

Application Ref: 22/01217/HHFUL

Proposal: Single storey side extension, two storey front and side extension with balconies to the south and alterations to the roof

Site: 1 Thorpe Avenue, Peterborough, PE3 6LA,

Applicant: Mr U Azam
Barmach Limited

Agent: Mr S Machen
Barmach Ltd

Referred by: Councillor Fitzgerald

Reason: "The Local Plan at paragraphs 6.4.5 to 6.4.7 and Policy LP9 recognise the need for 'large, top of the range houses that will enable business leaders to live locally. Provision will be made for the development of new properties in this sector of the market'. The proposal to extend 1 Thorpe Avenue would help to meet this important housing need. Business leaders, senior managers and entrepreneurs all too often have to locate outside of our administrative area because we do not provide enough executive and prestige homes."

Whilst the site is located within the Thorpe Road Special Character Area it is important to recognise that this was introduced to manage the subdivision of plots rather than to be overly restrictive on the design and scale of house extensions - this is not a Conservation Area.

Members of the committee are best placed to carefully balance the need for executive homes against design policies LP16 and LP20.

In my view, having considered the application details and being very familiar with this area, I can see no reason to refuse the application. In my personal opinion it is very well designed, and I do not consider that it would cause any harm to neighbours, the nearby Longthorpe Conservation Area, or this Special Character Area. There are numerous local examples of large extension and new homes that have been approved locally that can be evidenced if required."

Site visit: 10.08.2022

Case officer: Karen Ip
Telephone No. 01733 453405
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Recommendation: REFUSE

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

Site and surroundings

The application site is a 2 storey detached dwelling on a generous corner plot at the junction of Thorpe Avenue and Thorpe Road. The existing 5 bed detached dwelling which was built in the 1940s and extended in 1984, is sited on approximately half an acre of land with a large garden to the south. It is sited within in a Special Character Area and adjacent to Longthorpe Conservation area. The character of this area is defined by moderate to large well spaced out dwellings with within large spacious and leafy plots and car parking is restricted to off road parking only. Areas to the west, north and east are residential. To the south is the large open green space which forms

the Grade II* registered parkland of Grade I listed Thorpe Hall. This parkland is also within Longthorpe Conservation area.

Proposal

The applicant is seeking planning permission to significantly extend the dwelling with a single storey side extension, two storey front and side extension with balconies to the south and alterations to the roof.

Note: the proposal is identical to a recently refused application (22/00212/HHFUL) with the exception of the front balconies which have been pulled back by 600mm. The applicant has not appealed this decision or amended the proposal to overcome all of the reasons for refusal.

2 Planning History

Reference	Proposal	Decision	Date
P0878/83	Erection of first floor extension to dwelling	Permitted	12/12/1983
00/00669/OUT	Erection of dwelling	Refused	13/09/2000
22/00212/HHFUL	Single storey side extension, 2 storey front and side extension with balconies to the south and alterations to the roof	Refused	15/08/2022

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)

LP09 - Custom Build, Self-Build and Prestige Homes

- a) Permission will not be granted for development involving the loss of prestigious, top-of-the market housing unless there is clear evidence of appropriate marketing or new prestigious homes would be created, the dwelling has been realistically marketed and does not contribute to the historic environment.
- b) Proposals for residential development will be considered more favourably if they provide appropriate opportunities for custom build and self build.

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.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and

distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

LP20 - Special Character Areas

To preserve the character of Wothorpe, Thorpe Road and Ashton proposals will be assessed against specific criteria in respect of garden sub-division, extensions and alterations, design including site analysis and trees. Proposals for Wothorpe will also be considered against an additional criterion in respect of landscape character.

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.

National Planning Policy Framework

Sections 66 and 72 of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended)

4 Consultations/Representations

PCC Tree Officer (09.09.22)

No objections – But a Tree protection plan required to be agreed

PCC Conservation Officer (28.09.22)

Objection - height, scale and massing is grossly out of character with adjacent dwellings. The proposal has detrimental impact on the character and appearance of the special character area in which it stands by reason of design and material finish. The development is too large for the developable area of the site on which it stands, resulting in a shoehorned appearance in close proximity to substantially smaller dwellings adjacent

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 5

Total number of objections: 4

Total number in support: 1

Objections were received from 4 neighbours. Objections from 2 (objectors 1 & 2) of the neighbours were submitted in the form of a single letter prepared by their solicitor. As well as making new comments on the current application, they have appended their objections to the previously refused application as they consider these equally relate to the current application which is substantially the same in design.

