

**Planning and EP Committee 28 June 2022**

**Application Ref:** 22/00527/HHFUL

**Proposal:** First floor rear extension

**Site:** 4 Muswell Road, West Town, Peterborough, PE3 9EF  
**Applicant:** Mr M Razaq

**Agent:** Mr Iqbal

**Referred by:** Cllr Rangzeb  
**Reason:** Cllr does not consider there would be an overbearing impact to neighbour  
**Site visit:** 12.08.2021

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

**Recommendation:** REFUSE

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

The application site is located in a residential area, comprising of mostly semi-detached dwellings with defined gaps between the dwellings. Some of these have had side extensions, though satellite images show that most of the extensions are on the rear of the properties. Car parking is mostly on-street parking, though some properties have converted their front gardens into driveways for use as off road parking.

The application site is a semi-detached dwelling which has been previously extended with an additional 2 storey side extension and single storey rear extension to the original dwelling.

**Proposal**

The applicant is seeking planning permission for a first floor rear extension.

The proposed extension would be sited above the existing flat roofed ground floor rear extension. To the north, it would protrude from the dwelling's main side elevation by 0.39m, then extend to the rear by 5.1m in depth. It would measure 7.09m in length in total and join back to the rear elevation of the dwelling at 4m. The proposed extension would add a disabled wet room, a disabled bedroom and a family WC at first floor level.

**Background**

A number of similar applications for the same proposal have been made over the past year:

The first application - 21/00705/HHFUL (submitted May 21), which was identical to the current application, was withdrawn July 2021 following concerns raised by officers regarding potential overbearing impact.

A second application 21/01575/FUL (submitted Aug 21) which also included a similar 2 storey rear extension to the neighbouring property (6 Muswell Road) was approved in November 2021. This permission was granted subject to a condition requiring both extensions to be constructed at the same time, in order to avoid any unacceptable overbearing impact to No. 6 Muswell Road which

would have resulted if only one was built.

A third application 22/01575/HHFUL, which was again identical to the current application, was submitted Feb 22. The applicant stated that they were reapplying as the neighbour no longer wished to continue with their extension and therefore the condition could not be complied with. Officers reiterated their concerns regarding overbearing impact, and the application was subsequently withdrawn in April 22.

The current application is identical to the previously withdrawn proposal, but this time falls to be determined by the Planning Committee, following a call in by Cllr Rangzeb.

## 2 Planning History

Reference	Proposal	Decision	Date
99/00270/FUL	Two storey side and ground floor rear extensions	Permitted	11/05/1999
00/00473/FUL	Two story side extension and ground floor rear extensions (revised scheme)	Permitted	19/05/2000
00/00641/FUL	Two storey side extension and ground floor rear extensions (revised scheme)	Permitted	11/07/2000
21/00705/HHFUL	First floor rear extension	Withdrawn by Applicant	01/07/2021
21/01575/FUL	First floor rear extension to no. 4 Muswell Road		
	Single storey extension to side with single and 2 storey extension to rear of no. 6 Muswell Road	Permitted	04/11/2021
22/00193/HHFUL	First floor rear extension		Withdrawn by Applicant

## 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.

## 4 Consultations/Representations

## **PCC Property Services**

No comments received

## **Local Residents/Interested Parties**

Initial consultations: 26

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

1 petition of objection has been received from neighbours, signed by 7 residents.

The petition objects to the proposal because it would cause disruption to the area and their retirement living scheme.

It should be noted that weight can only be given to any relevant material planning issues raised by the petition and not the number of signatories.

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

The main considerations are:

- **Design and impact to the character and appearance of the site and surrounding area**
- **Neighbour amenity**

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

Although the dwelling has been previously extended and is already larger than the dwellings which flank the application site, the proposed design is not considered to be unacceptable.

