

08/01443/FUL: REPLACEMENT SHOP CANOPY AT 98 DOGSTHORPE ROAD, PETERBOROUGH  
VALID: 20 DECEMBER 2010  
APPLICANT: MR F TAMER, ALJENAT FOOD STORE  
AGENT: SMA ARCHITECTURAL SERVICES LTD  
REFERRED BY: HEAD OF PLANNING HIGHWAYS & ENGINEERING SERVICES  
REASON: DESIGNS AT THIS SITE HAVE PREVIOUSLY BEEN SUBJECT TO COMMITTEE  
CONSIDERATION  
DEPARTURE: NO  
  
CASE OFFICER: SAM FALCO  
TELEPHONE: 01733 454408  
E-MAIL: sam.falco@peterborough.gov.uk

## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The impact of the proposed canopy upon the character and appearance of the area
- The impact of the proposed canopy upon residential amenity
- The impact of the proposed canopy upon highway safety

The Head of Planning Highways & 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.

#### **The Peterborough Local Plan (First Replacement)**

- DA1** Planning permission will only be granted for development if it:
- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
  - (b) creates or reinforces a sense of place; and
  - (c) does not create an adverse visual impact
- DA2** Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:
- (a) can be satisfactorily accommodated on the site itself; and
  - (b) would not adversely affect the character of the area; and
  - (c) would have no adverse impact on the amenities of occupiers of nearby properties.
- DA21** Planning permission for the installation of a fixed canopy will only be granted on the ground floor of a shop, cafe, restaurant or public house, but only if it can be installed without detracting from the character of the building or surrounding area.

- 1 Planning permission will only be granted for development if:**
- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and**
  - (b) it will not result in unacceptable impact on any element of the transportation network.**

### **Peterborough City Council Canopy Design Guide (2009)**

- a) Style: In keeping with age, character and appearance of the building**
- b) Scale and Height: It should only extend above the essential shop front**
- c) Roof Pitch: Pitch should be no less than 18 degrees**
- d) Dimensions: Set back at least 500mm from the back edge of the footway, extend no more than 3 metres from the building and have a minimum clearance of 2.16m above ground level.**
- e) Residential Amenity: Situated a sufficient distance from any adjoining residential property, avoiding loss of amenity or character.**
- f) Materials: Have a metal supporting frame and round posts with no rainwater goods. Posts will be located into the ground and not bolted.**
- g) Sides: Have no permanent side panels or shutters as they create a hostile environment. The use of removable side awnings of canvas or similar material may be used to shield goods from sun and rain.**

### **3 DESCRIPTION OF PROPOSAL**

The proposal is for the erection of a canopy to the front of a retail shop. It is to replace an existing unauthorised smaller canvas style canopy that has been refused planning permission.

The proposed canopy is to front towards Dogsthorpe Road. It is proposed to cover the majority of the area of hardstanding to the front of the shop to a width of 6.1m and a forward projection from the shop front of 3.4m. The roof is proposed to be of a shallow 22 degree sloping mono-pitch design with the highest end being 3.6m, fixed to the building, and the lower end 2.3m. The frontage of the canopy would be set back approximately 1m from the back edge of the pavement.

The canopy is to have a glazed roof to be supported by a dark green painted metal framework comprising of 8 metal columns. The canopy would be open on three sides. The character and features of the building will remain unaffected by the canopy addition.

The existing unauthorised canopy is used for the display and sale of fruit and vegetables to the front of the shop.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The established retail unit is a two storey Victorian end of terrace with a distinctive and ornate Dutch gable. The property is located within a predominantly residential area comprising terraced, semi detached and detached properties with strong building lines to the north and south. The application property is located at the crossroads junction of Dogsthorpe Road, All Saints Road and St. Martins Street. There are commercial units on three of the corners of the junction with a residential property at the north-east corner. The building has a strong character and appearance. A travel shop adjoins the application property. There is an existing unauthorised lightweight canvas top canopy currently erected to the front of the shop front measuring 5.8m wide with a projection of 2.5m. It is used to display fruit and vegetables.

## 5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/00756/FUL	Erection of front canopy – retrospective	30/10/2008	REFUSED
08/01443/FUL	Replacement Canopy	10/06/2009	REFUSED
09/00042/REFPP	Replacement Canopy	04/12/2009	DISMISSED

## 6 CONSULTATIONS/REPRESENTATIONS

### INTERNAL

**Highways**– No objection as the canopy would not have a detrimental impact on public safety or endanger the safety of users of the adjacent highway.

