

**Report to** Planning Applications Committee  
**Date** 9 January 2013  
**Report of** Head of Planning Services  
**Subject** 13/01740/O 2 Upton Close Norwich NR4 7PD

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**Item**  
**4(1)**

## SUMMARY

<b>Description:</b>	Outline permission for demolition of existing garage, division of existing plot and erection of single storey dwelling.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Eaton
<b>Contact Officer:</b>	Jo Hobbs Planner 01603 212526
<b>Valid Date:</b>	28th November 2013
<b>Applicant:</b>	Ms Anne Maskell
<b>Agent:</b>	Mr Charles Emberson

## INTRODUCTION

### The Site

#### Location and Context

1. The site is located on Upton Close, a non-classified cul-de-sac which leads through to other residences on Kingston Square and Queens Close. The area is residential in character, with a varied urban form predominantly with single and two storey detached dwellings. There are also some terraced dwellings to the north east of the site.
2. The site itself is located on a bend in the road on Upton Close. The application site is currently occupied by the garage to 2 Upton Close. The garage is an open structure to the rear with a garage door facing onto the street.
3. The immediate neighbours to the site are a bungalow at 2a Upton Close, a two storey dwelling at 4 Upton Close and the rear gardens of 2b and 6 Upton Close. On the south side of Upton Close there are chalet bungalows facing the application site.
4. There are some trees in the vicinity, in particular a walnut tree in the rear garden of 2 Upton Close.

#### Planning History

5. There is no relevant planning history on this site.

## Equality and Diversity Issues

6. The site is in a fairly accessible location without needing to use private cars, ensuring younger people would be able to access public transport from the site. Any new dwelling on site would be subject to building regulations ensuring good access into the dwelling.

## The Proposal

7. The application is for outline consent for a new residential dwelling in the existing garden of 2 Upton Close. All matters are reserved in the outline consent and so it is just the principle and feasibility of an additional dwelling that is being considered.

## Representations Received

8. Adjacent and neighbouring properties have been notified in writing. Four letters of representation have been received citing the issues as summarised in the table below.
- 9.

Issues Raised	Response
Over-intense use of site	Paragraphs 26-33
Highway safety	Paragraphs 18-24
Traffic congestion	As above
Disturbance from new driveway – light and noise	Paragraph 32
Loss of light	Paragraphs 29-30
Insufficient information on new and existing dwelling	Paragraphs 41 and 42
Pre-application consultation	Paragraph 43

## Consultation Responses

10. Local Highway Authority – no objections.

# ASSESSMENT OF PLANNING CONSIDERATIONS

## Relevant Planning Policies

### National Planning Policy Framework (NPPF):

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

Statement 10 – Meeting the challenge of climate change, flooding and coastal change

Statement 11 – Conserving and enhancing the natural environment

### Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 4 – Housing delivery  
Policy 6 – Access and transportation  
Policy 9 – Strategy for growth in the Norwich Policy Area  
Policy 12 – Remainder of Norwich area  
Policy 20 – Implementation

### **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

NE8 – Management of features of wildlife importance  
NE9 – Comprehensive landscaping scheme and tree planting  
HB12 – High quality of design  
EP16 – Water conservation and sustainable urban drainage  
EP22 – High standard of amenity for residential occupiers  
HOU13 – Proposals for new housing development on other sites  
TRA3 – Modal shift in support of Norwich Area Transport Strategy  
TRA6 – Parking standards  
TRA7 – Cycle parking provision  
TRA8 – Servicing provision

### **Supplementary Planning Documents and Guidance**

Trees and Development (Adopted September 2007)

### **Other Material Considerations**

Written Ministerial Statement: Planning for Growth March 2011  
The Localism Act 2011 – s143 Local Finance Considerations

### **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**

Please note that these policies were submitted to the Planning Inspectorate on 17<sup>th</sup> April 2013. 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 much weight.

**DM1** Achieving and delivering sustainable development  
**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  
**DM12** Ensuring well-planned housing development

**DM28** Encouraging sustainable travel

**DM30** Access and highway safety

**DM31** Car parking and servicing

## **Principle of Development**

### **Policy Considerations**

11. The site is located within garden land to the existing property. Under national planning policies new housing development should be located within accessible locations on previously developed land where possible. The site is in an existing residential area with connections to a district centre within Eaton, and public transport links into the city centre. The proposed development would however be on non-previously developed land.
12. 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.
13. As there are no specific policies within the development plan relating to garden development this is not considered to be an issue to prevent this development.
14. The key considerations to consider the principle of the use of this site for residential are highway safety, impact on streetscene, impact on living conditions, trees, protected species and water efficiency. Other matters such as the exact design, landscaping, hard surfacing materials, details of car and cycle parking, refuse storage and Community Infrastructure Levy would all be considered at a later stage through a reserved matters application(s). It will however be necessary to consider if it would be feasible for a satisfactory design to come forward at reserved matters stage.

