

**Report to** Planning applications committee  
**Date** 8 May 2014  
**Report of** Head of planning services  
**Subject** 14/00324/F Land to the rear of 39 Unthank Road Norwich  
 14/00332/L Land to the rear of 39 Unthank Road, Norwich

**Item**  
**4(4)**

## SUMMARY

<b>Description:</b>	Erection of 1 No. three bedroom dwelling.
<b>Reason for consideration at Committee:</b>	Objections received
<b>Recommendation:</b>	14/00324/F - Approve, subject to conditions 14/00332/L - Approve, subject to conditions
<b>Ward:</b>	Nelson
<b>Contact Officer:</b>	Tracy Armitage Senior Planner - Development 01603 212502
<b>Valid Date:</b>	6th March 2014
<b>Applicant:</b>	Mr & Mrs J Deacon
<b>Agent:</b>	Dennis G Black

## INTRODUCTION

### The Site

#### Location and Context

1. The site comprises land used as part of the domestic curtilage of 39 Unthank Road, a semi-detached grade II listed building. There are two ancillary buildings on the site: located in the north-west corner of the site a brick built former coach house, currently used as a garage/store, and; towards the middle of the site a detached prefabricated garage structure. Within the site a gravel surface provides vehicular access to the garage buildings and this gives way to soft planted garden areas to the east and west. The northern boundary of the site is delineated by a brick wall approximately 2.3m in height. Beyond this boundary is a pedestrian passage which provides access to the rear gardens of no. 25, 27 and 29 Grosvenor Road. To the west of the site is Harold Mackintosh House set within a spacious landscape setting, this boundary is delineated by a laurel hedge and two mature beech trees. A close boarded fence forms the boundary of the site with 37 Unthank Road.
2. Vehicular access to the site is gained from Unthank Road via a shared driveway which also provides access to 41 Unthank Road and to the rear of 43-47 Unthank Road. The driveway is part gravelled, giving way to a grass surface.
3. The area has a mature residential appearance characterised by mid to late

Victorian terraced housing and villas set on large garden plots.

### **Constraints**

4. The site is within Heigham Grove Conservation Area
5. No 37 and 39 Unthank Road comprise a pair of Victorian villas – jointly Listed, Grade II.
6. No 41 – 45 Unthank Road comprise a terrace of 3 Victorian villas – jointly Listed, Grade II
7. There are two category A mature beech trees on the application site
8. Land to the rear associated with Howard Mackintosh House is designated as Urban Greenspace and as Open space in the current and emerging Local plan.

### **Planning History**

9. No relevant planning history.

### **Equality and Diversity Issues**

There are no significant equality or diversity issues.

### **The Proposal**

10. Conversion and extension of former coach house for use as a dwelling. It is proposed to convert the existing building to provide bedroom accommodation, through the internal installation of a first floor, staircase, insertion of two rooflights and a new window opening on the southern elevation.
11. Single storey additions are proposed to the east and south of the coach house building to provide living accommodation. A flat roof, timber frame construction is proposed with walls faced with colour washed lime render. Two roofing materials are proposed sedum over the main living rooms and principal bedroom and single ply membrane over the dining room and circulation corridor.
12. A detached garage/cycle store is proposed adjacent to the proposed gravel driveway. This is of a similar design and form to the extensions proposed to the coach house, incorporating a flat roof / lime render/timber cladding.
13. Chain link fence and shrub planting is proposed along the new boundary to be created with 39 Unthank Road.
14. Both pedestrian and vehicular access is proposed via the existing shared driveway which leads from Unthank Road.

### **Representations Received**

15. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Eight letters of representation have been received citing the issues as summarised in the table below. Following re-consultation three letters were received re-confirming grounds of objection.

16.

Issues Raised	Response
<p>Proximity to neighbouring properties – Amenity impact (loss of light/privacy/overlooking) of existing proposal plus potential further impact in the future if extensions are added or alterations are made through the exercise of permitted development rights</p> <p>Loss of sense of peace and tranquillity</p>	<p>Para. 44-51</p> <p>Recommended that planning condition removing permitted development rights is imposed.</p>
<p>Notice incorrectly served on owners with an interest in the land</p>	<p>Notice has been re-served</p>
<p>Impact of proposed access – safety considerations/noise/air/light pollution</p>	<p>Para 49 and 57</p>
<p>Impact on view from adjacent properties</p>	<p>Para 47</p>
<p>Loss of green space which affords properties on Grosvenor Road with ‘borrowed’ light and landscape</p>	<p>Para. 47</p>
<p>Light pollution – current ‘dark space’</p>	<p>Lighting condition recommended</p>
<p>Noise – from use of garden area and from within the new property</p>	<p>Para 48</p>
<p>Odour associated disposal of foul waste and proposed package treatment plant.</p>	<p>Original proposal to use package treatment plant has been amended and a connection to the main drainage network is now proposed</p>
<p>Poor design – sprawling flat roof extensions</p>	<p>Para 36</p>
<p>1989 application for development at the Elms (49-77 Unthank Road) refused – impact on listed buildings/conservation area/amenity of adjacent residents/loss of trees</p>	<p>Development consisted of 68 sheltered housing units and 6 retirement bungalows. Materially different in form and scale to the proposed development.</p>
<p>Impact on listed houses – historic significance of coach house as an ancillary building</p>	<p>Para 29,33 and 34</p>
<p>Proposed use of coach house compromises architectural/historic character – not consistent with conservation</p>	<p>Para 33-37</p>
<p>Sub-division of the plot not consistent with form and character of conservation areas/historic boundaries of listed buildings</p>	<p>Para 33-37</p>
<p>Insufficient public benefits to justify harm to heritage assets</p>	<p>Para 42</p>
<p>Impact of development on trees – damage to root network, loss of permeable surface</p>	<p>Para 54</p>
<p>Impact of trees on future dwelling – overshadowing/overbearing/risk to property</p>	<p>Para 55-56</p>

Future pressure for trees to be removed.	
Impact of development on bats	Para 58
Will set a precedent for garden development within conservation areas	All applications are individually assessed having full regard to planning merits, development plan policies and other material planning considerations.

Norwich Society: Objection - Application is of a poor design and detrimental to the conservation area in general and to its immediate neighbours in particular. Example of garden grab; large flat roof inappropriate; use of sedum does not compensate for expanse; overlooking from adjacent houses

Norfolk Fire and Rescue Service – Vehicle access should be provided in accordance with the Building Regulations

### **Consultation Responses**

17. Highways Officer: proposal is suitable in transportation terms for its proposed location. Details of access, parking provision, bike storage and bin storage are acceptable.
18. Tree Protection Officer: No objection on the basis of the recently submitted Arboricultural Method Statement and Foundation Design plan. Planning conditions to secure tree protection measures are recommended.
19. Natural Areas Officer: Requested further information regarding the beech trees and the existing prefabricated garage in terms of potential value as bat roosting sites. This has now been received and is satisfactory. Recommends biodiversity enhancements including indigenous shrub planting and artificial bat roost boxes and an informative regarding site clearance.

