

**Application Ref:** 21/01734/HHFUL

**Proposal:** Part two storey part single storey rear extension, new porch to front elevation, loft conversion with 7 rooflights on front, sides and rear of roof.

**Site:** 40 Westwood Park Road, Peterborough, PE3 6JL,  
**Applicant:** Mr Mohammed Imran

**Agent:** Mr Paul Sharman  
 Sharman Architecture

**Site visit:** 21.10.2021

**Case officer:** Mrs Shaheeda Montgomery  
**Telephone No.** 01733 4501733 453410  
**E-Mail:** Shaheeda.Montgomery@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 surrounding area on Westwood Park Road is characterised by properties of generous proportions, generally set within large plots and benefitting from deep, well-proportioned rear gardens. The properties are generally sited with approximately 6-10m set back from the road and there is a variety of architectural design styles and features. The application site and adjoining properties at No.38 and 42 Westwood Park Road have been extended in the past with built development close to the side boundaries.

The application site is located close to but not within the Westwood Park Special Character Area.

It comprises a detached two-storey four-bedroom gable fronted dwelling set back from the highway with a gravelled area to front and a side driveway leading to a detached single garage sited towards the rear of the dwelling. The front driveway can accommodate two car parking spaces. A 6.5m x 6.5m summer room abuts the garage on its rear elevation with a hip roof. The property itself has been previously extended and benefits from a large rear garden.

### **Proposal**

The application seeks planning permission for the following elements:

- alterations to the principal elevation to create an enclosed porch;
- the removal of the existing garage and summer room and replacement with a ground and first floor rear extension.
- the ground floor rear extension with 3nos. roof lights, would have an overall depth of 12.8m providing an open plan kitchen, dining and living area. Part of the ground floor extension would project 8m beyond the first floor extension with a flat roof to a height of 3.3m. On the south (towards No.38 Westwood Park Road) this single storey height section of the ground floor rear extension would project up to the line of the rear wall of the existing summer room and to the north (towards No.42 Westwood Park Road) the extension would be cut back from the shared boundary line by 3.43m
- the first floor rear extension would extend by 4.7m providing 2 en-suite bedrooms. It would have a hipped roof to match the existing dwelling; and

- loft conversion for two en-suite bedrooms with rooflights.

The application is a re-submission with an amendment to the previous application reference 21/00832/HHFUL, which was refused in October 2021 for the following reason:

**R1- Neighbour amenity**

The proposed development, by virtue of its siting, height, scale and orientation of the single storey rear extension, would result in an unacceptably overbearing impact to the adjacent residential dwelling of No.42 Westwood Park Road. The proposal would result in significant overbearing impact to the immediate outdoor amenity area and main habitable spaces located to the rear of the property such that unacceptable harm to the amenity of occupants would result. The proposal is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
96/P0825	Erection of conservatory and new detached garage/garden room/playroom (as amended by revised plans received 6 January 1997 - drawing number TL/P96/01A)	Permitted	11/03/1997
98/00546/FUL	Rear extension (including garage, conservatory and garden/play room)	Permitted	18/06/1998
05/01955/FUL	Two storey front extension	Permitted	03/02/2006
21/00832/HHFUL	Proposed two storey and single storey rear extension, loft conversion with the installation of roof lights and alterations to the front porch	Refused	21/10/2021

## **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)**

#### **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.

## **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.

## **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.

## **4 Consultations/Representations**

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

Initial consultations: 6

Total number of responses: 4

Total number of objections: 4

Total number in support: 0

Four letters of objection have been received from three neighbours, raising the following concerns.

#### *Design and neighbour impact*

- Scheme is a huge over development, potentially for rental use, and would totally degrade the current status of the area.
- Objections to this second application remain substantially the same as my objections to the previous application 21/00832/HHFUL in that the proposal is overdevelopment of the site due to the siting, height and scale. With seven bedrooms the proposal have a capacity for 14 people.
- The extension still extends nearly 5m forward of the natural building line of the single storey elements of No.38 and No.42 which should be reduced in depth back to the natural building line at ground floor level.
- The first floor extension still sits forward of the natural building line at first floor level between No's 38 and 42 and should be reduced in depth back to natural building line at first floor level.
- If the Juliet balconies were approved there will be potentially, temptation to remove these at a later date and use the roof of the single storey element as a balcony creating overlooking issues for No.38 and 42. Removal of the use as an accessible balcony should be included as a condition should any permission be granted.
- The development would result in unacceptably overbearing impact on adjacent residential dwelling of No.42, extending beyond the current established building line of the single storey rear extension at No.42.
- The development would come too close to the boundary wall which is a structural wall and living room situated on the other side at No.42. I suggested should push it back by 1.3m towards the boundary with No.38 which would not be so impactful. It is perfectly reasonable for planners to suggest (the above) to the applicant.

