

09/01162/FUL: CONSTRUCTION OF A TWO BED, TWO STOREY DWELLING AT 13 ST PAUL'S ROAD, NEW ENGLAND, PETERBOROUGH
VALID: 20 NOVEMBER 2009
APPLICANT: CITY LINK PROPERTIES UK LTD
AGENT: H A ARCHITECTURAL SERVICES
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: NEIGHBOUR'S CONCERN RE IMPACT ON STREET SCENE
DEPARTURE: NO

CASE OFFICER: MISS L C LOVEGROVE
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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Principle of the development
- The design and the impact of the proposal on the character of the area
- The impact of the proposal on the residential amenities of the occupiers of nearby neighbouring properties
- Highway implications

The Head of Planning Services recommends that the application is **APPROVED**.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- H7 Housing Development on unallocated Sites** – within the urban area development on any site not allocated in policy H3 including by infilling, redevelopment and change of use of existing buildings will be permitted where the site is not allocated for any other purpose, within a defined employment area, is or will be integrated with existing or proposed infrastructure to meet residential needs and where development would make efficient use of the site, respect the character of the area, provide good quality living conditions for residents, would not have a detrimental impact on highway safety, unacceptably constrain development of adjoining land or result in the loss of open space of recreational or amenity value.
- H16 Residential Design and Amenity** – planning permission will only be granted for residential development if the following amenities are provided to a satisfactory standard: daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- T1 Transport implications of New Development** – planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.

- T10 Car and Motorcycle Parking Requirements** – planning permission will only be granted for development outside the city centre if it is in accordance with Appendix V.
- DA1 Townscape and Urban Design** – planning permission will only be granted if the development is compatible with its surroundings in respect to the relationship to nearby buildings, and spaces, its impact to on longer views, creates or reinforces a sense of place, and does not create an adverse visual impact.
- DA2 The effect of development upon on the amenities and character of an area** – planning permission will only be granted if development can be satisfactorily accommodated within the site, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties.
- DA6 Tandem, Backland and Piecemeal Development** – planning permission will only be granted if development can be satisfactorily accommodated within the site in terms of scale and density, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties, it can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.
- IMP1 Securing Satisfactory Development** – planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

- PPS1 Delivering Sustainable Development
PPS3 Housing

ODPM Circular 05/2005 “Planning Obligations”. Amongst other factors, the Secretary of State’s policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

Planning permission is sought for the construction of a two storey dwelling which adjacent to the existing dwelling at 13 St Paul’s Road. The proposal represents infill development within the area and would result in an appearance of semi detached residential properties.

Off road parking for 2 vehicles is proposed (one for the proposed property and one for the existing dwelling) and will be accessed from Gilpin Street. The dwelling is proposed to have two bedrooms and will mirror the built form and appearance of the existing dwelling at 13 St Paul's Road.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is formed by the side garden of the single detached two storey Victorian villa at 13 St. Paul's Road. Access to the existing house is from St Paul's Road and off road parking is provided via a single detached garage (to be demolished under the proposal) and the associated stand-off area. The site occupies a prominent corner plot on the junction of St Paul's Road and Gilpin Street. The surrounding area is predominantly residential and has a uniform character of terraced and semi detached Victorian properties, albeit some infill development has taken place.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/00795/FUL	Two storey side extension and conversion to form four flats	16.09.2008	REF
09/01017/FUL	Two storey side extension and conversion to form four flats	29.01.2010	WDN

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering: No objections subject to conditions relating to provision and retention of parking and provision of pedestrian visibility splays.

Drainage Officer: No objection subject to Building Control granting approval for the use of soakaways as a means of surface water discharge.

EXTERNAL

Millfeld and New England Regeneration Partnership: Concerned that represents an attempt to get a previous application for four flats through 'by the back door'.