# ASSESSMENT OF PLANNING CONSIDERATIONS

## Relevant Planning Policies

### National Planning Policy Framework:

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 12 Conserving and enhancing the historic environment

### Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2014)

- 2 Promoting good design
- 3 Energy and Water
- 4 Housing delivery

### City of Norwich Replacement Local Plan (adopted 2004)

- NE3 Tree Protection
- NE9 Comprehensive landscaping scheme and tree planting
- HBE 8 Development in Conservation Areas
- HBE9 Listed Buildings and development affecting them
- HBE 12 High quality of design, with special attention to height, scale, massing and form of development
- HOU13 Criteria for other housing sites proposals
- TRA6 Parking standards
- TRA7 Cycle parking
- TRA8 Provision in development for serving
- EP22 Protection of residential amenity

### Supplementary Planning Documents and Guidance

- Trees and Development (Adopted September 2007)
- Heigham Grove Conservation Area Appraisal

### Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

### Emerging DM Policies

#### Development Management Policies Development Plan Document – Regulation 22 submission version (April 2013).

Please note that these policies were submitted to the Planning Inspectorate on 17<sup>th</sup> April 2013 and have now been subject to formal examination. Some weight can now be applied to these policies. Some policies subject to objections have not been included in this list as these issues are unlikely to be resolved within the time frame of the application, and therefore should not be given

DM2 Ensuring satisfactory living and working conditions  
DM3 Delivering high quality design  
DM4 Providing for renewable and low carbon energy  
DM6 Protecting and enhancing the natural environment  
DM7 Trees and development  
DM9 Safeguarding Norwich's heritage  
DM12 Principles for all residential development  
DM30 Access and highway safety  
DM31 Car parking and serving

### **Other Material Considerations**

- Written Ministerial Statement: Planning for Growth March 2011
- Localism Act 2011
- Planning (Listed Buildings and Conservation Areas) Act 1990:  
Section 66 General duty as respects listed buildings in exercise of planning functions  
Section 72 General duty as respects conservation areas in exercise of planning functions.
- The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date.

Since the Norwich Policy Area does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

"Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits ... or Specific policies in the NPPF indicate development should be restricted".

### **Principle of Development Policy Considerations**

20. The site comprises garden land within a primarily residential area. With reference to Policy DM12 the land is not subject to any policy designation which specifically restricts residential development. Under national planning policies new housing development should be located within accessible locations on, where possible, previously developed land. The site is in an existing residential area with good connections to both the city centre and the local centre on Unthank Road. The proposed development would however be on non-previously developed land, as private residential gardens are excluded from the NPPF definition.
21. In such instances the National Planning Policy Framework recommends that local planning authorities set policies within development plans to protect gardens from development where it is considered necessary. Under the emerging Development Management Policies this issue has been considered but no policy is proposed. Instead it is recommended that development is considered in terms of visual impacts, impact on biodiversity and residential amenity, along with any other relevant planning considerations.

22. The key considerations in relation to this development proposal are:
- Whether the development preserves, enhances or better reveals the significance of designated heritage asset – in this case no 37-39 Unthank Road and the Heigham Grove Conservation Areas
  - Whether the development will result in satisfactory living conditions for existing neighbouring occupiers and future occupiers of the new dwelling
  - Whether the development will result in the long term protection of existing trees on the site
  - Whether access to the dwelling is satisfactory in terms of function and design

23. In relation to the first consideration above, the following statutory duties relating to listed buildings, setting of listed buildings and conservation areas are relevant:

S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

The Court of Appeal in *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise. Furthermore, less than substantial harm having been identified does not amount to a less than substantial objection to the grant of planning permission.

S72 Listed Buildings Act 1990 provides: “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. It should be noted that The *Barnwell Manor* case principles (see above) are of similar application in the context of s72 duties, also, - i.e considerable importance and weight is to be given.

### **Other material planning considerations**

24. The Norwich Policy Area does not currently have a 5 year land supply and therefore Local

Plan policies for housing supply cannot be considered up-to-date. As a result the NPPF requires planning permission to be granted for sustainable development unless:

- "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or  
• Specific policies in the NPPF indicate development should be restricted".

25. The sustainability of the proposed development is discussed in the following paragraphs along with heritage policies of the NPPF which specifically relate to development affecting listed buildings and conservation areas.

### **Assessment of heritage assets and significance**

26. Both the Planning (Listed Buildings and Conservation Areas) Act and the NPPF attach significant importance to the conservation of historic assets and require

decision makers to have special regard both to the desirability of preserving listed building and their settings and the character or appearance of conservation areas

27. In assessing this application there are a number of heritage assets to consider: the heritage value of the building proposed for conversion; the listed buildings of 37-39 Unthank Road and their setting; adjacent listed buildings (41-47 Unthank Road) and their settings and the Heigham Grove Conservation area.
28. The coach house building is curtilage listed and located within the L shaped garden area of 39 Unthank Road. The OS map of 1884 indicates the building dates from the late 19<sup>th</sup> century and was originally L shaped in plan form with a small lean-to and covered yard. The historic maps indicate the coach house within the curtilage of no 37 Unthank Road accessed via two tracks; the wider and principal access running along the northern boundary of no 37 and a secondary access across the rear of no 39. The building was modified sometime during the mid-20<sup>th</sup> century possibly coinciding with a change of use from a coach house to more of a garage use which has continued through to the present day. It is understood that in 1998 the coach house was acquired by the owners of no 39 Unthank Road, together with the land forming an extension to the garden.
29. Two elevations of the coach house, mainly the east and south, have been extensively modified during the 20<sup>th</sup> century. The east elevation contains Fletton brickwork and timber infill which dominate the elevation. From map evidence and evidence of scaring on the building it can be deduced that an additional building was attached to this elevation that has since been demolished. The only area of original brickwork on this elevation is on the upper areas of the gable end. Approximately half of the south elevation has replacement brickwork with a crude blind gothic arch. While these changes are evolutions of the building they do nothing to add to the character or value of the structure. The north and west elevations remain relatively complete and original. It is considered that the building has limited architectural value and that the significance of the building is created by its association with 37 and 39 Unthank Road.
30. Number 37 and 39 Unthank Road are listed as a pair of mid C19 yellow brick houses. The listing description focuses on the architectural elements of the buildings including the form and detailing of sash windows, pilasters, projecting porches and bays. Each property has a generous mature rear garden. A brick garden wall along the north boundary of no 37 separates the plot from the adjacent higher density Victorian terraces. The gardens, the wall and the coach house building, contribute to the setting of 37 and 39 and reflect the status and wealth of the occupiers of these villas in the mid to late C19. It is considered that the significance of the listed buildings is focused on the architectural merits of the facades of the pair of houses and the spacious mature garden setting reflects both the residential use of the properties and allows for the buildings to be both visible and appreciated.
31. Both the site and its surroundings are within the Heigham Grove conservation area. The Heigham Grove Conservation Area Appraisal indicates two relevant character areas. No 37 and 39 along with properties on Unthank Road and land to the rear, fall within an area characterised by '*mid to late 19<sup>th</sup> century villas*'. The coach house itself along with adjacent properties on Grosvenor Road fall within an area characterised by '*medium sized 19<sup>th</sup> century terraces that are varied in character*'. The pattern of development in the former character area is low density, with large



residential properties occupying spacious/mature garden plots. This contrasts with the adjoining area characterised by terraced properties, where plot sizes are far smaller and densities significantly higher.

