

11/00351/FUL & INSTALLATION OF EXTERNAL CANOPY AND PLAY EQUIPMENT-  
RETROSPECTIVE AT 101 GARTON END ROAD, PETERBOROUGH  
PE1 4EZ

11/00359/ADV: RETROSPECTIVE BANNER SIGNAGE AT 101 GARTON END ROAD,  
PETERBOROUGH  
PE1 4EZ

VALID: 11/06/2011

APPLICANT: MR M YOUNIS

AGENT: MR R GOODING

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: THE IMPACT CAUSED BY THE PROPOSAL ON THE AMENITY OF THE  
NEIGHBOURING PROPERTY AND UPON THE CHARACTER AND  
APPEARANCE OF THE AREA

DEPARTURE: NO

CASE OFFICER: MR S J FALCO

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

The main considerations are:

The design and appearance does not respect the character or appearance of the host property or surrounding area.

- The canopy takes on a 'temporary' appearance by virtue of the materials used
- The play equipment detrimentally impacts on amenity of the neighbouring dwelling
- Impact of proposal on character of the area

The Head of Planning, Transportation & Engineering Services recommends that the application is **REFUSED**.

## **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**

Relevant policies are listed below with the key policies highlighted.

#### **Peterborough Core Strategy Development Plan CS16 Urban Design and the Public Realm**

High quality and inclusive design will be required for all new developments as part of a strategy to achieve an attractive, safe, healthy, accessible and sustainable environment throughout Peterborough. Design solutions should take the following principles into account [...]:

- New development should respond appropriately to the particular character of the site and its surroundings.
- New development should improve the quality of the public realm.
- New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

## Adopted Peterborough Local Plan (First Replacement) 2005

### DA22 Advertisements

The City Council will not grant consent for any advertisement which, by reason of its size, location, design, illumination or colour:

- Would be likely to endanger public safety
- Would be detrimental to the visual amenity of the area

### 3 DESCRIPTION OF PROPOSAL

The applications have arisen as a result of the unauthorised works / advert at the newly opened day nursery being reported to the Planning Compliance (planning enforcement) team. Work has already been completed on the canopy and play equipment without obtaining Planning Permission.

Permission is hereby sought retrospectively for:

External Canopy – This application seeks permission for the retrospective erection of a side and rear canopy. The side canopy measures 13300mm X 1400mm in footprint, 2000mm to the eaves and 2600mm in height. The rear canopy measures 7800mm X 2900mm in footprint, 2300mm to the eaves and 2600 in height.

External Play Equipment – The application also seeks permission to erect a tree house. This consists of a raised timber platform built around a tree, measuring 3300mm X 2000mm in footprint. The height of the standing platform is 1300mm and an overall height of 2300mm.

Banner Signage – The application seeks permission for a retrospective banner sign located on the north side frontage of the premises. The sign measures 4000mm X 1000mm and is located 900mm from the ground, therefore having a 1900mm overall height. The sign is yellow and advertises the opening which was in January 2011.

### 4 DESCRIPTION OF SITE AND SURROUNDINGS

The site consists of a single storey nursery building that is a converted residential bungalow. Vehicular access to the site is taken off Pyecroft, a quiet cul-de-sac and parking is provided off road to the rear. The rear garden area is enclosed by 1.8m high close boarded fencing and green weld mesh fencing.

The surrounding area of the site is predominantly residential with 1940's houses and bungalows either side of the road. The application site is located on a prominent corner plot that is viewed in the streetscene when driving either way along Garton End Road.

### 5 PLANNING HISTORY

Ref	Description		
07/01740/FUL	Change of use from day nursery to residential dwelling	PERMITTED	25.04.2008
09/00885/FUL	Change of use from residential to Child Day Nursery	PERMITTED	06.10.2009
10/01724/FUL	External Canopy, Retrospective	REFUSED	03/02/2011

### 6 CONSULTATIONS/REPRESENTATIONS

#### LOCAL RESIDENTS

Mr Richard Sharman:

1. The signage is situated in a residential area, and is therefore totally in-appropriate to the local environment / character of the area.