Summary of the comments from objectors 1 & 2 regarding this current revised application:

-The present Application is (with the minor change of the reduced depth of the first floor balcony)

for precisely the same development as the Refused Application.

- The Applicant's Planning Statement demonstrates a complete failure to understand the reasons why the Thorpe Road SCA was designated and adopts a very selective and wholly unlawful 'pick and mix' approach to key policies. It amounts to nothing more than an extended, and largely hopeless attempt to rebut the Council's assessment and refusal of the Refused Application.

- The reasons given by the Council for refusing the Refused Application were quite clearly correct. Those reasons apply equally to the present Application. My clients therefore urge the Council to either refuse to determine the Application (under s. 70A of the Act), or refuse the Application without further delay.

Summary of the comments from the objectors 1 & 2 regarding the previously refused application (22/00212/HHFUL):

- The proposal seeks to encase the existing house in extensions with a footprint that has more than doubled and shifted to the south by 12m, marking a significant loss of garden space
- With the install of a swimming pool and plant room, which is only 1 metre away from the boundary of 188 Thorpe Road, no indication of how much noise and fumes would be vented and how it would impact neighbour.
- The scheme includes falling of a mature Ash tree which has a positive impact on existing character of the site
- First floor window marked C is an unobscured bathroom window to 188 Thorpe Road. This has been wrongly identified on plans as a bedroom window. The side screen from the closest balcony would not be enough to obstruct views into the bathroom window.
- The revised scheme is a large mass of undistinguished development, enclosing the existing building on 3 sides and rendering the fourth side and raising the roof height.
- Extensive extension involves loss of substantial garden and mature ash tree - clearly against policy LP20.
- The Ash tree contributes to the Sylvan character of the area and removing it is breach of LP29 and exposes the proposed development to the south and east, further harming the special character area.
- The 3D image shows that the new height from 8m to 10m ridge substantially higher than neighbouring houses, especially when coupled with the doubling of footprint, the difference looks ridiculous in context.
- The enormous scale of the proposed development makes adjacent dwellings almost doll-house-like proportions.
- Design and materials not sympathetic to existing dwelling
- The finish is wholly alien to the original building
- The proposed design includes ensuites to all 6 rooms, 2 downstairs bathrooms, sauna, swimming pool and shower facilities - goes against the council's water efficiency as per LP32.
- The increased height is likely to create a sense of encroachment to no.3 Thorpe Avenue

Summary of the comments from objector 3

- Application is not materially different to the previous refusal
- The proposal does not conform to the special character area which the site is within
- Completely out of character for the area and is almost doubled in size of the original dwelling – which will not only impact the prominent area in which it sits but also that of its neighbours at 3 Thorpe Avenue and 188 Thorpe Road
- The current property is sympathetic to the area, whereas the new property is monstrous in proportion and design

Summary of the comments from objector 4

- Too large a development on which the site stands.
- Too high which is out of keeping with the area.

Summary of the comments in support of the application by Cllr Wayne Fitzgerald

These are set out in full at the beginning of this report under the "reasons for referral" section.

5 Assessment of the planning issues

The main considerations are:

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

a) Background:

A previous application was refused (22/00212/HHFUL) on 15 August 2022 for single storey side extension, two storey front and side extensions with balconies to the south and alterations to the roof. That planning application was refused on the following grounds:

R 1 The proposal by virtue of its design, scale, height and mass, as well as the prominent corner plot location, would appear contrived, unduly dominant and obtrusive and would be harmful to the character and appearance of the Thorpe Road Special Character Area, and the setting of the adjacent Longthorpe Conservation Area, contrary to Policies LP16, LP19 and LP20 of the Peterborough Local Plan (2019) and sections 12 and 16 of the NPPF.

R 2 The proposal, by virtue of its design, scale, height and mass, as well as its close proximity to No. 188 Thorpe Road, would result in an unacceptable degree of overlooking and loss of privacy to the bathroom of No.188 Thorpe Road, as well as an unacceptably dominant and overbearing impact to No.188 and its garden. The proposal would therefore have an unacceptably detrimental impact on the residential amenities of the occupiers of that property, contrary to Policy LP17 of the Peterborough Local Plan and Section 12 of the NPPF.

This revised proposal is identical to the previously refused application, with the exception of the balcony floor on the south elevation which has now been set back by 600mm from the side screen. In addition a Planning, Heritage, Design and Access Statement has been provided with this application which seeks to justify the proposal.

The assessment criteria remains the same as the previous application and the previous decision and reasons for refusal are material considerations that must be taken account in determining this current application.