NEIGHBOURS

Two letters of objection have been received from local residents with regards to the proposal. Their objections relate to:

- Harmful impact upon the landscape of the area
- Loss of trees
- Dwelling has always been designed as a detached property, not a semi-detached
- Lack of parking capacity
- Strain on services such as sewage, gas and water
- Lack of daylight to habitable rooms of each dwelling

7 REASONING

a) Principle of development

The proposal to erect a two storey two bedroom dwelling is an example of infill development within an established residential area. The site falls within the Peterborough urban area and is within close proximity to the city centre. The proposal offers good quality living accommodation which meets a range of residential needs.

The principle is therefore considered in accordance with policy H7 of the Peterborough Local Plan (First Replacement) and PPS3, subject to securing satisfactory levels of amenity and suitable design.

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

The overall design of the proposed dwelling is respectful and reflective of the design, character and built form of the terraced properties immediately to the north of the application site. The existing dwelling (13 St. Paul's Road) appears most prominent within the streetscene given that it is set slightly forward from the terraced properties and has a higher ridge height. The proposed scheme reflects the size, scale and form of the existing dwellinghouse (13 St Paul's Road) and respects the surrounding built form of the area. The application site occupies a prominent position within the streetscene and there is an established form of development up to the back edge of the pavement on similar corner plots. It is therefore considered that the proposal will not represent development which appears unduly obtrusive or overbearing and as such will not appear out of keeping or incongruent within the streetscene. The design of the proposal represents natural infill development that will not harm the visual amenity of the area as a whole.

c) **Impact on residential amenity**

It is considered that the proposed dwelling would not significantly harm the amenities of occupiers of surrounding properties. The positioning of the proposed dwelling is such that it would be set away from all neighbouring residential properties, given its corner plot location. There is proposed to be a separation distance of some 15 metres from the rear elevation of the proposal to the side elevation of No. 59 Gilpin Street. This distance is slightly greater than that which currently existing between the neighbouring property and No. 13 St Paul's Road. Therefore it is unlikely to have an overbearing or overshadowing impact upon these surrounding properties.

With regards to the impact upon the amenity of occupants of the immediately adjoining property, No.13 St Paul's Road, it is considered that the proposal will not have a significantly adverse impact. The application scheme has been designed to mirror the form of the existing dwelling on the site and other dwellings in the immediately surrounding area. As a result, the proposed dwelling will have a rear projection that generally mirrors that on 13 St. Paul's. The separation distance between the two is c. 4 metres and this ensures that there will be sufficient levels of sunlight and natural daylight will be afforded to the habitable rooms of the proposed and existing properties. With regards to overlooking, the first floor side window to the back bedroom would result in some additional overlooking but not to a level that is not typical for the form of development that is prevalent in the locality. Overall, the proposal will not result in undue levels of overshadowing or overlooking which would cause harm to the amenity of occupants of the existing dwellinghouse.

Furthermore, it is considered that the proposed dwelling will ensure an adequate level of amenity for any future occupiers and of the existing occupiers of No.13 with rear gardens of approximately 60sqm. The dwellings will provide sufficient outdoor amenity space and the rooms are of an adequate size.

d) **Highways implications**

The Local Highways Authority has not raised any objection to the proposal despite neighbour concerns regarding the level of off street parking provided and the potential danger of creating an access from Gilpin Street. It is considered that the car parking provision proposed (one space per dwelling) is sufficient to service the needs of occupants of each dwelling. There is sufficient capacity along Gilpin Street to accommodate the extra access that will be required and it is considered unlikely that the proposal will generate any further demand for on road parking. Furthermore, the location is considered highly sustainable given its close proximity to the Millfield District Centre and bus stops which serve the City Centre. The location is capable of accommodating the level of development proposed and the car parking provided will not cause a detriment to highway safety.

e) **Securing satisfactory development**

The Draft Planning Obligations Implementation Scheme is applicable in this instance and the applicant has agreed to enter into a S106 agreement.

This requirement accords with both national and local policy and in the Planning Officers opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above).

f) **Other Matters**

The trees that are to be removed are insignificant specimens that are not suitable for protection by tree preservation order. There is therefore no justification for refusing planning permission on the grounds of the trees being lost.

There is no evidence to suggest that the development cannot be accommodated by the gas, water, electric and sewer services in the area, so this cannot be a justifiable reason for refusing the application.

