularly during winter months when trees within the locality have shed) and give rise to harm to the character, appearance and visual amenity of the surrounding area. The proposal is therefore considered to fail to preserve the character or appearance of the CA.

The NPPF categorises harm to heritage assets as being either substantial or less than substantial. Substantial harm is generally accepted to be the total loss of the significance of an asset, which would not be the case in this instance. Therefore, the harm arising from the proposal is categorised as less than substantial. Paragraph 196 of the NPPF requires that where less than substantial harm is identified, it be weighed against the public benefits of the proposal.

In this instance, it is considered that very limited public benefit would result. The main benefit would be private, to the Applicant, through increased living accommodation and property size. Some degree of public benefit would however result through the creation of executive, top-of-the-market housing, which the Council seeks to retain through current Local Plan policies. However, this is not considered to be a benefit of such magnitude that it would outweigh the harm identified to the Thorney Conservation Area, given that such harm is required to be afforded great weight.

Based on the above, the proposal is considered to be contrary to Policies LP16 and LP19 of the Peterborough Local Plan (2019), paragraphs 193 and 196 of the NPPF, and the Thorney-specific policies of the Peterborough Design and Development in Selected Villages SPD (2011).

#### **b) Neighbour amenity**

The application site is located adjacent to a number of neighbouring properties to the north and east. Given this relationship, the main impact would result from the proposed extensions to the front and western side of the property.

At present, there is limited separation distance between the application property and the garden of No.1 The Park (approximately 15.3 metres), albeit the internal first floor arrangement of the property is such that no primary habitable windows look towards this neighbour (windows serving a small study not capable of being a usable bedroom, bathroom and landing). The proposed two storey front extension would not only project forward and closer to this neighbouring dwelling thereby reducing the separation further, but would also include windows which serve primary habitable rooms (namely bedroom 3 and bedroom 5). As such, the proposal would result in direct overlooking towards No.1 with the closest window-to-garden and window-to-window separation distances of only 10.9 and 18.9 metres respectively. As such, the impact of overlooking would be greatly increased. In addition, whilst the development is considered unlikely to cause significant overshadowing, it is however, considered to be likely result in significant overbearing impact as the application property is on a higher ground to this neighbours that it would dominate and oppress the neighbour's garden.

To the north-east, the existing single storey flat roof garage on the site is set some 3.3 metres from the shared boundary with No.53 Wisbech Road. The proposal seeks to increase the height of this structure to 5 metres to the eaves and 7 meters to the ridge, with a blank gable wall facing towards this neighbour. Given the orientation and lack of separation, it is considered that this would result in an unacceptably overbearing impact to the garden and primary habitable rooms of No.53 such that unacceptable harm to the amenities of occupants would result.

To the east, the neighbouring dwelling of No.53A is a bungalow structure. The proposal would result in a new facing primary habitable window (serving bedroom 6) towards this neighbour at first floor level which would introduce new potential for overlooking. However, a separation distance of some 25 metres would be achieved between the development and the neighbour's side elevation, and this is therefore considered sufficient to ensure that no unacceptable loss of privacy would result. This distance would also ensure that the extension would not unduly overshadow or be overbearing to this neighbour.

Neighbours at No.53 Wisbech Road further to the east, share their rear boundary with the application site, albeit at the south-eastern most end. There is no impact to these neighbour's amenities which would result from the proposed development.

Based on the above, the proposal would result in unacceptable harm to the amenities of neighbouring occupants and is considered to be contrary to Policy LP17 of the Peterborough Local Plan (2019).

### **c) Parking provision**

The proposal would result in the loss of 2no. existing parking spaces through conversion of the existing garage. However, there would still be enough parking spaces retained within the site to accommodate a minimum of 2 vehicles (albeit far more could be accommodated). This would therefore accord with the Council's adopted minimum parking standards for the size of dwelling proposed.

The proposal would therefore not unduly harm the safety of the public highway, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

### **d) Trees**

As detailed in Section 1 above, there are a number of trees both within and immediately adjacent to the site which are subject to formal protection by virtue of a Tree Preservation Order. The application has been accompanied by a detailed Arboricultural Impact Assessment and Method Statement, which includes a tree protection plan to demonstrate how the development can be achieved without harming these important trees. The Council's Tree Officer has accepted these documents and confirmed that the proposal would not harm the roots of the trees within the development area.

Subject to a condition securing compliance with the submitted information, the proposal would not result in unacceptable harm to trees of key amenity value, in accordance with Policy LP29 of the Peterborough Local Plan (2019).

## **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 Executive Director of Place and Economy recommends that Planning Permission is **REFUSED** for the following reasons:

- R 1 The proposal by virtue of its design, size, scale and mass, fails to respect, reflect or be subservient to the host dwelling. Furthermore, the proposal is considered to represent poor design through the creation of a dwelling which appears contrived, unduly dominant and obtrusive. Given the prominent siting of the application site, the proposal would be readily visible from the public realm and this would therefore heighten the harm arising from the design. The proposal would therefore fail to preserve the character or appearance of the Thorney Conservation Area, such that less than substantial harm would result.

It is not considered that the public benefits of the proposal would outweigh this harm, and therefore the proposal is contrary to Policies LP16 and LP19 of the Peterborough Local Plan (2019), paragraphs 193 and 196 of the NPPF, and the Thorney-specific policies of the Peterborough Design and Development in Selected Villages SPD (2011).

R 2 The proposal, by virtue of its siting, layout and design, would result in an unacceptable level of harm to the amenities of neighbouring occupants. The proposal would result in an unacceptable degree of direct overlooking to the garden and primary habitable rooms of No.1 The Park, and would result in undue overbearing and dominance to the garden and primary habitable rooms of No.53A Wisbech Road. The proposal is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

Copies to Councillors: Allen, Brown and Simons

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