It is noted that local planning authorities have powers under Section 70(B) of the Town and Country Planning Act 1990 (As Amended) to “decline to determine” repeat planning applications which are substantially similar to previous refusals, and where the 12 week period for making an appeal has not expired. In this case the applicant has not appealed the earlier refusal decision or amended the proposal to overcome all of the reasons for refusal. As the 12 week deadline to appeal has not yet expired, it is open to the Committee to take the option to “ decline to determine” if they so desired, as well as to refuse or approve the application.

b) Design and impact to the character and appearance of the site and the surrounding area
As previously mentioned, there is very little change of the design between this proposal and the previous proposal which was refused on 15 August 2022, ref 22/00212/HHFUL. The only change in the proposal is that the balconies on the south elevation has been reduced in depth by 600mm.

The application site is in a special character area and adjacent to a conservation area, therefore Policies LP19 and LP20 and the criteria set out within apply.

The proposed design introduces a single storey side extension to the north and 2 storey front and side extension with balconies to the south. The extensions are substantial, and subsume the existing dwelling to such a degree that they arguably result in the creation of an entirely new dwelling.

Policy LP20 Special Character Area - Policy LP20 is very clear on what is acceptable in Special Character Areas and states:

- a. *Garden Sub-Division: There should be no sub-division of gardens if this adversely affects the character of the area, amenity space and/or the loss of trees or boundary hedges.*
- b. *Extensions and Alterations: Incremental changes in the size and appearance of existing buildings will not be permitted if it harms their character or that of the Area. Alterations should be sympathetic to the original style, and of an appropriate scale to maintain their character.*
Extensions that result in excessive site coverage, immediate or eventual loss of trees or hedges, or preclude the planting of suitable species of trees or hedges will not be supported.
- c. *Design: Any new development must where possible enhance the character and appearance of the Area. It must respect the scale, massing, depth, materials and spacing of established properties. Integral garages should be avoided. Garages should be sited behind the building line to the side of the dwelling.*
- d. *Design and Access Statement: where required, applications for development should be accompanied by a design and access statement that demonstrates how the proposal takes into account the Area's special character.*
- e. *Trees: Policy LP29 will be rigorously applied and given considerable weight in these areas.*

The proposal is clearly contrary to sections b. and c. of LP20.

The existing dwelling, by virtue of its scale, design, external materials and position within the plot, contributes positively to the special character of the area. It is built of locally distinctive Stamford bricks and unusual blue/green glazed pantiles. The proposed extensions are substantial, and arguably result in the creation of an entirely new dwelling which bears no resemblance or obvious connection with the characteristics of the existing dwelling whatsoever. This is clearly contrary to criteria b and c. of LP 20 which among other things state "Alterations should be sympathetic to the original style, and of an appropriate scale to maintain their character." And "It must respect the scale, massing, depth, materials and spacing of established properties"

The proposed development would have extensions to 3 sides (Front and both sides) of the dwelling, with a scale, height and material finish which is entirely different to the existing dwelling. When compared to adjacent neighbours at 188 Thorpe Road and 3 Thorpe Avenue (as per the 3D plans supplied on previous application), the resulting dwelling does not respect the scale of dwellings in the area and would appear obtrusive and oversized. The proposed development would be unduly prominent and out of scale with the nearby properties which would lead to an unacceptable detrimental impact on the Special Character Area.

Given its prominent position, clearly visible within the public realm, this alien design would be readily noticeable (particularly during winter months when trees within the locality have shed leaves). The effect would be exacerbated by the (already consented) removal of the large diseased ash tree. By virtue of the extensive and monolithic west elevation, close to the boundary, it would also be a bulky, intrusive and entirely out of character feature when viewed from neighbouring private gardens, especially 188 Thorpe Road . The proposal is therefore considered to fail to preserve the character or appearance of the Special Character Area contrary to LP Policy LP20.

In addition, the proposal would be visible from within the adjacent Longthorpe Conservation Area. This part of the conservation area forms the Grade II* registered Thorpe Hall parkland and part of the setting of the Grade I listed Thorpe Hall itself. Other than the partially visible roofs and upper floors of some of the dwellings on Thorpe Road, the parkland's setting is generally unspoiled by development. The proposed extensions would make the dwelling much more prominent and taller than the existing dwelling, thereby introducing further modern development into views into and out of this sensitive and largely unspoilt conservation area context and would fail to preserve or enhance its setting. Whilst the harm would be at the lower end of less than substantial, there are no public benefits that outweigh the harm. The proposal would therefore be contrary to LP Policy LP19.