Whilst there have been previous unsuccessful attempts to gain planning permission for a development of 4 No flats, this current application is for a single dwelling. If approved and built and the owner then wished to convert the property to flats then planning permission would have to be applied for. Whilst MANERP's concerns are noted, it is not possible for the Council to refuse planning permission for the current proposal on the basis of what might be applied for in the future by the owner.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The proposal represents infill development within the urban area of Peterborough and would contribute to the provision of a range of housing within the City in accordance with policy H7 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal has been designed to ensure it reflects and respects the character and appearance of the streetscene and will not appear unduly obtrusive or overbearing, in accordance with policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal will not have a significant overshadowing or overbearing impact on the amenity of surrounding occupiers, will not result in a loss of privacy to primary habitable rooms due to overlooking and will ensure a good level of amenity for future occupiers in accordance with policies DA2, DA6 and H16 of the Adopted Peterborough Local Plan (First Replacement); and
- Given the sustainable location of the application site, the level of car parking proposed will not cause undue stress on the public highway and would not harm highway safety, in accordance with policies T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) for a financial contribution to meet the infrastructure needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

C2 Prior to commencement of construction, or within such other period as may be agreed in writing with the Local Planning Authority, samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted must be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C3** Prior to first occupation of the development hereby approved, space shall be laid out for vehicles to park for the existing and proposed dwelling in accordance with the details shown on drawing no. 458:2 and those areas shall not thereafter be used for any purpose other than the parking of vehicles in connection with the use of both properties.
Reason: In the interest of Highway safety, in accordance with Policies T1 and T10 of the Peterborough Local Plan (First Replacement).
- C4** Prior to first occupation of the development hereby permitted, the vehicle to pedestrian visibility splays shown on drawing no. 458:2 (of dimensions 2 metres x 2 metres to the left side of the proposed parking space) shall be provided and be maintained thereafter free from any obstruction over a height of 600mm within the splay.
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C5** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no domestic enlargement to the dwelling or outbuildings shall be constructed other than as those expressly authorised by this permission.
Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C6** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into any elevation of the dwelling other than those expressly authorised by this permission.
Reason: In order protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C7** An enclosed space for refuse bins shall be provided to the rear of the dwellings prior to first occupation in accordance with details submitted to and agreed in writing by the Local Planning Authority before development commences.
Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C8** Prior to commencement of construction, or within such other period as may be agreed in writing with the Local Planning Authority, details of all boundary treatments (which will include a wall to the front of the proposed dwelling) shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter such fencing shall be maintained to the satisfaction of the Local Planning Authority.
Reason: To match the appearance of other properties in the street and in order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policies DA1 and 2 of the Peterborough Local Plan (First Replacement).
- C9** Notwithstanding the submitted plans hereby approved, and prior to the commencement of works, precise details of the following items of work shall be submitted to and approved in writing by the Local Planning Authority:
- Large scale elevation drawings (1:10 scale) of decorative architectural features such as, moulded stone dressings for window lintels, front door surround and portico, first floor front window stone mullion, over sailing and dentiled brick eaves patterning, ridge tiles and contrasting coloured brick string course band.
 - Scaled cross section drawings (1:2) and elevation drawings (1:10) of all new doors and windows (including the front bay window) including details of glazing bars. The windows shall be vertically sliding sash style. All windows and external doors shall have their frames set back a minimum of 60mm behind the face of the masonry, unless otherwise agreed in writing by the Local Planning Authority.

All works shall be carried out in accordance with the approved details.

Reason: To match the appearance of the next door property which has attractive features and to have fenestration that is in keeping with the design of the property and to accord with Policies DA1 and 2 of the Peterborough Local Plan (First Replacement).

Note:

1. Pursuant to condition X front elevation window dimensions shall precisely match the corresponding window dimensions at No. 13 St Paul's Road.

If the S106 has not been completed within 2 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

R1 A request has been made by the Local Planning Authority to secure a contribution towards infrastructure implications of the proposal however, no S106 Obligation has been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Hussain, Khan, Fazal

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