32. The site predominantly falls with the 19C Villa character area the significance of which lies in both the age and quality of the buildings and the green spaces created by the gardens and tree coverage. It should be noted that many of the buildings within the locality are either statutorily or locally listed. Of particular note is the terrace of 41-47 Unthank Road which is grade II listed and located directly to the south of the application site boundary. The listing description for these properties focuses on the architectural elements of the terrace

### **Impact of the development on heritage assets**

32. In considering impact it is necessary to have full regard to duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant policies of the NPPF. Both require considerable importance and weight to be given to the desirability of preserving designated heritage assets and their settings. The NPPF recognises that the protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (para 6, 7 and 14). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alterations to them or by development in their setting (paragraph 132). Furthermore, para 137 states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of heritage assets should be treated favourably. Saved Replacement Plan Policy HBE9 and emerging Policy DM9 require all development to have regard to the historic environment and maximise opportunities to preserve, enhance, or better reveal the significance of designated assets. It is therefore in this context that the impact of the development on the significant elements of the statutory designated heritage assets has been considered.
33. The development proposal will result in the permanent separation of the coach house and associated land, from the ownership of either 37 or 39 Unthank Road. As a consequence the curtilage of both properties will be permanently reduced and the coach house will cease to function as an ancillary building. In considering the principle of this separation and the impact on the significant elements of 37-39 Unthank Road, account has been taken of a number of matters including: the change in ownership of the coach house and associated land in 1998; the extent of garden curtilage retained to the rear of 37-39 Unthank Road, and; any consequences for the functioning of no 39 Unthank Road.
34. The change in ownership of the coach house in 1998 in effect severed the historic association of this building with 37 Unthank Road. At that time the historic garden boundaries of both properties changed - the garden area of 37 Unthank Road was shortened and that of no 39 extended to create an L shape. English Heritage in their document 'Enabling Development and Conservation of Significant Places', provides guidance to local authorities on how to consider proposals to fragment listed buildings from their curtilage and their listed curtilage structures. The advice indicates that whilst there is no legal sanction to stop such fragmentation, where such division does occur local planning authorities should take a firm line against granting consent for any development which could be considered detrimental not

only to the asset or its setting but also to its long-term viability.

35. However, in this particular instance it is considered that the proposed sub-division and the loss of the ancillary building would not be detrimental to the architectural significant elements of the listed buildings and the setting of both buildings would be substantially maintained given the length of private gardens retained (no 37 = approx. 48m. No 39 = approx. 30m). Both properties will retain an open rear aspect and rear views of the pair of villas will remain uninterrupted. No 39 would retain parking facilities within its reduced curtilage and therefore the functioning of neither properties would be compromised. It should also be noted that it is not proposed to erect a new solid boundary between the new plot and number 39 Unthank Road. Instead a soft landscaped boundary is proposed consisting of a chain link fence and native shrub planting and this will blur the division of the garden space. On this basis these considerations the subdivision is not considered detrimental to the listed building or their setting nor long-term viability.
36. In relation to the curtilage listed coach house the proposals have sought to: minimise alterations to the historic fabric of the coach house and adjoining listed boundary wall; design the extensions in a manner that allows a clear differentiation between historic and new elements, and; create a domestic curtilage which responds to the landscape context. The alterations to the original fabric comprise the insertion of one window and two small conservation style roof lights and are considered acceptable. Although the extensions significantly increase the footprint of the coach house (36sqm) by approx. 104 sqm, the single storey height of the additions reduces visual impact. Other than a minor extension, in a location where historically a lean-to structure existed, the extensions step away from the brick boundary wall, allowing the listed wall to continue to be visible as a curtilage feature. In contrast to the brick and slate construction of the coach house the principal facing materials of the extensions will be lime render and sedum. The design approach is intended both to be sustainable and low impact, allowing the coach house to be viewed as the original core building and minimising the visual impact of the additions on 37 and 39 Unthank Road. In this regard the Council's Conservation and Design officer considers the design approach to be successful.
37. The design approach is also considered sympathetic to the conservation area setting. As described previously the significance of this part of the conservation area is intrinsically linked to the quality and age of the buildings and the landscape setting. Although the site is situated behind properties on Unthank Road and Grosvenor Road and therefore is not widely visible – the site is visible to a number of residents living within the conservation area. However, the single storey form of development and the proposed materials will minimise visual impact. Large garden areas to the rear of 37-39 Unthank Road will be retained along with the existing mature beech trees. It is considered that these design parameters pay special attention to the desirability of preserving the character and appearance of the conservation area as the development has responded to the significant elements of the designated heritage asset.
38. Vehicular and pedestrian access to the site relies on a shared track which is jointly owned by no 39 and 41 Unthank Road. The access is part gravelled/part grass and provides a rear access route for the occupiers of 39-47 Unthank Road. The proposals include the extension of the gravel surface. Plans have been submitted indicating that existing soft planting will be maintained either side of the access route and confirm that a hard kerb edge will not be created. The existing

landscaping given its maturity and height will continue to give the access an informal appearance and as such the works will have minimal impact on the setting of no 41 Unthank Road, a grade II listed building.

39. Saved Replacement Plan Policy HBE9 and emerging Policy DM9 require all development to have regard to the historic environment. Both the Listed Buildings Act 1990 and the NPPF attach significant importance to the conservation of historic assets and require decision makers to have special regard both to the desirability of preserving listed building and their settings and the character or appearance of the conservation areas.
40. Representations received in relation to this application have suggested that the proposals will be incongruous with the listed coach house, the host listed houses and the character of the wider conservation area. It is also suggested insufficient weight has been attached to the desirability of preserving the listed buildings and that the harm to the designated heritage assets is not justified by public benefit or the securing optimum viable use.
41. Para 132 of the NPPF advises that '*when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be.*' In this instance the coach building has low heritage value and is located some distance from the host listed buildings. The significance of the host listed buildings will not be substantially harmed by the development given that the architectural merits of the facades are unaffected and a spacious high quality garden setting will be retained. The scale and form of development will neither cause substantial harm to listed buildings nor the character and appearance of the conservation area. However, it is accepted that without development the full extent of the historic curtilages of the listed building would be retained and the coach house would remain in an ancillary domestic use, as such the development is considered, in the context of the NPPF, to result in less than substantial harm.
42. Paragraph 134 of the NPPF requires that where a development will result in less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case given the low heritage value of the coach house and the level of impact of the proposals on the host building and the conservation area, the public benefit of delivering new housing is considered to outweigh the less than substantial harm to these heritage assets. In addition the dwelling will make a contribution to the shortfall in the 5 year land supply within the Norwich policy area. In relation to the optimum viable use of the former coach house, the existing domestic garage use has resulted in a number of alterations that have diminished the significance of the original structure. The proposed use secures conservation of the original coach house fabric and is considered an acceptable use of this building of limited heritage value.
43. In accordance with Section 66 and 72 of the Act considerable importance and weight has been given to the desirability of preserving the setting of the heritage assets and their settings. It is considered that the significance of the listed buildings and conservation area is sustained and that the use of the coach house for residential purposes is sustainable and indeed will make a positive contribution to local character and distinctiveness.