With regards to Section D of LP Policy LP20 which requires submission of a Design and Access

Statement, it is acknowledged that this has now been partially complied with though submission of the Planning, Heritage, Design and Access Statement with this application. However, it does not adequately demonstrate how this proposal takes into account the area's special character as it is required to do by LP20. There is very little justification with regards to how this design is considered to fit with the special character of the area. The majority of the report attacks the assessments made in the previous refusal, rather than provide justification for the design in relation to the character and historical aspects of the site and surrounding area. The statement incorrectly claims that policy LP20 does not apply to this application, arguing that it applies to new dwellings rather than extensions. As mentioned earlier in this report, LP20 criterion b. clearly states:

b. Extensions and Alterations: Incremental changes in the size and appearance of existing buildings will not be permitted if it harms their character or that of the Area. Alterations should be sympathetic to the original style, and of an appropriate scale to maintain their character. Extensions that result in excessive site coverage, immediate or eventual loss of trees or hedges, or preclude the planting of suitable species of trees or hedges will not be supported.

When assessed against LP16 of the Peterborough Local plan, Policy LP16: Design and the Public Realm states:

All development proposals are expected to positively contribute to the character and local distinctiveness of the area and create a sense of place. As such, and where applicable, proposals will be required to demonstrate to a degree proportionate to the proposal, that they:

a. Respect the context of the site and surrounding area and respond appropriately to: the local patterns of development, including street plots and blocks, spaces between buildings and boundary treatments; building form, including size, scale, massing, density, details and materials; topography; existing natural, historic and built assets and features that contribute positively to local character and distinctiveness; existing landmarks and focal points; existing views into, out of or through the site;

The proposed development clearly does not respect the context of the site and surrounding areas. It is much larger than the majority of the properties within the area. The building form, size, scale and mass of the proposed dwelling does not contribute positively to, or reflect to the distinctive local character.

The Conservation Officer has strongly objected to the proposal and has advised:

"The planning statement which was not submitted to support the initial proposal has cherrypicked certain elements of the Special Character Area policy LP20, in so far that it omits to mention the importance the policy places on established development patterns, character, architectural quality and cohesiveness of the area. The existing dwelling forms a strong relationship with many of the properties that are contemporary with the main development period of the designated SCA, which has a clear and overriding character. The images embedded in the submitted Planning Statement essentially show later infill development that is not a reflection of the general character of the wider Special Character Area. In reality, apart from a number of later developments, the character of the area is reflective of the early to mid C20 development of the area. In addition, the images of the less positive buildings should act as a strong reminder the harm that can be caused to the character of an area by incongruent and ill-considered development."

"The proposals remain entirely the same as the refused scheme, bar the setting back of the balcony platform by 600mm from the corner supports. Minor amendments were initially made by shifting the two storey elements away from No.3 Thorpe Avenue, which has benefitted the scheme to a degree. These improvements, however, are considered to be minor and do not address the scale, massing and alien character of this building in relation to the wider 'Special Character Area' in which it stands."

The Conservation Officer further points out that:

"This current application has been made to rebut the objections of the LPA, using strategically chosen visuals and photographs that are not considered to be reflective of the impacts. For that reason, I have used the more candid visuals of the previous scheme to outline the considerable scale and unacceptable impact of the proposals. Being essentially the same proposal, these remain a true reflection of the scale and impacts of the development."

He concludes that:

"height, scale and massing is grossly out of character with adjacent dwellings. The proposal has detrimental impact on the character and appearance of the special character area in which it stands by reason of design and material finish. The development is too large for the developable area of the site on which it stands, resulting in a shoehorned appearance in close proximity to substantially smaller dwellings adjacent."

The Planning, Heritage and Design and Access statement argues that the proposed design would be classed as a Prestige Home and therefore covered by. **Policy LP9: Custom Build, Self-build and Prestige Homes** which states:

Planning permission will not be granted for development which would involve the loss of a dwelling (whether by demolition, redevelopment, conversion or change of use) or the subdivision of its plot, which meets the need for prestigious, top-of-the-market housing, unless:

- a. the proposed development would itself create one or more prestigious dwellings; or*
- b. there is clear evidence that the dwelling that would be lost has been marketed at a realistic price for an appropriate period of time without genuine interest in its purchase and occupation as a dwelling; or*
- c. the existing dwelling does not contribute to the historic environment.*

This policy is primarily concerned with ensuring that existing “prestige homes” are not lost except in certain limited circumstances and that certain specified allocated sites include a proportion of “prestige homes”. Officers agree that the proposed extended dwelling could be classified as a “prestige home”. However, the dwelling as existing could also reasonably be described as a “prestige home” meaning that in any case there would be no loss of any “prestige home”, so none of the criteria of LP9 apply in this case.