2. The signage is so large and brightly coloured, that it could distract drivers as they pass the signage, which is located on the start of a double bend. There have been serious accidents on this double bend requiring the road to be closed, telegraph pole and lamp post to be replaced (twice), and walls rebuilt. To add signage that will distract drivers will only increase the risk of further accidents occurring.
3. The ability of drivers to see pedestrians and other vehicles along Garton End Rd as they turn out of Pyecroft towards the town centre will be severely impeded, and this will only increase the risk of further accidents occurring.

Mrs Jill Harrison:

1. Object, as it was erected prior to the nursery being opened and is now out of date. There is already a notice on the window of the property giving similar details
2. This is a residential area and therefore out of place. It may also be a traffic hazard. We have enough problems of speeding traffic in this area, many accidents and this large banner may cause a distraction to drivers.

## **COUNCILLORS**

Cllr Pam Kreling:

1. The canopy makes a good shelter for the toys etc and why should posts be metal instead of wood - what is the difference? I do not think the canopy changes the character of the area – it cannot be seen except from the garden because of the high fence that the owner was required to erect.
2. The canopy at the side of the building is needed to shield the bicycle racks and keep cycles dry – after all we are supposed to be promoting walking and cycling! It also keeps push chairs dry which parents leave for their return journey home.
3. The 'Hide' leads to imaginative play and gives children the freedom to 'get away from it all'. It does not in my opinion give rise to disturbance and if there are privacy issues the management will be pleased to address them. The 'Hide' has been praised by OFSTED and the Early Years team.

## **7 REASONING**

### **Background**

These applications have arisen as a result of unauthorised works and advert being reported to the Planning Compliance (planning enforcement) team. Work has already been completed on site, including the canopy, play equipment and banner sign without obtaining Planning Permission.

The canopy element of this retrospective application has previously been refused in February 2011 by delegated officer decision. The other two elements, including the external play equipment and the banner sign are being considered for the first time within this application.

### **Design and impact on character and appearance of area**

#### **Canopies:**

It is considered that the design and appearance of the canopies as constructed do not respect or reflect the character or appearance of either the host property or surrounding area. Garton End Road is comprised of a variety of dwelling sizes, style and types albeit none have been extended in the manner of the application proposal. No.101 occupies a prominent position within the streetscene at the junction of Garton End Road and Pyecroft and the side elevation is particularly visible within the public realm. The construction of both canopies appears of a temporary nature given the use of a timber frame and ridged polycarbonate sheet roofing. These materials and the overall appearance of the canopies fail to integrate within the streetscene and appear at odds with the original building. Moreover, the overall scale of the canopies is not in proportion to the host building, wrapping around the property and appearing obtrusive and incongruous within the streetscene. Given the poor appearance of the canopies (particularly to the side), their visual

prominence and scale they represent a harmful feature within the character of the wider area and harm the visual amenity of the locality.

Peterborough has spent a considerable amount of time creating a canopy design guide, indicating that a metal frame painted in dark green, with a glass roof is acceptable due to good quality, low maintenance materials and the glass roof being transparent, therefore reducing the bulk. However what we have on site at No. 101 Garton End Road is a structure that will deteriorate over time, with an obscured polycarbonate roof giving a bulky temporary appearance.

#### Tree House:

The timber hide in the rear garden of the day nursery is not considered to have any visual detrimental impact upon the character and appearance of the area due to its timber construction surrounding the existing tree.

#### Banner Signage:

The application for the retrospective banner signage located above the fence in the front garden is considered to be wholly unacceptable by virtue of its size and proportion and colour, located within a predominantly residential area, on a very prominent corner plot. The sign and the side canopy give the frontage a distinctly commercial appearance that is completely at odds with the residential character of the surrounding properties.