## Impact on Living Conditions

44. The proposal results in the introduction of an independent dwelling into a rear garden location previously only used for ancillary purposes. The coach house building directly abuts the site boundary and alterations and extensions to it will be in close proximity to existing residential properties, in particular 37 Unthank Road and 25-29 Grosvenor Road. In addition access to the site crosses the frontage of no 41 Unthank Road which directly fronts onto the shared driveway. The impact of the proposed building work and the introduction of residential activity on the amenity of neighbouring property has been the focus of a number of representations.
45. Replacement Local plan policy EP22 and emerging policy DM2 indicates development will be permitted where it would not result in an unacceptable impact on the amenity of the area or the living conditions of neighbouring occupiers.
46. No 27 and no 29 Grosvenor Road are terraced properties that are located to the north of the application site. The properties have modest rear garden approx. 6m in length and are separated from the application site by a rear access passage. The coach house immediately abuts the rear access passage along with the listed brick wall which ranges in height from 2.5m to 3.2m. A single conservation style roof light is the only alteration to the north elevation of the coach house. This provides light to a first floor landing and obscure glazing is proposed.
47. The proposed single storey extensions range in height between 2.5m to 2.8m. Other than a minor bathroom addition, the extensions are set in from site boundaries by a minimum of 1.5m. Given the scale and siting of the additions and the height of the boundary wall the extensions are unlikely to be visible from the ground floor windows and garden areas of no 25, 27 and 29 Grosvenor Road and there will be no resulting overshadowing or overlooking impact. The extensions will be visible to neighbours from upper floor windows. However, the outlook will be of a single storey flat largely sedum covered roof. Other than a single aspect roof light facing away from the boundary no structures are proposed at first floor level.
48. The proposed garden area is indicated as extending both to the front and side of the dwelling. The use of this amenity space by future occupiers is likely to give rise to some external noise. However, having regard to the existing garden use of the land and the location of this site within a residential area, any increase in noise levels is likely to be marginal and acceptable.
49. 41, Unthank Road is an end of terrace property which faces the proposed access to the site. The principal elevation of the property fronts on to a gravel driveway, which is jointly owned by the owners of 39 and 41 Unthank Road and owners of 43-49 have access rights. Although there are garage style out-building's sited to the rear of 43-49 it is unclear the extent to which they are accessed by or used for the storage of vehicles. Given the constrained manoeuvring areas and the current soft surface, vehicular use is assumed to be negligible. The application site is currently accessible by cars and at the time of the site visit a car was garaged within the coach house building. The introduction of an independent dwelling is very likely to result in the increase in vehicular use of the driveway above existing levels, as the driveway will be the sole means of access for the owners and any

visitors. This is likely to result in increased noise associated with the more frequent comings and goings from the site. Although this is likely to result in some loss of amenity for the occupiers of no 41 Unthank Road, given the existing shared use of the driveway, the increase is not considered to be of a level to justify refusal on loss of amenity grounds. In the event of planning approval a planning condition restricting the installation of lighting along this access route is considered necessary in order to minimise impact.

50. On the basis of the above it is considered that the requirements of policy EP22 and DM2 are met and that the development would not result in any unacceptable impact on neighbouring properties.
51. A number of representations have highlighted the impact of future alterations and extensions that could be carried out to the proposed dwelling though the exercising of permitted development rights. It is recommended, in the event of planning permission being granted for a dwelling on this site, that given both the sensitivity of the location and the close proximity of neighbouring properties, permitted rights that normally extend to domestic properties should be removed. This will allow any future alterations to be fully assessed both in terms of design and impact on neighbours.

## **Trees**

52. There are two mature beech trees located within the curtilage of the application site. The trees are classified as category A and have a high amenity value. The trees are in good condition and make a significant contribution to the character and appearance of the surrounding area. Indeed the trees are identified as part of the natural character of the Heigham Grove conservation area in the adopted Conservation Area Appraisal. Policy NE3 and emerging policy DM7 requires trees to be retained as an integral part of the design of development. Where a development is proposed within the tree root protection area, policy requires provision to be made for their care and protection throughout the duration of the development with mitigation being put in place to ensure that development works do not have a harmful impact.
53. The majority of the new building work is proposed outside of the canopy spread of the existing trees. However, most of the proposed garage structure and approximately a third of the proposed additions to the coach house fall within the root protection area of the two beech trees. The planning application has been accompanied by an Arboricultural Impact Assessment. As originally submitted the Council's Tree Protection Officer was not satisfied that this provided the necessary evidence and mitigation recommendations to ensure that the trees on the site would be safeguarded into the future.
54. In response to advice from the Tree Protection Officer the details of the proposal have been revised and a detailed foundation scheme has been submitted. The revised approach seeks to minimise excavation within the root protection area by proposing a floor slab above ground level supported by mini piles. This method confines surface disturbance to 50mm and allows for supporting piles to be driven in locations to avoid the existing root network. In addition the proposal seeks to compensate for the reduction in permeable ground within the root protection area, through the use of a rainwater harvesting system which will divert water captured from roof areas to the tree roots beneath. The council's Tree Protection Officer has indicated that this approach is acceptable and requested an accompanying

Arboricultural Method Statement (AMS) be submitted. At the time of this committee report being finalised the AMS had just been received. An update will be provided at the committee meeting. At this time it is anticipated that the council's Tree Protection Officer is likely to confirm the AMS acceptable and that subject to the imposition of suitable tree protection conditions the existing trees will to be retained as an integral part of the design of development.

55. A number of representations have highlighted the scale of the existing trees and the overshadowing impact they will have on the proposed residential plot. The submitted Trees Constraint Plan confirms that given the location and scale of the trees the property and the associated amenity space will be overshadowed at times during the day. Representations suggest this will impact on the liveability of the dwelling and that this along with concerns over damage/insurance cover may rise to future applications for the trees to be removed. The susceptibility of beech trees, in particular, to fork failure is also highlighted.
56. The beech trees are in good condition and with the permission of the council, have been subject to responsible management by the present owner/applicant. The trees have been crown lifted and although this has created a sense of openness, they are and indeed will remain the dominant visual feature on the site. However, in favour of this development, is that fact that the detailed design approach has recognised the trees as a significant natural asset and the low impact, green design, along with the mature trees will make this development distinctive and set it apart from other developments. The result is a new dwelling which will offer future occupiers a distinctive place to live and one many would consider offers benefits in terms of lifestyle and wellbeing. The applicant intends to live in the new dwelling himself but any future occupiers would also be aware of the trees on the site, their protected status and would be responsible for their retention and safe management. There is the risk that the approval could lead to future pressure for the trees to be removed. However, any future tree works would be subject to control since consent from the council would be required. Given the significant amenity value of the trees there would remain strong grounds in the future for the trees to be safeguarded. On the basis that the trees are an integral component of the scheme and the benefits associated with the development as a whole, a refusal focused on possible future pressure for removal is not considered fully substantiated.

## Transport and Access

57. The Local Highways Officer has confirmed that the proposal is suitable in transportation terms. The gravel drive is considered satisfactory for access purposes and there is space within the site to provide parking for both cars and cycles. Given the scale of the proposal and the number and speed of vehicle movements the development raises no unacceptable safety concerns.

