

10/01295/FUL: CONSTRUCTION OF 3 BEDROOM HOUSE WITH REVISED CAR PARKING AT LAND TO THE REAR OF 12 ROBINS CLOSE, WOODSTON, PETERBOROUGH

VALID: 27/09/2010

APPLICANT: ELAINE CHIVA

AGENT: B M DESIGN CONSULTANCY

REFERRED BY: CLLR LEE

REASON: OVERDEVELOPMENT OF THE SITE
IMPACT ON THE NEIGHBOURHOOD AND VISUAL AMENITIES
THE DEVELOPMENT IS NOT IN KEEPING WITH THE AREA

DEPARTURE: NO

CASE OFFICER: DAVE JOLLEY

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The proposal is to erect a three bedroom house with car parking and to alter the parking to a previously approved residential development.

The main considerations are:

- Impact on the amenities of occupiers of neighbouring dwellings
- Ability of the site to accommodate the development
- Character and appearance of the proposed dwelling

The Head of Planning Transport and Engineering 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

Key policies highlighted below.

- | | |
|------------|--|
| DA1 | Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact. |
| DA2 | Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties. |
| H16 | Seeks 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 | New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network. |
| T10 | Car parking provision to be in accordance with maximum car parking standard |

Planning Policy Statement 3: Housing. This requires Local Planning Authorities to make best use of land for new residential development and to ensure that it is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Planning Policy Statement 7: The Countryside, Environmental Quality and Economic and Social Development seeks to integrate development necessary to sustain economic and social activity in rural communities whilst protecting the character of the countryside. It indicates that new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources.

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

The Proposed dwelling is a three bedroom, three storey detached dwelling of standard brick and tile construction. The dwelling would measure 6.0 metres wide by 8.0 metres deep with a dual pitch roof measuring 5.3 metres above ground level at the eaves and 8.8 metres at the apex. The dwelling would be sited 0.8 metres from the southern boundary of the application site and an amenity area 55sqm is proposed to the rear of the dwelling and two tandem parking spaces to the side of the dwelling.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is a small extension to the previously approved application 08/00147/FUL – the erection of 4 x 3bedroom semi detached dwellings and 2 x 2 bedroom semi detached dwellings.

The site is comprised of former garden space of numbers 2 and 4 Wharf Road and is accessed via the turning head of Robins Close and shares its boundaries with properties within Robins Close, Wharf Road and Oundle Road, with allotments lying to the west. The site lies approximately 1 mile west of the city centre.

The surrounding area is of mixed character, the properties of Oundle Road being generally of late C19th/ early C20th, with features such as canted bay windows with stone capping, stone window cill and lintels and decorative brick stringing commonplace. The properties of Wharf Road and Robins Close are more modern 1950’s dwellings with very little architectural detailing aside from small porches

5 PLANNING HISTORY

Application Number	Description	Date	Decision
07/00201/OUT	Erection of two dwellings	permitted	18.04.2007
08/00147/FUL	Four x 3-bed semi-detached dwellings and 2 x 2 bed semi-detached dwellings	permitted	09.02.2010

10/00803/DISCH G	Discharge of conditions C4 (Materials), C5 (Bins/Landscaping), C7 (Fire Hydrant), of application 08/00147/FUL - Four x 3-bed semi-detached dwellings and 2 x 2 bed semi-detached dwellings	approved	27.08.2010
10/00832/FUL	Construction of three-bed dwelling and two car parking spaces each for plots 4 and 5	refused	20.08.2010

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways Officer - Object; Concerned there is insufficient turning/manoeuvring area between the parking spaces for plots 3, 4 and 6 they will not be used by householders to park their cars. As a result of this vehicles will be parked along the private access road, thus narrowing the width which would cause a detriment to all users of the adjacent public highway.

Archaeology – No objection; Archaeological field work has already been carried out on the site. Trenches were excavated in order to assess the archaeological potential of the site. These exposed four undated features, three of which were sealed beneath an undated subsoil, and the fourth was found to cut this layer. No other archaeological deposits of features were uncovered during the works.

