

**Application Ref:** 21/00420/HHFUL

**Proposal:** Proposed rear ground floor extension, first floor rear extension and attic conversion and the addition of a side extension to No. 12

**Site:** 12 And 14 Lime Tree Avenue, Millfield, Peterborough, PE1 2NS

**Applicant:** Mr Mohammed Jamil

**Agent:** Mr Nadeem Anwar

**Referred by:** **Head of Planning Services**

**Reason:** **In line with the Constitution as the applicant is Cllr Mohammed Jamil**

**Site visit:** 21.04.2021

**Case officer:** Susan Shenston

**Telephone No.** 01733 4501733 453410

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**Recommendation:** **GRANT** subject to relevant conditions

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

**Site and Surrounding**

The application site comprises of a pair of semi-detached, two storey high dwellinghouses, No.12 and No.14 Lime Tree Avenue. Both properties have adjoining first floor and ground floor rear projections. They have long linear rear gardens measuring approximately 31m in length. The side boundary fencing separating the gardens has been removed, effectively merging the two rear gardens. The area of garden immediately to the rear of the dwellings has been hard surfaced and the remainder laid to lawn.

The site is located on the edge of the Millfield area of Peterborough, in a predominantly residential street with semi-detached and detached houses with small gardens to the front of the dwellings and on-street parking. To the north of the site is the public highway of Lime Tree Avenue, to the east is No. 10 Lime Tree Avenue, operating as Lindens Guest House with a car park to the rear, to the south are Nos. 140 and 142 Cobden Avenue, and to the west is No. 16 Lime Tree Avenue.

**Proposal**

This is a joint planning application for both residential properties; 12 and 14 Lime Tree Avenue. Planning permission is being sought for ground floor and first floor rear extensions, and attic conversions for both properties. In addition, on the existing rear projection, a single storey side extension is proposed for No. 12.

The first floor rear extensions would measure 5.4m in depth and approximately 7.7 in width. This would be across the full width of both dwellings. There would be a pitched roof with a gable end measuring approximately 7.2m to the ridge and 5.2m to the eaves above ground level.

The ground floor rear extensions would measure 6m in depth and approximately 7.7m in width. This again would be across the full width of both dwellings. There would be a flat roof measuring 3m above ground level, with a roof lantern serving each property.

The proposed attic conversion would comprise of a rear facing box dormer extension measuring 3m in depth and 11.2m in width. The dormer would measure 2m in height and extend across both dwellings.

The single side storey extension on the rear projection of No. 12 only, would measuring approximately 6.3m in length and 2m in width. It would have a monopitch roof measuring approximately 3.3m to the ridge height and 2.6m to the eaves height above ground level.

The external materials proposed are to match those of the existing dwellings.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
11/00213/FUL	Construction of single storey rear & side extensions	Permitted	30/03/2011
21/00300/HHFUL	Proposed rear ground floor family room, first floor rear extension and attic conversion	Withdrawn by Applicant	19/03/2021
21/00301/HHFUL	Proposed ground floor and first floor rear extension with attic conversion	Withdrawn by Applicant	19/03/2021

## **3 Planning Policy**

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

### **Peterborough Local Plan 2016 to 2036 (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.

#### **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.

#### **EQHR - Equality Duty and Human Rights**

In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The

human rights impact have been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.

The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

#### **4 Consultations/Representations**

No comments received

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

Initial consultations: 6

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

3 letters of objection have been received from No.16 Lime Tree Avenue. Their objections are as follows:

- The light in my living room and kitchen would be severely affected, neither the kitchen nor the living room would not get any natural sunlight.
- The extension would directly overlook our garden and there would be no privacy at all.
- Article 8 protects my right to a private life, my family life and my home. This development does raise grave concerns when Article 8 is applied.
- The proposed extension appear unpleasantly over-bearing.
- The proposed extension is out of scale and out of character in terms of its appearance compared with existing development in the vicinity.
- This site should not be considered in isolation but as part of the overall Peterborough Development Plan.
- There would be safety implications with traffic accessing the site. A development of this size would require heavy duty lorries and materials all which raise grave safety concerns for me and my family.
- 12 Lime Tree Avenue had planning permission granted under reference 11/00213/FUL.

