

Application Ref: 21/00170/FUL

Proposal: Proposed conversion of dwelling to 2 flats, and erection of fence and gate

Site: 42 Sherborne Road, Dogsthorpe, Peterborough, PE1 4RJ
Applicant: MR M ASHRAF

Agent: Mr Robert Gooding
 GOOD-DESIGN-ING LTD

Referred by: Councillor Chris Ash
Reason: Call in if recommended for approval due to highway and neighbour impacts

Site visit: 15.03.2021

Case officer: Mr Asif Ali
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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 a semi-detached dwelling of brick and tile construction in a cul-de-sac location. The dwelling is located on a corner plot with a double garage to the rear. The dwelling has an open front garden and a fully enclosed rear garden with a detached garage building and parking provision to the rear of the site.

Proposal

The application seeks planning permission for the proposed conversion of the dwelling into 2 flats, the erection of a fence and gate, and associated alterations. The proposal would also result in the removal of the existing garage to the rear and installation of 2no. 5m x 2.5m parking spaces on existing concrete hardstanding.

The proposal was revised to provide an entrance to the ground floor flat on the side elevation fronting the public highway.

Planning permission 18/01202/HHFUL approved a single storey side, two storey rear extensions and dropped kerb. The current proposal application does not propose to extend the property but does make use of the extensions previously approved, which are not yet complete, within the proposal. The structure of the single storey side and two storey rear extensions is currently up, however, works were still required to complete the development.

2 Planning History

Reference	Proposal	Decision	Date
18/01202/HHFUL	Proposed double storey rear extension, single storey side extension & dropped kerb (revised scheme)	Permitted	22/08/2018
18/00939/NONMAT	Non-Material Amendment (Footprint and roof type) to Planning Permission 18/00370/HHFUL	Determined	21/06/2018
18/00370/HHFUL	Proposed double storey rear extension, single storey side extension & dropped kerb	Permitted	12/04/2018

3 Planning Policy

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

National Planning Policy Framework (February 2019)

Section 2b - There is a presumption in favour of sustainable development

There is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with an up to date development plan without delay, and where there are no relevant policies or a policies are out of date granting permission unless there are other policies within the framework which provide a clear rear not to or any adverse impacts of doing so would significant and demonstrably outweigh the benefits when assessed against the Framework as a whole.

Peterborough Local Plan (2019)

LP08 - Meeting Housing Needs

LP8a) Housing Mix/Affordable Housing - Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

LP8b) Rural Exception Sites- Development for affordable housing outside of but adjacent to village envelopes maybe accepted provided that it needs an identified need which cannot be met in the village, is supported locally and there are no fundamental constraints to delivery or harm arising.

LP8c) Homes for Permanent Caravan Dwellers/Park Homes- Permission will be granted for permanent residential caravans (mobile homes) on sites which would be acceptable for permanent dwellings.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

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

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging

cyclists and to reducing the need for vehicles to access the area.

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 Peterborough Highways Services (LHA) (Final Comments)

As the application is to be determined without further revised plans, the LHA makes the following comments on the proposals;

The LHA does not appear to have been consulted on the 2018 application which approved the current parking arrangement for 2 parking spaces in the area to the front of the property (accessed from Burford Way).

In order for the parking arrangement as shown (and currently being used) to be acceptable to the LHA, a low-level fixed boundary treatment (i.e. wall or fence etc.) must be installed around the property frontage to prevent vehicles driving over the footway other than at the approved vehicular crossing.

This being the case, and as a boundary treatment can be conditioned, the LHA would raise no objections to the proposal, subject to the recommended conditions and informatives being appended to any permission granted.

PCC Peterborough Highways Services (Initial comments)

Having reviewed the submitted plans and information, the LHA makes the following comments on the proposals;

There is no dimensioned drawing which clearly shows the parking arrangements for the site.

- A full dimensioned drawing detailing:

- The parking arrangements to the rear, including the dropped kerb vehicular access, available vehicle-to-pedestrian visibility splays, and 2 parking spaces.

- The existing garage as shown on these drawings appears to be too small to be considered to provide a parking space, therefore 2 parking bays should be shown. Any parking to the front of the garage would have to be 6m in length to enable the garage doors to be opened whilst a vehicle is parked clear of the highway.

- Any gates would need to be shown for removal.

It is noted that the parking is referred to as existing, but as 2 dwellings would increase the use it needs to be demonstrated that the parking and accesses meet current standards.

PCC Pollution Team

Whilst we have no objections to the principle of the conversion the advice below should be considered by the applicant.

Noise - Internal layout -advice

This section is aware that where kitchens/living rooms/ bathrooms are placed over or adjacent to bedrooms, or stairwells/corridors are next to bedrooms, complaints can arise as a result of general living noise. There is no provision under the statutory nuisance regime to address these matters. In order to control noise design measures need to be considered at the planning stage.

Part E of the Building Regulations contains sound-insulation requirements for separating walls, floor and stairs. The requirements apply to new-build and to conversion dwellings. Where an existing wall, floor or stair is to become a separating element between dwellings, it is necessary either to show that it already meets the requirements, or to adopt a treatment which will bring it up to standard.