Furthermore with regards to criteria b, there is no evidence that there was no genuine interest for purchase or occupation as a dwelling. Internet searches show that the existing property sold for £1,000,000 in September 2021. With regards to criteria c, the existing dwelling clearly reflects the special Character Area covered by LP20.

Whilst the Local Plan Policy LP9 outlines general support for “Prestige Homes”, this is not at the expense of other policy considerations and a reason to approve development that is incongruous with the locality in which it stands.

Officers consider that within this site, there is scope to significantly extend or replace the existing dwelling, or for the use of different architectural styles and external materials (where justified). However any proposal would need to be designed in such a way as to contribute equally positively to the Special Character Area or enhance it where possible. The current proposal, by virtue of its scale, height, massing and design fails to do so and is therefore unacceptable and contrary to Policies LP16, LP19 and LP20 of the Peterborough Local Plan (2019) and sections 12 and 16 of the NPPF.

c) Neighbour amenity

The proposed development is adjacent no.3 Thorpe Avenue and 188 Thorpe Road.

3 Thorpe Avenue to the north

The proposed development would be most noticeable to this neighbour due to the single storey extension to the north of the site and the roof alteration at floor level. Officers consider that although the single storey element would bring the dwelling closer to this neighbour, the first floor element would remain at the same distance so therefore it would not result in overbearing impact or overshadowing to this neighbour. Although there are changes to the roof, there would be no increase in overlooking as the existing first floor outlook would be retained.

188 Thorpe Road to the west

The proposed development would extend drastically to the south, running alongside the boundary with this neighbouring dwelling.

The window of no 188 marked as 'Window C' on the proposed plans, has been observed by officers to be an unobscured bathroom window for this property. The proposed design includes first floor balconies on the south elevation. The design includes a privacy screen for the balcony closest to this neighbour. On the previously refused proposal, officers considered that as a result of the separation distance of only 3.09m, there was significant potential for overlooking and loss of privacy from occupants standing on the balcony or leaning over it and looking to the west with a direct view into the neighbour's bathroom. The design has been revised from the previously refused proposal by stepping the actual balcony in by 600m from the outside edge of the privacy screen. This has resolved concerns about direct overlooking from the balcony to the neighbouring property's bathroom that formed one of the reasons for refusal of the previous application.

Sections have been submitted showing that overlooking of the rear garden of this property would not be an issue due to the intervening single storey building.

However the roof height would be increased substantially, as would the depth of the dwelling. The resulting monolithic expanse of the proposed western elevation would have a significant dominant and overbearing impact on no. 188 and its rear garden in particular.

Based on the above, the proposal would result in unacceptable harm to the amenities of the occupiers of neighbouring occupants and is considered to be contrary to Policy LP17 of the Peterborough Local Plan (2019) and section 12 of the NPPF.

d) Trees

The application site has 7 protected trees within its curtilage. The proposal would result in the Ash Tree, marked as T3 on the plans to be felled. However, this tree already has consent for removal and replacement due to ash dieback. The Council's tree officer has requested for a Tree protection plan (TPP) to ensure that the TPO Beech Tree is adequately protected from damage. An acceptable TPP has now been submitted which could be required to be implemented via condition in the event that the application was approved.

Based on the above, the proposal would not result in unacceptable harm to trees with a TPO and therefore is considered to accord with Policy LP29 of the Peterborough Local Plan (2019) and section 15 of the NPPF.

e) Highways

The parking and access arrangements would not change as a result of the proposal and it would therefore comply with the Council's parking standards for dwellings of 4 bedrooms +. It would therefore comply with Policy LP13 of the Peterborough Local Plan (2019)

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**

- R 1 The proposal by virtue of its design, scale, height and mass, as well as the prominent corner plot location, would appear contrived, unduly dominant and obtrusive and would be harmful to the character and appearance of the Thorpe Road Special Character Area, and the setting of the adjacent Longthorpe Conservation Area, contrary to Policies LP16, LP19 and LP20 of the Peterborough Local Plan (2019) and sections 12 and 16 of the NPPF.
- R 2 The proposal, by virtue of its design, scale, height and mass, as well as its close proximity to No. 188 Thorpe Road, would result in an unacceptably dominant and overbearing impact to No.188 and its garden. The proposal would therefore have an unacceptably detrimental impact on the residential amenities of the occupiers of that property, contrary to Policy LP17 of the Peterborough Local Plan and Section 12 of the NPPF.

**Copy to Councillors – Councillor Gul Nawaz
Councillor Mohammed Rangzeb
Councillor Lucinda Robinson**