- The proposed ground floor and first floor (single storey) new wall extensions abut right up against the boundary line between the two properties, leaving merely the width of a house brick on the applicant's side. Digging fresh footings so close to my existing boundary wall will undermine the structural integrity of my property at this point and consequently affect the use and enjoyment of our family living room area
- Secondly, I am advised that a gap of 1.5 metres as a minimum should be established between any new wall extension and our existing boundary wall and wooden fence boundary to prevent any such settling or other structural damage to my property following any new works. In addition, the advantage of having such a minimum gap will enable both the applicant and myself to gain adequate access between our respective properties to maintain and repair our respective walls. The Access to Neighbouring Land Act 1992 (as amended) permits access to adjoining or adjacent land for the purpose of carrying out maintenance or preservation works to one's own property. The applicant's current plans would prevent me from being able to carry out my legal rights to maintain my property as the gap is wholly insufficient for anyone to carry out any such works. The applicant does not have a legal right to extend/develop his property in such a way that deprives me of my legal rights to have adequate access to maintain my boundary wall.
- the proposed single storey extension at ground floor level should not extend beyond the building line of the existing single storey extension at the rear of No.42. Currently, it appears to extend just under a metre (975cm) forward of that line. In addition, the current plans indicate that the single storey extension roofline will tower 1.5 metres (in a straight line) above the existing 1.8 metre wooden boundary fence between the two properties. This will have an over bearing and detrimental effect on the light to our single storey extension at that end via our windows and roof lights, and its proximity to our extension, siting, scale, size, and height will affect the use and amenity of both the inside and outside areas which are used as a communal play area by our children and their friends.
- the proposed first floor (or double storey) extension should not extend beyond the building line of the existing double storey extension at the rear of No.42. This will also remove any potential overlooking issues from Bedroom 2 into our windows and roof lights at that end where our children congregate.

#### Car parking

- Car parking issues due to additional activity in the dwelling.
- Parking is a real issue on Westwood Park Road. The site can only safely park 3 cars and given its likely occupancy the proposal will increase the on-street parking.

#### Trees

- -Westwood Park Road is enhanced by the mature trees and planting both in rear and front gardens which adds to the attractiveness and character of the area. I would agree with the tree officer's comments on the previous application that a detailed landscaping scheme should be provided as a condition should any permission be granted.

#### Other matters

- The applicant is developer and has already asked the owners of properties nearby if they wish to sell.
- Seven bedrooms and seven en-suite bathrooms indicate multi occupancy and potentially seven vehicles.
- To be unable to carry out maintenance or prevention works on this boundary wall would have a detrimental effect on the value of my property.
- The wooden fence boundary line between us is the responsibility of (the applicant).
- As the City Council is the local planning authority in this matter, it has a duty to act reasonably and to avoid issues that can cause conflict between neighbours.

In addition, the Council received comments from **Councillor Wayne Fitzgerald** with the request that the application be referred to committee because of concerns from an adjacent neighbour who has not been able to get his Ward Councillors to call the application in to the Planning and

Environmental Protection Committee. Councillor Fitzgerald has not provided his own views regarding the Officer recommendation but has provided a sound planning-related reason which differs from Officer recommendation which accords with the requirements of the Council's Constitution.

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

The main considerations are:

- Design and impact on the character of the site and surrounding area,
- Neighbour amenity
- Highway safety and parking provision
- Trees

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

The application site is in close proximity to the Westwood Park Road Special Character Area. Accordingly, the Council's Conservation Officer was consulted on due to the proximity of the application site to the Special Character Area and has not raised any objections.

The proposed development would be of large proportions and Officers note the proposal would change an existing four bedroom dwelling into a sizeable seven bedroom with en-suite bathrooms and result in a footprint which would be larger than adjacent properties on Westwood Park Road.