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

The main considerations are:

- Planning history
- Design and impact on the character and appearance of the site and the surrounding area
- Neighbour amenity
- Highway safety and parking provision
- Other matters raised

##### **a) Planning history**

A planning application was approved in 2011 (reference: 11/00213/FUL) for No. 12 Lime Tree Avenue, for 2 x single storey rear extensions. The application granted planning permission to extend the existing dining room by 6m in length and 2.1m in width. This is the location where the side extension is proposed for No. 12 under this application. There was also a proposal for a 3m single storey rear extension abutting the existing family room. Whilst planning permission was granted it was never implemented, and has now lapsed.

## **b) Design and impact on the character and appearance of the site and the surrounding area**

The existing two dwellings which are the subject of this application appear externally as mirror images of one another. The existing two storey and single storey rear projections on both dwellings are set in from their side elevations by approximately 2m.

The first floor rear extension would extend the existing rear first floor projection outwards by approximately 5.4m, and sit above the existing ground floor rear projection. There would be a pitched roof with a gable end, which is the same design and height as the existing rear projection. This would accommodate one additional bedroom in each dwelling, and change the use of one existing bedroom into a study.

The proposed single storey rear ground floor extension would extend the existing ground floor rear projection of both Nos. 12 and 14 Lime Tree Avenue outwards by 6m and be the same width as the existing projection. This would have a flat roof with two roof lanterns. This would accommodate a family room in No. 12 and a kitchen and dining room in No. 14.

The attic would be converted in both dwellings. There would be 3 roof lights for each dwelling on the front elevation and large box dormer extension on the rear. This would accommodate two additional bedrooms, a bathroom and a walk in cupboard in each dwelling.

The single storey side extension to No.12 would align with the width of the front elevation and extend the dining area.

This proposal would convert each dwelling from a 4-bedroom dwelling into a 6-bedroom dwelling. Whilst overall the proposals are considered to be large in size and scale, they do generally follow the proportions, design and appearance of the existing properties and follow the linear character of development on the plots. The plots have substantial rear gardens depths and so the extensions could not be considered as overdevelopment of the plots. The extensions are set off the site boundaries with adjacent plots to help minimise their impact upon them and to maintain the existing separation distance and openness character between them. The single storey side extension to No. 12, whilst extending closer to No.10, would be small in scale, height and size and remain set off the side boundary and so would be considered proportionate to the main dwelling and site. External materials are proposed to match the existing dwelling to ensure an acceptable visual appearance would result.

On the basis of the above, the proposal is considered to be in accordance with Policy LP16 of the Peterborough Local Plan (2019).

## **c) Neighbour amenity**

This application has been submitted as a joint planning application because if only one of the properties were to build their extensions and not the other, the extensions would have an unacceptable overbearing and overshadowing impact on the other adjoining property. Therefore, to ensure this scenario doesn't arise a planning condition is recommended to ensure that neither properties extensions can be occupied until the adjoining extension at the neighbouring property is complete or substantially complete. This is the only mechanism available to allow both these properties to have such large extensions whilst ensuring that they would not adversely impact upon each other.

### 10 Lime Tree Avenue

No. 10 Lime Tree Avenue is a detached dwelling positioned to the east of the application site and operates as the Lindens Guest House. The proposed single storey side extension to the rear of No. 12 would sit approximately 1m off the side brick wall boundary with this site. There is an approximately 1.6m high boundary wall separating the sites. The existing kitchen window facing towards No. 10 would be removed and no side windows are proposed on this extension which

would face towards No. 10. It is not considered that this side extension due to its siting, height, size and orientation would result in any unacceptable impact the existing residential amenity levels of this neighbouring site.