## Other matters

58. Representations indicate that the site along with adjoining gardens and green spaces are used by bats for foraging purposes. Given the nature of the building work, existing buildings and trees have been investigated to establish whether they are used for roosting purposes. The Council's Natural Areas Officer has considered the survey findings submitted by the applicant's ecological consultant and is satisfied that the existing trees and buildings on the site are of negligible value to protected species. On this basis no specific mitigation is required. The applicant has proposed to install artificial roosts to enhance the value of the site to the local bat population.

## Local Finance Considerations

59. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

<b>Financial liability?</b>	<b>Liable?</b>	<b>Amount</b>
New Homes Bonus	Yes	Based on council tax band.
Community Infrastructure Levy (CIL)	Yes	£75 per sqm

## Conclusions

60. It is considered that the proposal constitutes sustainable development. An existing building will be re-used and extended to create a new dwelling in a location where the future occupiers will enjoy both good amenity levels and be within a convenient walking distance of a full range of facilities and services. The impact of the development on designated heritage assets has been fully assessed. It is considered that the development has responded positively to the constraints of the site and that the relevant heritage assets and their settings will be substantially preserved. The development has been designed to minimise impact on adjoining neighbours and the existing beech trees. The dwelling will make a minor positive contribution to addressing the existing shortfall in the 5 year housing land supply. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## RECOMMENDATIONS

To approve:-

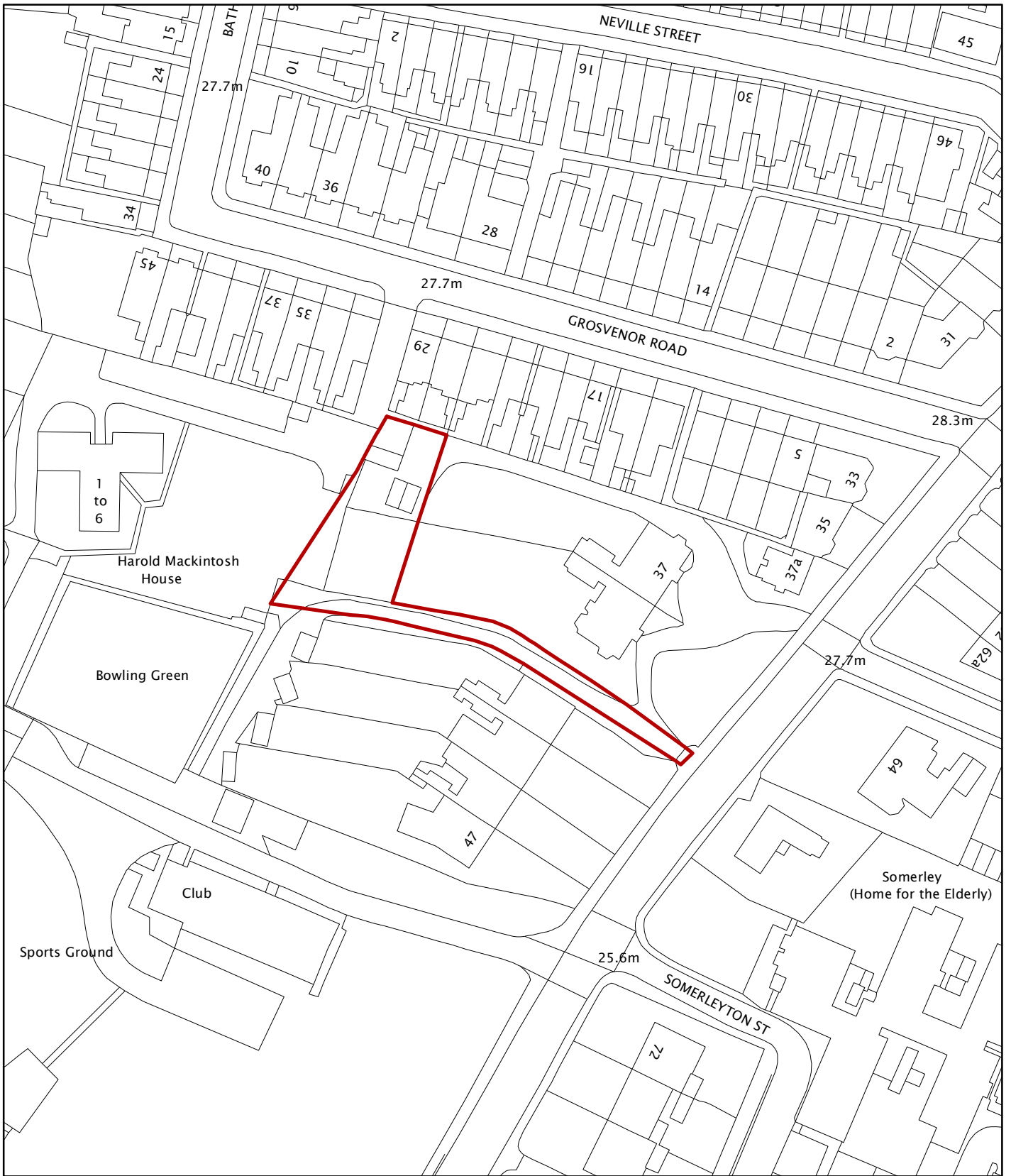
(1) Application No 14/00324/F at land to the rear of 39 Unthank Road and grant planning permission, subject to the following conditions:-

1. Standard time
2. In accordance with the submitted plans and details
3. Prior to commencement - detailed plans/specification to be submitted and approved; external lighting (including restrictions on lighting to the access), all external joinery (including roof lights), sedum roof construction/management, soffit cross-section, rain water goods.
4. Material samples/details of lime render mix
5. Details of all tree protection measures/mitigation
6. Detailed landscaping scheme/hard surfaces/bio-diversity enhancements
7. Implementation of access and parking arrangements prior to first occupation
8. PD rights removed – fences/out buildings/extensions/roof alterations/insertion of windows

(2) Application No 14/00332/L at land to the rear of 39 Unthank Road and grant listed building consent, subject to the following conditions:

1. Standard time
2. Details of mortar/brick type where repairs to coach house /boundary wall are necessary
3. Details of any replacement slates





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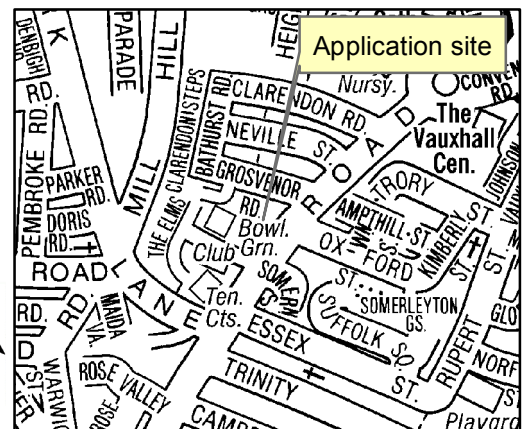
Planning Application No 14/00324/F & 14/00332/L  
 Site Address Rear of 39 Unthank Road