Notwithstanding, the increase in the footprint of the dwelling would be 40%, and as a proportion of the available open space, the proposed scheme would not lead to the overdevelopment of the application site itself. It would, however, bring the extent of potential development on the site close to its limit before resulting in adverse impact on the amenity of the site and surrounding area.

Officers note that properties along the western side of Westwood Park Road immediately north of the application site are generally built up to span the width of the plots and do not provide for visual relief by way of gaps between the properties. As such, there is evidence of existing development with roof eaves which overhang the boundary line or development which are sited on or hard up against the boundary line.

The generous size of the application site itself would be able to absorb the current proposal whilst retaining an adequate portion of the garden amenity space, which would be in character with the existing development pattern of the area, where development is sited across the width of the plot towards the front and with sizeable open garden to the rear.

In addition, Officers note that the main volume of the proposed development would be to the rear of the existing dwelling as well as absorbed within the loft conversion and hence, it would not impact significantly on the streetscene or the wider public realm. However, Officers acknowledge that the outlook from the rear garden spaces in the surrounding would be altered by the massing of the proposal and by virtue of the proposed development projecting further out from the predominant building line as existing along the rear of the properties on the west side of Westwood Park Road. This is however, not adequate basis for a refusal on its own merit.

The proposed alterations to the principal elevation and to enclose the existing porch would not be widely viewed from the streetscene owing to the 6m setback from the public footway. Furthermore, although the application site is situated in close proximity to the Westwood Park Road Special Character Area, in light of the mixed variety of design and features in evidence within the streetscene, these proposed alterations would not be considered to have an unacceptable level of harmful impact on the setting and surrounding area. This is in line with comments received from the Council's Conservation Officer with regards to the previous application, which supported Officers view that the proposed development would not have an unacceptably adverse level of impact on the setting and surrounding area and would not be of significant level to warrant a

refusal.

The proposed development would be finished in facing brickwork with roof tiles and fenestration to match the host dwelling which would ensure that the proposed alterations would be integrated into the existing dwelling without appearing awkward or incongruent.

It should also be noted, that whilst the previous application (reference 21/00832/HHFUL), for very similar development, was refused, it was not refused on the basis of harm to the character of the area.

On the basis of the above, it is considered that on balance the proposal would be in accordance with Policy LP16 of the Peterborough Local Plan (2019).

## **b) Neighbour amenity**

The main impact of the proposals would be on the occupants of 38 and 42 Westwood Park Road which are considered in turn below.

### 42 Westwood Park Road

No.42 is located due north of the application site and benefits from a two storey and single storey rear extension sited close up along the shared boundary. The single storey rear extension contains a kitchen and living area with an outdoor seating area and garden beyond.

The proposed first floor level rear extension would project beyond the rear wall of the existing two storey development at No.42 by 1.1m. The proposed single storey rear extension would be of a staggered arrangement, projecting 975mm beyond the rear elevation of No.42 immediately adjacent to the shared boundary, before extending a further 3.6m set in by 3.4m from the shared boundary. The ground floor element has been amended in this regard to overcome the reason for refusal relating to application reference 21/00832/HHFUL.

At first floor level, Officers note that considering the 45 degree rule and the 1.1m depth of the projection of the proposed first floor extension, the proposal would not result in a significant loss of light or overshadowing impact on the amenity of the first floor bedrooms and ground floor kitchen and living area of this adjacent property. Furthermore, whilst the existing ground floor extension at No.42 incorporates roof lights, only one roof light situated closest to No.40 would be affected by some level of overshadowing for a limited time of the morning. In addition, Officers note that the roof lights are not the primary source of light and outlook to these main habitable spaces due to there being windows and bi-fold doors facing the garden.

The proposed ground floor extension would be sited with a small gap of 310mm from the shared boundary and project 975mm beyond the rear wall of the ground floor kitchen and living area at No.42 immediately adjacent to the shared boundary. The extension would then 'dog leg' and extend further to an overall projection of 4.5m beyond the rear elevation of No.42, but this would be at a distance of 3.4m from the shared boundary. Officers are of the view that whilst the proposed single storey rear extension would still be visible above the 1.8m closed board fencing, on balance, this would not result in an unacceptable level of harm to warrant a refusal given the minimal projected depth closest to the shared boundary and the degree of separation to the larger ground floor element. It is considered that the proposal would not result in an unacceptable level of overbearing or overshadowing impact to the occupants of No.42.