The first floor rear extension would sit approximately 3m from the side boundary with No. 10 and project beyond its the rear elevation by approximately 1m. There are no proposed windows directly facing this neighbour in the new extension. However, as a result of extending the property a new first floor side window would be inserted into the existing side elevation of the property to serve a study. The bathroom window facing this site is existing. As this room is to be used as a study rather than a bedroom, and to prevent any unacceptable overlooking, a condition is recommended to ensure that the window is obscure glazed and top hung opening only and retained as such thereafter. This extension positioned to the west of this site would result in some overshadowing in the afternoon but due to the relationship and separation distance, not to an extent that would be considered unacceptable.

The single storey ground floor rear extension would sit approximately 3m off the side boundary, and project approximately 7m beyond the rear elevation of No. 10. There would be two windows measuring 0.9m in width facing towards the brick wall boundary, which has a car park beyond it. Therefore, it is not considered that these windows would unacceptable impact on privacy levels. Some overshadowing to the car park would occur later in the day but this is not considered to cause any harmful impact.

The conversion of the attic to living accommodation will result in second floor accommodation where none currently exists. There would be windows on the rear elevation which would overlook the car park to the rear of No. 10, however this is similar to the existing overlooking from first floor windows in the property, and not considered unacceptable in planning terms.

#### 16 Lime Tree Avenue

No. 16 Lime Tree Avenue have objected to the application and they are located, on the west side of the application site. No. 16 has a similar design to the properties of the application site, with both a first floor and ground floor rear projections. The side gables of No.16 and No.14 are separated by approximately 1m wide pedestrian footpaths for each property that give access from the street to their rear gardens. The rear projection at No. 16 is set off the side boundary with No. 14 by approximately 3m at the rear.

The rear ground floor extension and first floor extension to No. 14 would be positioned approximately 3m in from the side boundary, thereby leaving a total separation distance of 6m between the two opposing side elevations. The ground floor rear extension would project 6m beyond the rear elevation of No. 16 and there would be two windows measuring 0.9m in width each facing towards this neighbour. There is an existing 1.8m high wooden panel fence between the two dwellings and it is not considered that these windows are unacceptable in privacy terms.

The first floor rear extension would be level with the existing single storey rear projection of No. 16. There would be no additional first floor windows directly overlooking this neighbour in the new extension. However, a first floor study window would be added to the side elevation of the existing projection. Similar to No.12's first floor extension discussed above, a condition is recommended to ensure this window is obscured glazed and fixed shut apart from any top hung opening to safeguard privacy to the neighbouring site. Whilst the additional bedroom window on the first floor extension would overlook the rear garden of No. 16, it is not considered to reduce their privacy levels to unacceptable levels.

No. 16 has a kitchen window and side door facing towards No. 14, and a lounge window looking over their garden to the south. Due to the orientation of this neighbour, there would be some overshadowing that would occur in the morning. However, this is similar to the existing overshadowing that occurs from the existing projections and the separation distance between the buildings ensures that the overshadowing will not be significantly harmful or more detrimental than

this existing arrangement on site.

The conversion of the attic to living accommodation would result in second floor windows, a bedroom and bathroom window on each property on the rear elevation. Whilst the windows are higher than at present, they are similar to the existing bedroom 1 and 3 bedrooms which already allow overlooking into this neighbour's garden, therefore the change in privacy levels from these windows to that existing would not be considered to be unacceptable or harmful in planning terms.

The mass and scale of the proposed extensions are not considered to be overbearing as the two storey rear extension would not project beyond the rear elevation of No. 16, and there would be a 6m separation distance.

#### Nos. 140 and 142 Cobden Avenue

Nos. 140 and 142 Cobden Avenue are located to the south of the application site, at the end of their rear gardens. The proposed extensions would be positioned some 25m away from the boundaries of these sites. Given the significant distance and orientation of the extensions north of these sites, it is not considered any adverse impact on their residential amenity in terms of reduced privacy or overbearing or overshadowing impacts would result.

Officers are therefore of the view that the proposed extensions would not result in any unacceptable impacts on the residential amenity of any surrounding neighbours, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

#### **d) Highway safety and parking provision**

Neither of the existing properties has any space available on site for car parking spaces. The proposed extensions changing the existing properties from 4 bedroom to 6 bedroom properties would not generate the requirement for the provision of any additional car parking spaces in accordance with the Council's adopted car parking standards. Therefore the lack of any on site car parking spaces is an existing issue and not one that results from the development proposed and so not a matter that can be addressed under this planning application. There are on street car parking bays on both sides of the street, which are covered by the residents permit scheme, so the occupiers of either property would be entitled to permits under this scheme.