Scale 1:1,000



**NORWICH**  
 City Council

PLANNING SERVICES



14 00324 F

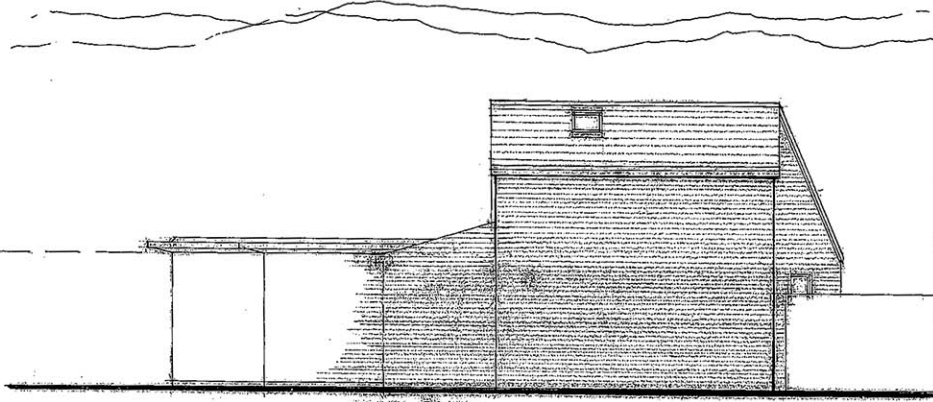
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Revised

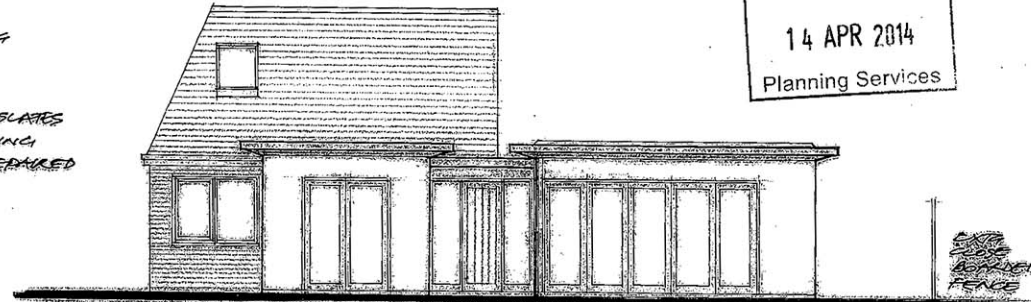
14 APR 2014  
Planning Services



NORTH

EXTRA BRICK WALL TO BOUNDARY.

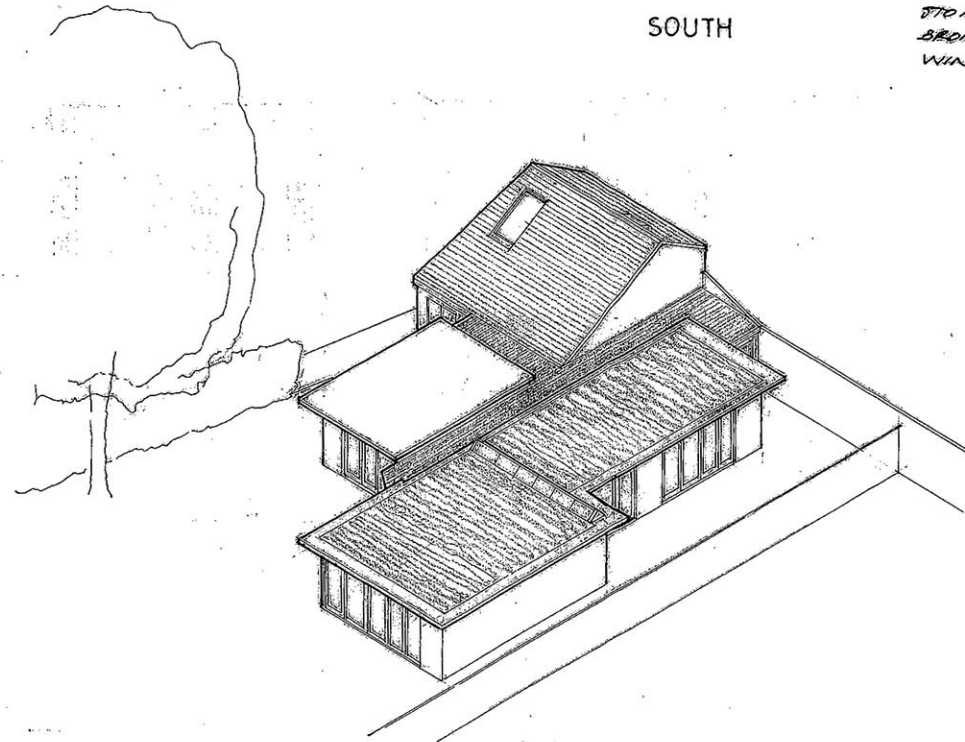
OPACIE CEILING TO REEFLIGHT OVER LANNING  
BRICKWORK & SLATES TO EXIST BUILDING RETAINED & REPAIRED