### No.38 Westwood Park Road

This southward adjacent property comprises of a two-storey dwelling with a rear conservatory. The existing garage and summer room at the application site is located 150mm from the southward shared boundary. The existing summer room already projects forward of the conservatory at 38 Westwood Park Road with eaves height of 2.5m sited next to the boundary.

The proposed first floor level rear extension would have its rear wall projecting 0.5m further from the rear wall of the dwelling at No.38. Considering the orientation, scale and depth of this additional projection beyond the line of existing development at No.38, the proposed scheme would not result in adverse level of overbearing or overshadowing impact on the living accommodation of the neighbouring property. A condition shall be imposed which prevents any further windows within this rear elevation, which may give rise to additional overlooking to this neighbour.

Looking to the proposed ground floor extension, Officers note that the existing garage and summer room are located close to the shared boundary. The proposed ground floor extension would be in line with the existing rear wall of the summer room albeit with a greater relief between the two properties, with a gap of approximately 1m. Considering the height of the existing hipped roof of the garage and summer room along the southern boundary, and the proportions of the proposed scheme in the same position, the proposal would not result in an unacceptable level of increase in overbearing or overshadowing impact on this southward neighbour than the current situation.

### Impact of Juliette Balconies

The proposal would include two Juliette balconies on the first floor level which have received objections from neighbours. There are four existing rear windows on the first floor level of the host dwelling, with the window closest to No.42 serving a main habitable room and the rest serving bathrooms, and for this reason Officers acknowledge that a degree of overlooking currently exists. Whilst the proposed development would further extend the building line at first floor level to the rear; the potential for overlooking and loss of privacy impact on the neighbouring properties would not be adversely increased by the siting of the Juliette balconies. Officers note that the concerns around this element of the proposal also hinge on the potential for the flat roof of the proposed ground floor extension being altered in future to provide accessible space as a balcony. Therefore, in the event of this application being approved, a condition would be added to prevent increased loss of privacy in case future alterations may lead to an accessible roof or creation of a balcony, with the condition secured in perpetuity.

Officers also note that there is an existing conservatory located at No.38 which would also be affected by this element. The Juliette balcony nearest No.38 would be located approximately 4.2m from the south boundary of the application site and that nearest No.42 would be sited 1.4m away from the north boundary. The viewing angle from these Juliette balconies, considering the location as well as the eye level of a person standing at the first floor level looking towards the conservatory at No.38 or the roof lights on the rear extension at No.42 would be relatively narrow. Officers note that a degree of overlooking is possible, albeit not enough to warrant a refusal based on the fall-back position of existing windows and the viewing angle from the proposed Juliette balconies.

Based on the above, Officers note that whilst the proposed development would result in increase in potential overlooking impact to No.42 and No.38 as well as a degree of overshadowing impact to No.42, based on the fall-back position and the depth of projection at first floor height, these would not be of an unacceptably harmful level to justify a refusal. In addition, the corner cut back design of the single storey extension on its northern flank ensures that on balance, impact on neighbour amenity to No.42 would not be of an unacceptable level and as such, the proposal as submitted would accord with Policy LP17 of the Peterborough Local Plan (2019).

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

The proposed development would increase the number of bedrooms to seven whilst a small existing garage would be removed as part of the proposal. Notwithstanding, the internal dimensions of the existing garage would not comply with current car parking standards set by the Council. In addition, the Council's parking standard requirement for new residential dwellings with upwards of four bedrooms is two on-site spaces, which the application site would adequately provide.

The application site benefits from gravelled area to the front of the dwellinghouse, of clear dimensions of approximately 6m deep x 13m width with access off the carriageway. Therefore, based on the Council's parking standards for residential dwellings of similar size, Officers consider there to be adequate on-site car parking space available to the occupants which comply with the Council's parking standards and therefore, the proposal would not lead to highway safety issues, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

#### **d) Trees**

It is noted that officers sought consultation from the Council's Tree Officer with regards to the initial scheme submitted under application reference 21/00832/HHFUL due to this former scheme consisting of a proposed annexe sited close to mature trees which were within the neighbouring properties. At the time of the previous application, the Tree Officer made note of the trees and greenery which has been felled or removed from the application site and made recommendations to secure a landscaping plan to replace these lost trees/greenery by way of a condition

The Tree Officer was not consulted on for the current application, as is normal where a proposed development is not seen to impact trees.