Section 106 RELATED CONSULTATIONS

S106 Officer - A S106 contribution of £6000 + £120 monitoring fee applies to this application in accordance with the Planning Obligations Implementation Scheme SPD.

EXTERNAL

Parish Council – No reply received

NEIGHBOURS

The following comments were received in respect of the proposal:

- The house is not in keeping with other houses in the area
- Will block views and light to residents of Oundle Road
- Builders have cleared bushes and trees to the rear of the properties of Oundle Road
- The semis currently under construction are too high
- Any development in this location will spoil the amenities of the area
- Proposed dwelling would destroy privacy

COUNCILLORS

Cllr Lee has requested the application go before committee for the following reasons:

- overdevelopment of the site
- impact on the neighbourhood and visual amenities
- the development is not in keeping with the area

7 REASONING

a) Introduction

This application is a small extension to the previously approved application 08/00147/FUL and also proposes minor changes to the approved parking and turning arrangement of the extant permission. This application is a resubmission of application number 10/00832/FUL which was refused due to the poor outlook of the proposed dwelling and the presence of parking of a neighbouring dwelling directly adjacent to the kitchen windows of the proposed dwelling.

b) Character of the area

The proposed dwelling is similar in design and appearance to the other dwellings approved under application 08/00147/FUL, namely that it is relatively contemporary in its appearance having features that can be seen on the more traditional properties of Oundle Road, the dwelling features a timber and tile storm porch and windows with stone or stone effect lintels and cills.

Given that the dwellings approved under 08/00147/FUL are part constructed, the proposed dwelling is seen as consistent with the character of the area. The approved dwellings rise to a height of 9.5 metres above ground level, the dwelling proposed under this application is approximately 9.0 metres and is therefore consistent with other development in the area. The site is also fairly secluded and well screened from the public highway and only readily visible to the occupants of the adjacent properties of Oundle Road, Wharf Road and Robins Close.

The local planning authority therefore considers the proposal to be consistent with the varied character of the area and compliant with Local Plan Policy DA2.

d) **Impact on neighbour amenity**

The proposed dwelling is sited 0.8 metres from the boundary shared with the residents of Oundle Road. The new dwelling would be sited to the north of this boundary and therefore no overshadowing of the garden space of the dwellings within Oundle Road would result from the proposal. There are no windows that directly face the Oundle Road Properties.

The dwelling would be sited approximately 20 metres from the existing rear elevations of the properties of Oundle Road and would result in a flank elevation with an eave height of 5.3 and an apex height of 9.0 metres. This is considered to be on balance an acceptable separation distance given that it is a flank and not front or rear elevation that would face the occupants of Oundle Road.

This level of separation between dwellings is commonplace in urban areas and the orientation of the proposed dwelling will ensure that no direct overlooking into the garden space of the occupants of Oundle Road will occur. Oblique views into amenity space will be possible but views directly into primary habitable room windows of neighbouring dwelling will not be possible. This includes the other properties previously approved under application 08/00147/FUL. The level of overlooking that will result is not considered to be severe enough to warrant refusal of the application.

e) **Section 106 Requirements**

A Section 106 contribution is required in respect of the proposed development in accordance with the Council's Planning Obligations Implementation Scheme SPD, but at the time of writing the agreement has not yet been completed.

f) **Highways/parking**

The Local Highways Authority have objected to the proposal on the grounds that there is insufficient turning/manoeuvring area between the parking spaces for plots 3, 4 and 6 they will not be used by motorists to park their cars. As a result of this vehicles will be parked along the private access road, thus narrowing the width which would cause a detriment to all users of the adjacent public highway.