SOUTH

STO RENDA OR SIMILAR TO WALLS BRONZE ALUMINIUM DOORS, WINDOWS & FASCIAS

EXIST BRICK WALLS FENCE



SKETCH VIEW

A - EXIST SHEDDING WALL SPERM A - EXIST

**Dennis BLACK**  
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Architects

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Tel & Fax: 01508 570696

job

PROPOSED DWELLING  
REAR 39 UNTHANK ROAD  
NORWICH

drawing

ELEVATIONS  
SKETCH VIEW

Organisational Development  
1.5 APR 2014  
Post Room

scale drawn date

1:100 300114

job. no. drawing no. revision type

1307 14 A

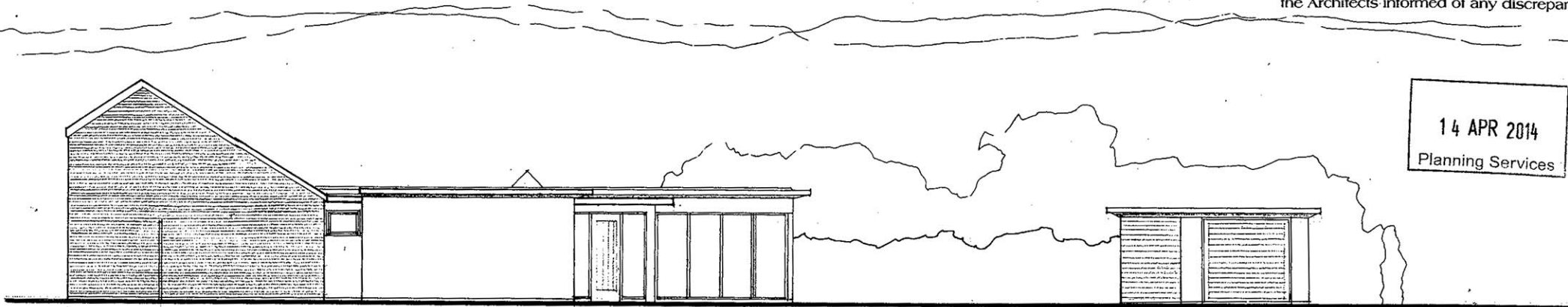
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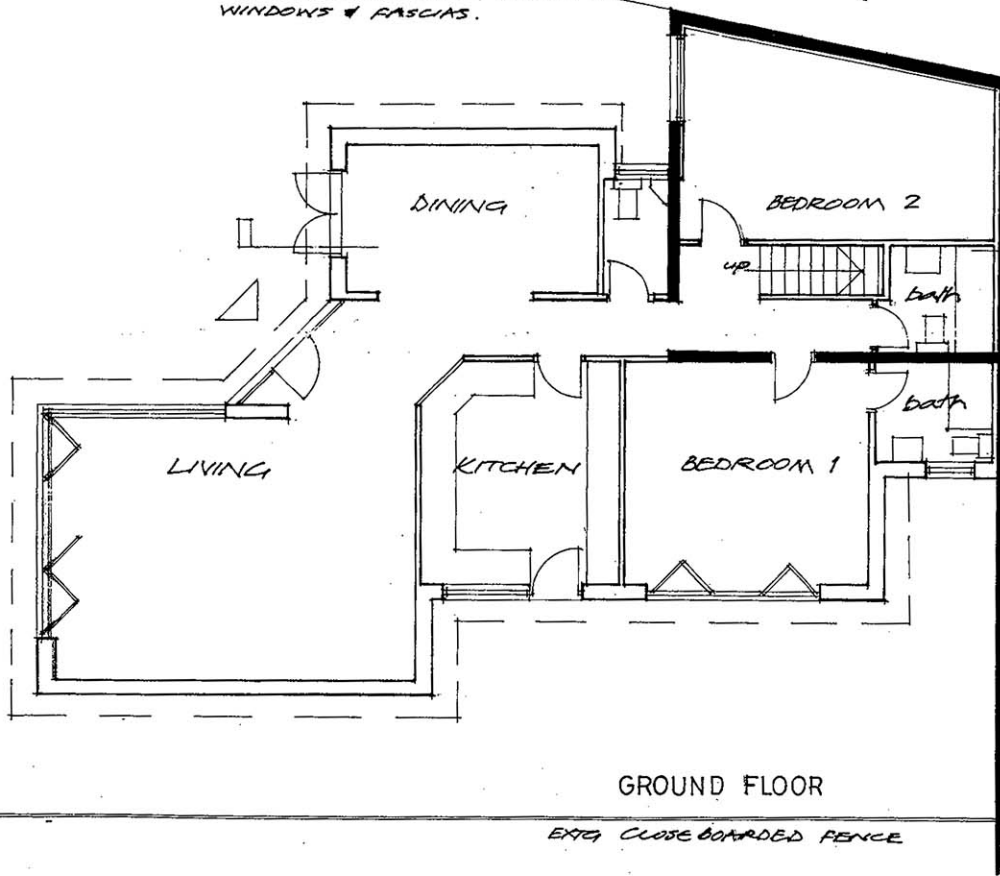


WEST

OPAQUE GLAZING  
TO FIXED WINDOW

STO RENDER OR SIMILAR TO WALLS  
BRONZE ALUMINIUM DOORS,  
WINDOWS & FASCIAS.

TIMBER CLADDING  
TO SHED AREA  
TIMBER GARAGE DOORS



GROUND FLOOR

EXTR CLOSE BOARDED FENCE

EXTR COACHHOUSE  
SHOWN SOLID

EXTR BRICK WALL

A. NW WINDOW TO BED 2 OMITTED 080414

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job  
PROPOSED DWELLING  
REAR 39 UNTHANK ROAD  
NORWICH

Organisational Development

1.5 APR 2014

Post Room

drawing  
GF PLAN  
ELEVATION

scale drawn date  
1:100 01-14

job. no. drawing no. revision type  
1307 12 A

14 00324F

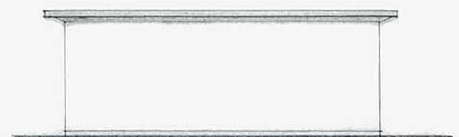
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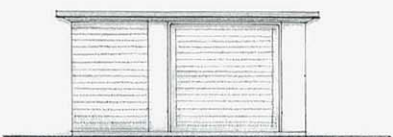
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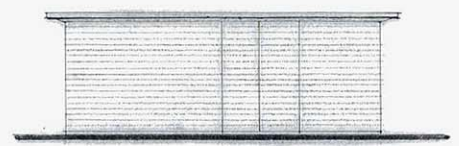
14 APR 2014  
Planning Services