Furthermore, the sign is out of date, advertising the opening of the premises which was nearly 6 months ago. This is both contrary to planning policies CS16 and DA22.

### **Residential amenity**

#### Canopies:

The canopy has been proposed to allow for the covered storage of pushchairs and it is not considered that this would give rise to any significant noise disturbance, greater than that which would exist without the presence of a canopy.

In visual terms, the canopy takes on a 'temporary' appearance by virtue of the materials used which appears out of keeping with the surrounding area (see above). This results in an unacceptable visual impact upon the amenity of neighbouring occupants.

#### Tree House:

The hide is considered to cause an unacceptable overlooking impact upon the neighbour at No.99 Garton End Road. The standing platform is 1300mm in height located 500mm from the shared boundary of which there is an 1800mm close boarded fence.

Standing in the neighbour's garden (no.99 Garton End Road) it is evident that even a small child would be tall enough to peer into the neighbours garden and conservatory whilst standing on the platform.

It is considered that this kind of structure, mixed with children and their inquisitive nature creates a significant loss of privacy and disturbance to the resident at No.99 Garton End Road, who has a right to the private garden that currently exists.

#### Banner Signage:

It is considered that the sign creates a visual detriment to the area and could be argued that for that reason it is detrimental to the visual amenity of the nearby residents and again contrary to policies CS16 and DA22. As such we have had objections from neighbours, stating that the signage is out of date, is duplicating what is already advertised in the front window and at odds with the residential character of the area.

### **Highways Implications**

#### Banner Signage:

There are considered to be no highways implications as a result of the banner sign erected and therefore it meets the requirements of DA22 in terms of highway safety. Both neighbour objections have raised concerns as to the signage on highway safety, stating that another distraction on a

hazardous corner can only act to exacerbate the current issues and that the signage causes obstruction of view of people emerging from Pyecroft.

## **8 CONCLUSIONS**

It is considered that the retrospective external canopies are detrimental to the character and appearance of the residential area, due to their non-residential scale, character and temporary materials.

The retrospective tree house is deemed to cause an unacceptable level of overlooking and a significant loss of privacy of the adjoining residential property.

The retrospective banner signage is considered to have a detrimental impact on the character and appearance of the residential area due to its large size and garish colour, in a very prominent corner location.

## **9 RECOMMENDATION**

The Head of Planning, Transport and Engineering Services recommends that both applications are **REFUSED** for the following reasons:

### **11/00351/FUL: Installation of External Canopy and Play Equipment (Retrospective)**

#### Canopies:

In light of all policy considerations, the retrospective application 11/00351/FUL for the side and rear canopies are entirely unacceptable and contrary to policy CS16 of the Peterborough Core Strategy DPD 2011, specifically:

R1) The design and appearance of the canopies as constructed do not respect or reflect the character or appearance of either the host property or surrounding area.

#### Tree House:

After considering the retrospective application 11/00351/FUL for the tree house, it has been deemed that the overlooking impact associated is contrary to CS16 of the Peterborough Core Strategy DPD 2011, specifically:

R2) The height and location of the tree house structure is considered to be too close to the boundary, at an unfortunate height where all users of the platform will have unrestricted views into the rear windows and the private rear garden at 99 Garton End Road having a detrimental impact on the occupant's amenity.

### **11/00359/FUL: Banner Sign (Retrospective)**

#### Banner Sign:

In light of all policy considerations, the retrospective application 11/00359/ADV for banner signage is wholly unacceptable and contrary to DA22 of the Adopted Peterborough Local Plan First Replacement (2005) and CS16 of the Peterborough Core Strategy DPD 2011, specifically:

R1) The retrospective banner signage located above the fence in the front garden is considered to be wholly unacceptable by virtue of its size and proportion located within a predominantly residential area on a very prominent corner plot.

Copies to Councillors P Kreling, J Peach, J Shearman

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