The turning space behind the parking spaced of plots 3 and 4 is slightly substandard; the normal distance required being 6.0 metres. However the applicant has shown that they can achieve 5.0 metres of space and have submitted a tracking plan to help illustrate that it is possible to park and turn in the space available and whilst less than ideal, will not preclude the use of the parking spaces. The Local Planning Authority agree with this position and consider that due to low levels of traffic expected the proposed parking arrangements are on balance acceptable.

g) **Other matters**

Parking

It is considered that the reasons for the refusal of application number 10/00832/FUL have been overcome through the reorganisation of the parking arrangements for the proposed dwelling and the dwellings approved under application number 08/00147/FUL and that the proposal is now acceptable when considered against the relevant Local Plan Policies.

Three Storey House

One objection relates to a three storey house being out of character with the surrounding area, loss of outlook, loss of light, the removal of boundary vegetation and lack of information regarding the previous proposal.

As stated above the fact that 3 storey dwellings are under construction in accordance with application 08/00147/FUL established this type of dwelling as part of the character of the area and the Local Planning Authority could not use this objection as a reason for refusal of the application. The proposed dwelling is approximately 0.5 metres lower than the approved part constructed dwellings and is therefore considered consistent with the established character of the area.

Loss of view and overbearing development

Loss of view is not a material planning consideration and could not be used as a reason for refusal of the application. As already stated above the distance between the dwellings of Oundle Road and the application site is considered adequate and the proposed dwelling will not be overbearing to the occupants of the adjacent dwellings of Oundle Road.

Loss of landscaping

The removal of the boundary vegetation is not a material planning consideration. If the vegetation is within the applicant's boundary then it can be removed lawfully. If the vegetation is outside of the applicant's boundary then it is protected by law. This is a civil matter that falls outside of the planning process as such cannot be taken into consideration when determining this application.

Lack of information from the Local Planning Authority regarding the previous proposals

Our records show a letter of consultation was sent to all objectors including this comment in their representations regarding the previously approved application 08/00147/FUL.

Reduction in property value

The statement regarding loss of property value is not a material planning consideration and cannot be taken into account when determining planning applications.

Loss of amenity/privacy

As stated above the Local Planning Authority do not consider the impacts on privacy as materially harmful enough to warrant refusal. The orientation of the proposed dwelling limits views into the amenity space of the adjacent properties of Oundle Road.

8 CONCLUSIONS

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

- The poor outlook suffered by the dwelling proposed under application number 10/00832/FUL has been overcome by the reorganisation of the parking arrangements for the development.
- The design and appearance of the proposed dwelling is consistent with the properties approved under application number 08/00147/FUL and is not out of keeping with other existing development.
- The proposed dwelling would not result in unacceptable levels of overlooking of neighbouring dwellings.
- The proposed dwelling would not be overbearing to the occupiers of Oundle Road
- The revised parking and turning arrangements for the extant permission 08/00147/FUL whilst below Local Highways Authority standards are considered acceptable given the low volumes of traffic expected within the development.

9 RECOMMENDATION

The Head of Planning, Transport & Engineering Services recommends that this application is **APPROVED** 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 the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 In the event that unsuspected areas of contaminated land/materials are discovered during the implementation of the development hereby approved, work in the identified areas shall cease and the Local Planning Authority informed in order that an assessment can be made of the remedial measures that would be required to either control, remove or negate the potential for harm from the contaminants that may be present. Development shall thereafter only proceed once a scheme for the control or monitoring of such contaminants has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with PPS23 (Planning and Pollution Control).

- C 3 No development shall take place until samples of all the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been 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).

- C 4 Prior to the occupation of any of the dwellings, the spaces designated for the purpose of the parking and turning of vehicles, as shown on drawing number 4449 01 A (Site Plan) shall be provided, and shall thereafter be used for no other purposes other than the parking and turning of vehicles.

Reason: In the interests of highways safety and in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).

- C 5 An area for refuse bins to be stored on collection days adjacent to the turning head of Robins Close shall be provided prior to first occupation of the dwellings in accordance with details to be agreed with 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).

- C 6 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 the dwelling and outbuilding 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).

Copy to Councillors Serluca and Lee