### COUNCILLORS

No Comments Received

### **REPRESENTATIONS:**

One letter of support has been received from MANERP, stating that the existing one is dirty and untidy and a new glass roofed one is a welcome upgrade, enhancing the shopfront.

## 7 REASONING

### **Background:**

Planning application ref: 08/01443/FUL for a replacement canopy was refused on 10/06/2009 for the following reason

- The proposed canopy would be incompatible with and relate poorly to the design of the front elevation of the building and be incongruous within the general streetscene.

It was later dismissed at appeal. The inspector concluded that the property because of its ornate design creates a prominent and attractive feature in the streetscene. It was argued that the canopy would clutter the building and detract from the attractive appearance of the property. The proposal would have a significant detrimental impact on the character and appearance of the surrounding area.

### **Context**

Over the last decade the retail community, particularly in Central Ward, has been targeted by firms proposing to extend shop premises at the front by installing shutters on canopies to effectively create a front extension and therefore more retail floor area.

Many grocers and green grocers have put up canopies to the front of their premises, a number of which have received permission, some have been refused on appeal and others have never been applied for.

Since 2006 planning enforcement has sought the removal of large numbers of unacceptable canopies. Each case has to be treated on its own merits.

Notwithstanding the above, Planning Officers recognise the contribution that these businesses make to the local community (as places of employment and the provision of local services). For this reason Officers have been working with local businesses to find a solution. The result of these discussions is the canopy that is the subject of this application.

The design of the canopy currently being applied for has been arrived at through the applicant creating a canopy that meets our Canopy Design Guide. The use of quality materials with a simple design was encouraged and it is considered that, where a canopy is acceptable in principle, it is this type of design that should be encouraged. The proposal has changed slightly from the previous in that the roof pitch has been reduced from 25 degrees to 22 degrees and the projection of the canopy has been changed from 2.9m to 3.2.

**Residential Amenity:**

It is considered that the open nature of the canopy and its glazed roof added to the position of the ground floor openings within the neighbouring property is such that the proposal would not unduly harm the residential amenities of close by dwellings to the application property.

**Impact on the character and appearance of the area:**

The application property is at a road junction that has long been characterised by commercial properties at all four corners of the junction and commercial properties are a common feature to the general character of Dogsthorpe Road. It is clear that in the demanding retail climate where the small retailer faces stronger competition from the major superstore operators the smaller retailer is finding it difficult to survive. The loss of small retailers results in unemployment, a shop unit that may stay vacant for a considerable time offering no value to the city economy, ultimately pressures for other commercial uses but also the loss of a valued service to the local community where opening hours are lengthy. A canopy addition could assist in maintaining the vitality of such small shop units, including that proposed.

There is a canopy similar to the one being proposed at the opposite end of the terrace, although the host building is not as prominent within the street scene as no.98. Furthermore, it is considered that the attractive light and open design that has been carefully chosen would avoid the creation of an incongruous feature within the streetscene despite its projection beyond the building line. In addition the retail unit could use the land for the display of goods at this time without the need for a planning application.

**Highways:**

The Highways Authority has raised no objections to the proposal.

It is therefore considered that the proposal would comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement).

**8 CONCLUSIONS**

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

The design of the canopy with the use of quality materials would complement the existing shop front and it is considered that the proposal would not harm the character and appearance of the area, the amenities of the occupiers of the nearby residential properties or highway safety. The proposal is therefore considered to comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement), including the PCC Canopy Design Guide (2009).

**9 RECOMMENDATION**

The Head of Planning Highways and Engineering Services recommends that due to its accordance to the Canopy Design Guide this application is APPROVED subject to the following conditions and informatives:

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

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

- C2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re enacting that Order with or without modification), the sides and front of the canopy shall not be enclosed either permanently or temporarily but shall be left open as shown on the approved plans.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C3 Prior to first use, the canopy shall be coloured Olive Green, (BS12B27) and thereafter retained in that colour.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

Notes Relating to this Decision

- 1 Your attention is drawn to the relevant provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information of the provisions of 'The Act' can be obtained from <http://www.peterborough.gov.uk/page-102>, or alternatively by telephoning 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk).
- 2 The applicant's attention is drawn to the need to adequately control the disposal of rubbish from the fruit, vegetable and/or other containers that will be displayed within the canopy.

Please copy to Councillors Kreling, Lowndes and Peach

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