Police Architectural Liaison Officer (PALO)

No Objections - This office has reviewed the above full application in terms of community safety and potential vulnerability to crime. I have noted the addition of fencing and gates which is supported. I have also checked police incidents and crimes and whilst no overall concerns I do support the comments made by Highways in regarding to parking. This policing area does attract reports of neighbour disputes regarding parking issues and there are reports of criminal damage to vehicles. Reports received both by Police and Local Authority.

PCC Open Space Officer

No comments to make.

Archaeological Officer

No objections.

Cambridgeshire Fire & Rescue Service

No comments received

Waste Management

No comments received

Local Residents/Interested Parties

Initial consultations: 8

Total number of responses: 7

Total number of objections: 7

Total number in support: 0

Seven comments were received in total, **all** were in **objection** to the proposal.

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

- The estate consists of mainly three bedroomed detached and semi-detached family houses. There are no flats.
- Since the last 3 to 4 years the site has been neglected and has had unfinished conversion works. The former well-kept gardens, trees, hedges and on garage have been demolished and replaced by a weed populated open waste land that is an eyesore to many surrounding residences.
- Since planning permission was granted to extend the site, there have been period of disruption due to conversion works, many times of intense activity, followed by long periods of inactivity. The work appears to be unfinished.
- The proposed and current works will cause safety concerns given the site's location on the corner

of the main and only access to Burford Lawns.

- Proposed parking will lead to reduced sight lines for vehicles approaching the corner especially when attempting to leave Sherborne Road.
- Reasons for objection is that the proposal would overdevelop the site.
- Devalue my property.
- Increased noise through the party wall.
- Increase the fire risk.
- Additional odours from the kitchen and bathroom.
- Major loss of our privacy.
- Loss of our security due to the boundary fences having been removed.
- Parking will cause a problem as there is only one garage which is in poor condition meaning cars will have to park on the road.
- Site is located on a busy junction, which provides the only junction that allows traffic in and out of the estate.
- Drivers visibility will be obscured by the parked vehicles.
- Proposal will attract anti-social behaviour and disturb residents.
- Rear parking area will cause an added nuisance due to a lack of adequate parking/loading/turning for surrounding properties.
- Impact from the noise and disturbance from work that is to be carried out to convert the property.
- Detrimental effect on the character of the area.
- Extra use of vehicles will impact on climate change and the plans will need to be adapted again as these temporary.
- The drawing doesn't take into consideration parking standards - parking provision for all modes of transport is not adequate with standards, especially to the rear which are not fit for two small vehicles.

5 Assessment of the planning issues

The main considerations are:

- Design and character of the site and surrounding area
- Neighbour amenity
- Highway safety and parking provision
- Pollution control

a) Design and character of the site and surrounding area

The proposal would result in limited external alterations to the dwellinghouse, with the installation of an external door on the side elevation to serve the ground floor flat and a proposed close-boarded fence on the side of the dwellinghouse. It is considered that the proposed external alterations to the dwellinghouse would be of a very small scale in nature and so would not adversely impact the design and character of the site or surrounding area.

The area does predominantly consist of semi-detached and detached dwelling houses, however, due to limited external changes, the only indication of the sub-division would be the additional external door on the side elevation to serve the ground floor flat. Objectors raised concerns with regards the introduction of flats within the area, however in land use planning terms flats and dwellinghouses are compatible land uses. The site can accommodate the required parking for both flats, with parking to the front for the first floor flat and at the rear of the site for the ground floor flat. The rear garden will give amenity space to the ground floor flat, and whilst the first floor flat will not have any private amenity space, it does have outdoor space at its side for the storage of bins. Officers are therefore of the view that the proposal would not adversely impact on the character of the surrounding area, and that the site can acceptably accommodate the development proposed.

Officers consider that the proposal would not conflict with Policy LP16 of the Peterborough Local Plan (2019), or NPPF and would not adversely affect the character or appearance of the surrounding area. Whilst the proposal would intensify an existing residential plot into two flats, it is considered there is sufficient land available to accommodate the needs of both these plots without adverse impact to the site or surrounding area.

In light of the above it is considered that the proposal is in accordance with Policy LP16 of the Peterborough Local Plan (2019).

b) Neighbour amenity

The proposal does not look to extend the building under this planning application, it has already been extended under a previous permission, and the works to change the layout will mainly be internal. The proposal would have the living/kitchen area for the first floor flat at the rear of the site, however, this is mainly contained within the rear extension, beyond the shared boundary wall with the adjoining property No.10. The application site does have two windows at first floor level on the rear which were approved to serve a bedroom and an ensuite. The use of the rooms would change at any time without the need for planning permission and the approved bedroom window and the original bedroom window in the house before the property was extended, did allow overlooking into neighbours gardens. The change to a kitchen and living room window, and the oblique overlooking into neighbours would not in Officers view result in an unacceptable reduction in the privacy in surrounding gardens