There are objections received from neighbours regarding the trees and greenery which had been felled or removed from the application site in the weeks before the previous application was validated. However they did not benefit from Tree Preservation Orders nor did they form part of a woodland area. In addition, aerial views of the area from before the trees were felled show that the trees and greenery removed on site were not within or near to the siting of the proposed development.

Officers have deliberated on the matter and consider that whilst trees and greenery would contribute positively to the urban setting and environment, and that the felling of the existing trees on the application site was regrettable, the activities were carried out before the application could be assessed or site visit carried out, and in the absence of an existing Tree Preservation Order, Officers would not be able to justify the attachment of a landscaping condition in this instance for a residential dwelling.

Based on the above, it is considered that on balance, the proposal would accord with Policy LP29 of the Peterborough Local Plan (2019).

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

Representations received from neighbours also included the following concerns:

*- Concerns regarding proposed development sited against boundary and request from No.42 that the Council should mediate between the neighbours*

The proposed scheme has been assessed on planning merits and Officers would not be able to mediate between neighbours over planning applications as this is a matter outside of the planning assessment. A proposal sited close to a shared boundary would be subject to serving notice under the Party Wall Act 1996. However, this would be a civil matter between adjacent neighbours and separate from obtaining a planning permission and thus, would not fall within the remit of assessing this planning application. If the application is successful, an informative on Party Wall Act 1996 would be included with the decision notice issued by the planning authority for the benefit of the applicant. Officers have explained to the neighbours that mediation between neighbours would not be a matter which the Council can intervene in.

*- Further concerns raised regarding the proposed development would be for potential rental/resale, de-valuation of neighbouring properties as a result of the proposed development, and potential multiple occupancy*

Officers assess a planning application only on material planning concerns and for its own merit. Therefore, the points above do not come under the remit of this planning application nor form a



material planning consideration.

## **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 unacceptably impact upon the character and appearance of the site and the surrounding area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
- Neighbours surrounding the application site would retain an acceptable standard of amenity, and is considered that on balance would comply with Policy LP17 of the Peterborough Local Plan (2019).
- The proposal would meet the Council's parking standards as required for dwellings of this scale, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

## **7 Recommendation**

The case officer 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 implemented wholly in accordance with the following drawings:

- Site Location Plan (received 02 November 2021)
- Existing Site Plan (received 02 November 2021)
- Proposed Site Plan (received 02 November 2021)
- Existing Ground Floor Plan (Drawing No: WPR/05/A)
- Existing First Floor Plan (Drawing No: WPR/06/A)
- Existing Elevations (Drawing No: WPR/07/A)
- Proposed Ground Floor Plan (Drawing No: WPR/15/E)
- Proposed First Floor Plan (Drawing No: WPR/16/E)
- Proposed Second Floor Plan (Drawing No: WPR/17/E)
- Proposed Elevations (Drawing No: WPR/18/F)

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

- C 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.  
No development other than groundworks and foundations shall take place unless and until details of the following external materials to be used have been submitted to and approved in writing by the Local Planning Authority:

- Walling (samples);
- Roofing (samples);

- Windows and doors;
- Roof lights; and
- Rainwater goods.

The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details and thereafter retained as such.

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

- C 4 Notwithstanding the provisions of Part 1 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the first floor level Juliette balconies hereby permitted serving Bedroom 1 and Bedroom 2 (as identified on drawing number WPR/16/E) shall always be fitted with guard screens and shall not be used to gain access to the flat roof of the single storey rear extension. That flat roof area shall not be used as a balcony, patio or outdoor seating/amenity area at any time in perpetuity.

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

- C 5 Notwithstanding the provisions of Part 1 Classes A, B and C of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no windows shall be inserted into the rear elevation or roofslope of the extensions hereby permitted other than those expressly authorised by this permission or those expressly authorised by any future planning permission.

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

Copy to Councillors:

Councillor Wayne Fitzgerald  
Councillor Mahboob Hussain  
Councillor Amjad Iqbal  
Councillor Mohammed Jamil