There are already examples of large extensions that have been built or in the process of being built within Muswell Road. Therefore officers do not consider that the proposed extension would have a negative impact on the character of the site or its surroundings. In addition, the proposed extension would be located mostly to the rear of the site, so therefore the majority of the development would be screened from the street scene without resulting in visual harm.

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

### **b) Neighbour amenity**

The application site is flanked by no.6 Muswell Road to the north and adjoined to no.2 Muswell Road to the south. To the rear are two blocks of flats nos 12 to 22 and 24 to 34 Finchley Green.

No.6 Muswell Road to the north

No.6 Muswell Road has extant planning permission ref 19/01085/HHFUL for a two storey side and single storey rear extension. There is also an extant planning permission ref 21/01575/FUL which includes the above extensions to No.6 together with identical extensions to the current proposal at No 4. A condition was attached to that permission requiring that the extensions to both no.4 and no.6 must be built at the same time, to avoid overbearing impact to no.6.

It is accepted that current proposal would not result in any negative impact should the extensions to No. 6 go ahead. However work has not started on either of the above permissions and there is no guarantee that either will be implemented. Therefore the current proposal must be considered in the context of No. 6 as it is now.

Officers consider that the proposed extension to no.4 would result in undue overbearing impact to the occupiers of no.6. The first-floor extension would project significantly beyond the line of the rear

elevation of No 6. and at its closest would be 1m away from the shared boundary, and 1.9m at the furthest point. This would result in an unduly dominant mass spanning 10.17m in total at 2 storey height along the shared boundary with no.6, therefore resulting in an unacceptable overbearing impact.

Due to the orientation and layout of the site, the proposed development would not result in unacceptable overshadowing or increase in overlooking.

No.2 Muswell Road to the south

The proposed extension would be 3.42m away from the shared boundary, so therefore unlikely to result in undue overbearing, unacceptable overshadowing or increase in overlooking to the occupiers of this property.

Flats no12 to 22 and 24 to 34 Finchley Green to the rear

The application site and this neighbouring site is separated by a public footpath. The rear elevation of the proposed extension would be 14.3m away from the rear boundary and 25.3m from rear elevation of the flats. The comments in the petition from residents are noted. However due to the domestic nature of the proposal together with separation distance, the proposed development would not result in undue disturbance, overbearing impact, unacceptable overshadowing or increase in overlooking to these neighbours.

On the basis of the above, due to the overbearing impact to no.6 Muswell Road, the proposal is considered to be contrary with Policy LP17 of the Peterborough Local Plan (2019).

#### **d) Personal circumstances**

The applicant has advised Officers that the proposed development would provide additional space for an elderly disabled family member, although it is noted that an additional bathroom would also be provided which would not be specifically for the disabled resident.

Personal circumstances usually do not form part of the planning assessment criteria unless there is a valid and justifiable reason presented. In the event that such justification is presented, any private need must weighed against the public harm arising which is in this case is considered to be significant. However, in this case, the proposal does not include any justification or supporting documents to outline the specific requirements for this purpose.

It is therefore the view of the Officers that it has not been demonstrated that there is an overarching need for the proposed accommodation, in this specific position, or of this scale, that would outweigh the harmful overbearing impact. Or that suitable alternatives could not be achieved, without such impact.

The human rights impact has 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 recommendation is considered appropriate in upholding the council's adopted policies and is not outweighed by any engaged rights, including the Public Sector Equality Duty.

## **6 Conclusions**

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

## **7 Recommendation**

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

- R 1 The first floor rear extension, by virtue of its design, siting and scale, represents an unduly dominant and obtrusive feature, creating unacceptable overbearing impact to the adjacent neighbour at no.6 Muswell Road. This results in unacceptable harm to the amenities of current and future occupants of that neighbouring dwelling. Accordingly, the development is contrary to Policy LP17 of the Peterborough Local Plan (2019).

Copies to councillors  
Councillor Gul Nawaz  
Councillor Mohammed Rangzeb  
Councillor Luncinda Robinson

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