Should in future any of the dwellings wish to change into a small scale House in Multiple Occupancy, there could be a significant shortfall in car parking, which could lead to additional pressures for the on street residential parking spaces and could result in highway safety dangers through potential parking in unsafe locations. Therefore, Officers consider it prudent to impose a planning condition to remove the permitted development right to change to a House in Multiple Occupancy, and require the submission of a planning permission for such a change of use to enable the impact on residents parking to be assessed at that time.

On the basis of the above, the proposal is in accordance with Policy LP13 of the Peterborough Local Plan (2019).

#### **e) Other matters**

In respect of how the application has been considered, the application has been considered and determined against the policies in the Peterborough Local Plan (2019).

The objector has raised the fact that they feel the proposal would breach Article 8 of the Human Rights Act, in that it would prevent their right to a private family life and home. Officers, in reaching their recommendation, have considered the impact of the development on the neighbour's privacy as required by planning policy LP17 and the Human Right Act, and in this instance do not agree with the neighbour that the level of impact would be so severe that it would be contrary to planning policy or unacceptable in planning terms.

In respect of the neighbour concerns raised about safety and traffic during construction, if anyone has any safety concerns about construction work being undertaken they can report it to the Health and Safety Executive or the Building Control Team, who can investigate to ensure no regulations are being breached. There will be some noise and disturbance for surrounding residents during construction works, but these are temporary in nature, and should a statutory noise nuisance result this can be investigated by the Council's Pollution Control team.

## **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 that the proposed extensions would be harmful to the character and appearance of the site or surrounding area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
- The surrounding neighbours' residential amenity would not be adversely impacted upon by the proposed extensions, in accordance with Policy LP17 of the Peterborough Local Plan (2019).
- The proposed extensions would not generate the need for any additional car parking spaces, 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 materials to be used in the construction of the external surfaces of the proposed extensions hereby permitted shall match those used in the existing building.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan and Proposed Site Plan (Dwg No: AL 101)
- Existing Ground Floor Plan (Dwg No: 102)
- Existing First Floor Plan (Dwg No: AL 103)
- Existing Roof Plan (Dwg No: AL 104)
- Existing Front and Rear Elevations (Dwg No: AL 105)
- Existing Side Elevations to No. 12 (Dwg No: AL106)
- Existing Side Elevations to No. 14 (Dwg No: AL107)
- Proposed Ground Floor (Dwg No: AL 111)
- Proposed First Floor Plans (Dwg No: AL 112)
- Proposed Loft Plan (Dwg No: AL 113)
- Proposed Roof Plan (Dwg No: AL 114)
- Proposed Front and Rear Elevations (Dwg No: 115)
- Proposed Side Elevations to No. 12 (Dwg No: AL 116)
- Proposed Side Elevations to No. 14 (Dwg No: AL 117)

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

- C 4 Notwithstanding the provisions of Part 3 Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the residential units hereby permitted shall be dwellinghouses within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification) only.

Reason: The site is not capable of meeting the needs of small-scale houses in multiple occupation in terms of parking provision, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 5 Neither dwelling's extensions hereby permitted shall be occupied, unless and until, the other adjoining neighbouring extensions have been substantially completed.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- C6 Before the development hereby permitted is first occupied, the proposed first floor side study window to both properties (as shown on plan 'Proposed First Floor' drawing number AL112) shall be fitted with obscure glazing to a minimum of Pilkington Level 3 and be non-opening unless the openable parts are more than 1.70 metres in height above the floor level in the room which they are located. The obscure glazing shall be continuous and shall not incorporate any clear glazing features. The windows shall subsequently be retained as such in perpetuity.

Reason: In order to protect the amenities of neighbouring occupants, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

Copies to Councillors: Mahboob Hussain, Amjad Iqbal, Mohammed Jamil