Neighbour objections raised concerns over multiple matters which will be addressed in this section, although matters regarding design and character have been addressed in the above section, and objections over parking and noise will be addressed below. Firstly, concerns were raised over the state of the site and unfinished works, unfortunately these are not material matters which can be considered within this planning application. Further, should this application be approved a building regulations application would be required to ensure the necessary sound proofing and fire safety

standards are met. Concerns were also raised over the loss of security due to the boundary fence being removed, planning permission would not be required to remove a boundary fence and it is a legal responsibility of the developer to ensure compliance with the Party Wall Act and act reasonably during any construction works. Finally, the Cambridgeshire Constabulary was contacted with regards the proposal, and they supported the addition of fencing and gates, they also noted that the area does attract reports of neighbour disputes regarding parking issues and criminal damage to vehicles. No comments were made by Cambridgeshire Constabulary with regards any potential anti-social behaviour from the proposed development.

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

c) Highway safety and parking provision

The Local Highway Authority (LHA) have raised no objections to the proposal subject to the recommended imposition of conditions to secure the proposed parking arrangements, access width, and visibility splays. It is considered that these conditions would be reasonable and proportionate to the development proposed. The LHA have also recommended conditions requesting details of the proposed cycle parking and the installation of front boundary treatment to prevent dangerous parking manoeuvres, it is considered that these conditions would also be reasonable, given the intensification of the use of the site.

The proposed development provides two parking spaces at the front of the site and two parking spaces at the rear of the site, which is in accordance with PCC's car parking standards for the number of bedrooms proposed within each residential unit. The parking spaces would measure 5m x 2.5m which accords with our parking space standard requirements.

Given the above it is considered that the proposal is in accordance with Policy LP13 of the Peterborough Local Plan (2019).

d) Pollution control

The Pollution Control team have raised no objections but provide some general guidance with regards to internal layouts, and the positioning of different rooms to help minimise noise disturbance. The proposed two flats have been designed as far as possible to follow this guidance and have bedrooms positioned above bedrooms and living rooms above living rooms, to help minimise noise disturbance between them. And whilst there may be a bit of noise disturbance to the proposed bedroom 2, of each flat from the others hall and bathroom, the degree of disturbance is not considered to be of such an extent to render the scheme unacceptable. With regards to the proposed rooms sharing a wall with the adjoining property No.10, each flat's main bedroom shares the majority of the party wall, with a shower room at the rear on the ground floor and a small part of the kitchen at first floor. This relationship with the adjoining neighbour is considered to be acceptable.

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

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:

- It is not considered the character and appearance of the surrounding area would not be adversely impacted by the proposed conversion of the dwelling into 2 flats, in accordance with Policy LP16 of the Peterborough Local Plan (2019);
- The existing levels of neighbour amenity of the adjacent properties would not be adversely impacted by the proposed development, in accordance with Policy LP17 of the Peterborough Local Plan (2019); and
- The adjacent public highway would not be adversely impacted by the development, and sufficient car parking is proposed in accordance with Policy LP13 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 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 hereby permitted shall be carried out in accordance with the following drawings:

- Existing Floor Plans and Location Plan (Drawing number 211204-01 Revision A)
- Proposed Floor Plans, Existing and Proposed Site Plans (Drawing number 211204-02 Revision B)

Reason: For the avoidance of doubt and in the interests of proper planning.

- C 3 The 4no. vehicle parking spaces and turning shall be provided in accordance with the approved drawing number 211204-02 Revision B prior to the first occupation of any of the dwellings hereby approved. The 4no. vehicle parking spaces and turning areas shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles, for use by the occupiers of these properties.

Reason: In order to ensure that sufficient car parking and turning remains available on site in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C 4 Prior to the first occupation of development hereby approved, a scheme of cycle parking including details of its location, along with details of the type of cycle stands and shelters to be provided shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be installed in accordance with the approved details prior to first occupation of the dwelling/building to which it relates and thereafter retained.

Reason: In order to ensure that sufficient and suitable cycle parking is available in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C 5 The accesses hereby approved shall be provided in accordance with the details shown on the approved drawing number 211204-02 Revision B prior to first occupation of the dwelling/building to be served by them. They shall thereafter be retained in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C 6 Notwithstanding the details shown on the approved plans, details of a permanent boundary wall (or similar) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. This boundary feature shall be installed around the frontage parking area (access from Burford Way) to ensure that vehicles can only access and egress by using the existing dropped kerb vehicle access. It shall not exceed 600mm in height within the vehicle-to-pedestrian visibility splays, and 1m for the remaining boundary area. The vehicular access must remain un gated.

The wall (or similar approved) must be installed prior to the occupation of the first floor flat and shall thereafter be retained.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C 7 Prior to first occupation of the development hereby permitted, vehicle to pedestrian visibility splays shall be provided in accordance with the details shown on the approved layout plan and kept free of any obstructions over 600mm in height above ground level.

Reason: In the interest of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C 8 Any lighting of private roads, driveways or parking areas shall be arranged so that no danger or inconvenience is caused to users of the adjoining existing or proposed public highway.

Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

Copies to Councillors Ishfaq Hussain, Dennis Jones and Katia Yurgutene

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