SOUTH  
STD RENDER OR SIMILAR TO GARAGE



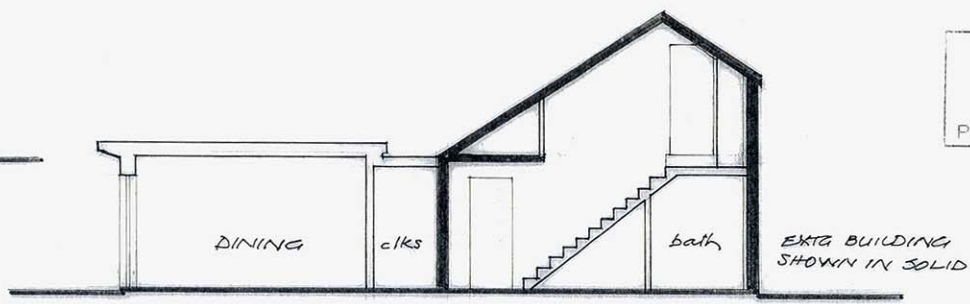
WEST



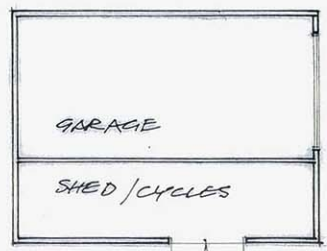
NORTH  
TIMBER CLADDING TO SHED AREA



EAST

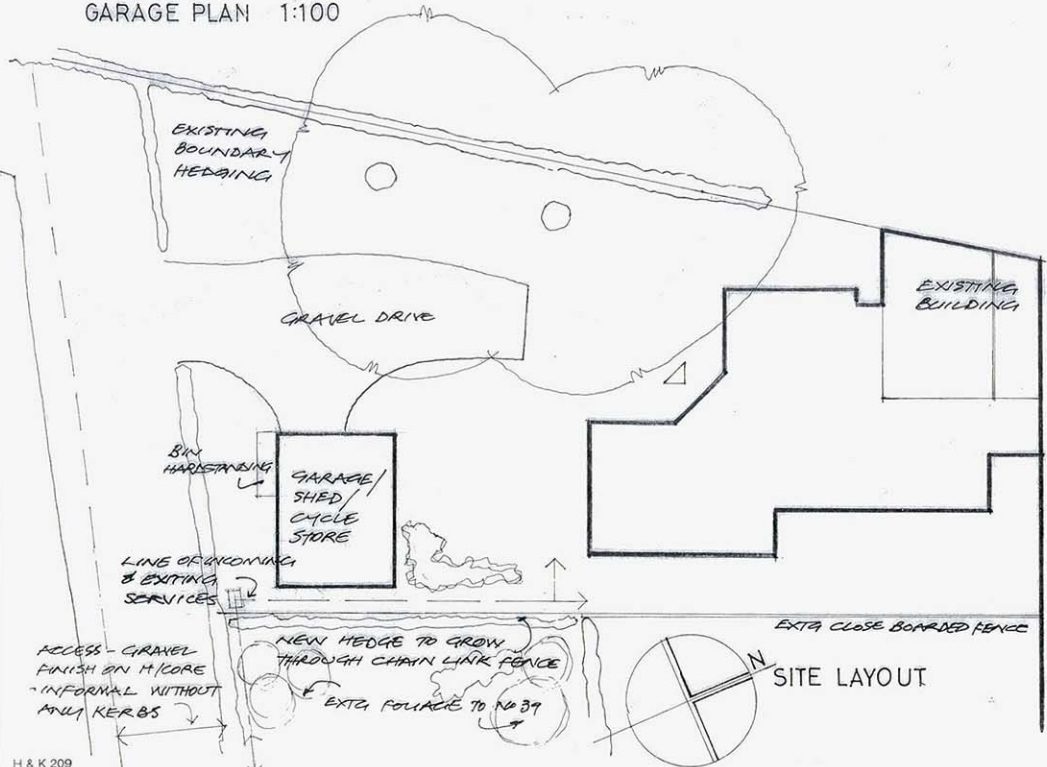


SECTION 1:100



GARAGE PLAN 1:100

A. GARAGE MOVED 500mm TO N  
IN ORDER TO EXITTING SERVICES  
LINE SHOWN 14/04/14



SITE LAYOUT



LOCATION PLAN

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job  
PROPOSED DWELLING  
REAR 39 UNTHANK ROAD  
NORWICH

Organisational Development

15 APR 2014

Post Room

drawing  
LOCATION PLAN  
SITE LAYOUT  
SECTION  
GARAGE

scale 1:1250 drawn 1:200 date 01/14

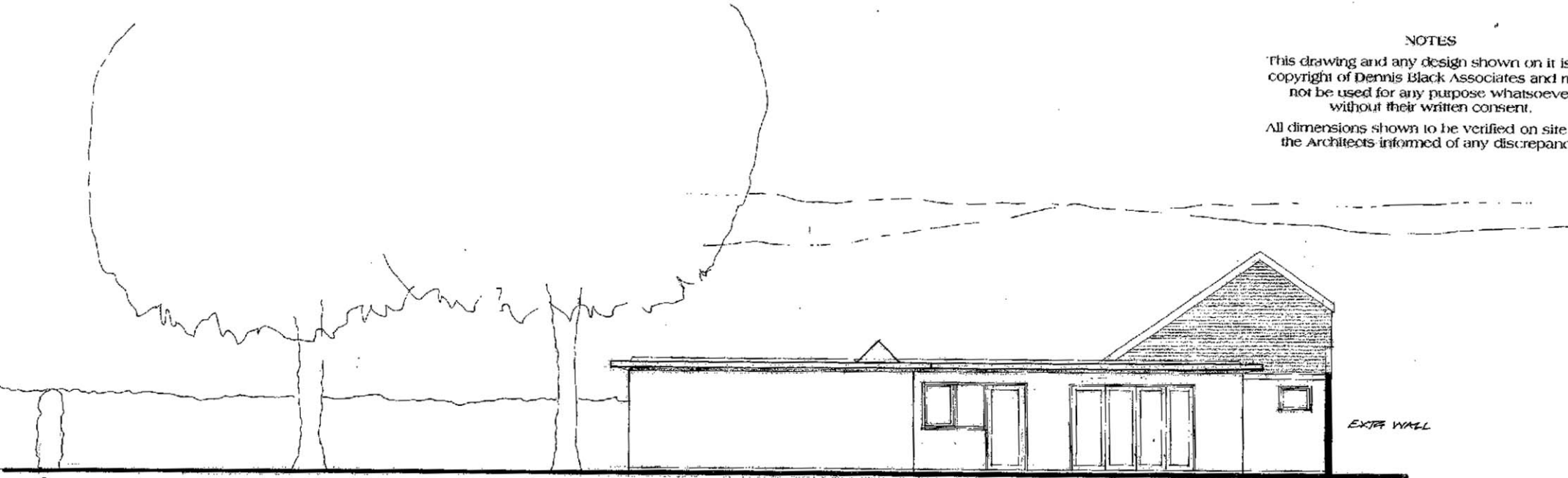
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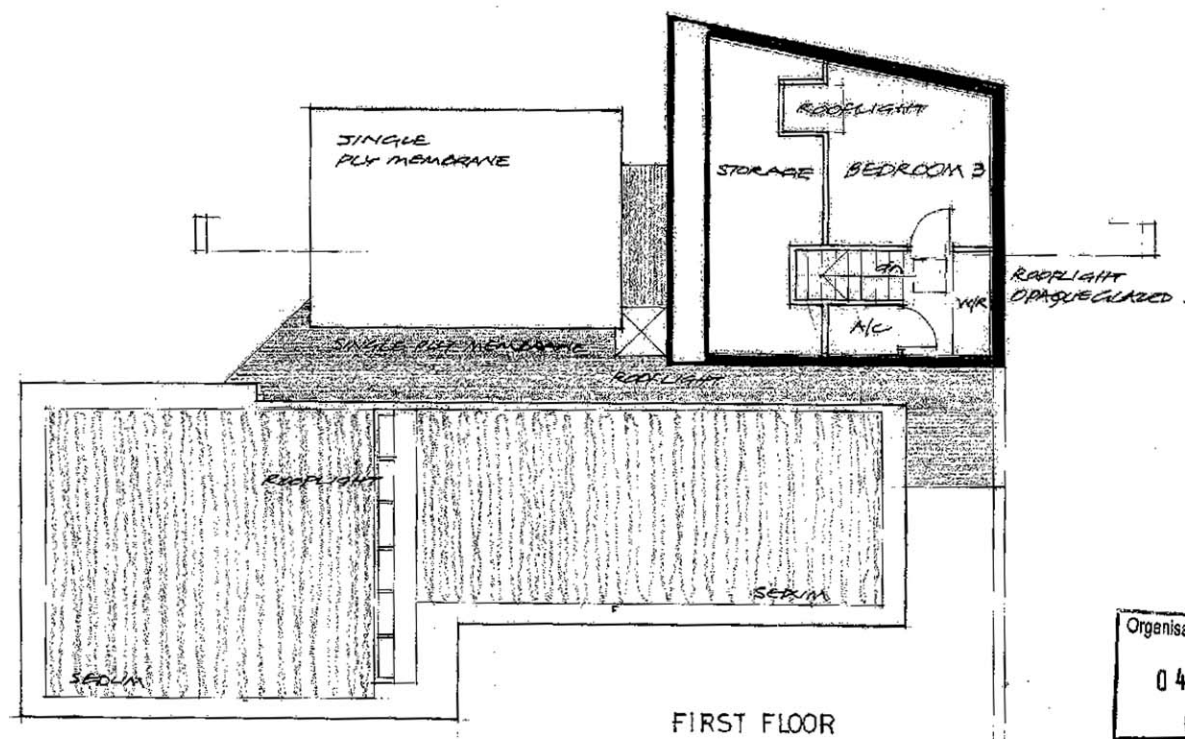
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BOUNDARY HEDGE

EAST

STD RENDER OR SIMILAR TO WALLS  
BRONZE ALUMINIUM DOORS,  
WINDOWS & FASCIAS



FIRST FLOOR

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job  
PROPOSED DWELLING  
REAR 39 UNTHANK ROAD

drawing  
FF PLAN  
ELEVATION

Organisational Development  
04 MAR 2014  
Post Room

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1100		0114		
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1307	13			