### **Other material planning considerations**

15. A recent appeal decision has identified that the council does not have a five-year housing land supply for the greater Norwich area. Under paragraph 49 of the NPPF, housing policies within a local plan should be considered not up-to-date if there is no demonstrable five year housing land supply. In this instance this means that policy HOU13 of the local plan can be given no weight in determining this planning application.
16. 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.
17. 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".

## **Transport and Access**

### **Vehicular Access and Servicing**

18. The proposals entail the re-use of the existing vehicular access into 2 Upton Close and the creation of a new access point to the west of the plot. The new vehicle access would be for the existing dwelling at 2 Upton Road.
19. Upton Close is an unclassified road. As such there are no objections from the Local Highway Authority for the creation to the new access and the use of the existing by an additional dwelling.
20. The provision of a turning space in the new access would enable cars to enter and leave the site in a forward gear. The indicative layout shows a proposed dwelling with a car port and small turning space in front of the dwelling. It would be possible to turn a small car in this space but it is likely that cars could enter or leave the site in reverse. This in itself is not objectionable due to the road being unclassified. Further to this the pavement gives some visibility splay before a car would enter the road.
21. Whilst it is noted that there are objections from residents based on the new vehicle access it is considered difficult to support this concern as a reason for refusal as the road is not classified. It is considered unlikely that this would be upheld as a reason for refusal at appeal. The new access is for the existing dwelling and the proposed new dwelling is indicatively shown to utilise the existing access point.
22. The access to the new dwelling leading to vehicles potentially reversing onto Upton Close would also be regrettable, but again would not be sufficient to merit refusal of the application as the road is unclassified. The proposal is therefore considered to be acceptable on transport grounds.

### **Car parking, cycle storage and refuse storage**

23. The provision for these parking and storage areas would be determined at the reserved matters stage. There is sufficient space for the existing dwelling and proposed dwelling to have parking and storage space within the curtilage of each dwelling. In principle the development is considered to be acceptable for these matters.
24. Letters of objection have raised the potential for congestion on Upton Close. The addition of one dwelling is not considered to lead to a significant level of congestion. The unclassified street does not have any parking restrictions and it would be unreasonable to refuse planning permission on the basis that there could be on-street parking by visitors to the dwelling.

## **Appearance on streetscene**

25. The addition of a dwelling to the street scene has been considered in terms of the impact on the streetscene and residential density. The existing urban form of Upton Close is varied with irregular spacing between developments within the immediate streetscene. The replacement of the existing garage with a single storey dwelling is therefore not considered to have a detrimental impact to the streetscene. This would largely be affected by the final design to be agreed under reserved matters in

any case.

## **Impact on Living Conditions**

### **Existing residents**

26. The principle of a residential dwelling in this location is already established from its current use. The addition of one dwelling would lead to a more intense use of the site however which must be considered.
27. The site is in close proximity to a number of other dwellings. This leads to potential for overlooking and loss of direct sunlight, daylight and outlook.
28. The addition of a new dwelling would lead to more residents using the existing garden land. This could lead to more overlooking to the surrounding properties. However as the unit would be single storey there would be no windows at first floor. The overlooking from windows at ground floor would be reduced by the use of appropriate screening around the site. Residents using the future garden would not lead to a significant increase in overlooking from the current use as a garden. Therefore it is considered that a single storey dwelling could be designed at reserved matters stage in such a manner so as to not have a negative impact on the amenities of neighbouring dwellings. However such a dwelling is likely to be extremely small in scale and may need to be of flat roof construction to minimise the impacts on neighbouring properties.
29. The height and form of the dwelling has not been specified in this outline application. The only detail provided is that the dwelling would be single storey. The built form in this location would lead to a loss of outlook, direct sunlight and daylight to the side windows of 2A Upton Close. The two rooms that would be affected would be a bathroom with frosted glazing and a front living room that has two windows, the larger facing south which would not be affected by the development. It is therefore not considered reasonable to refuse the application on the grounds of loss of outlook, direct sunlight and daylight to these windows as on balance it is not considered that the impact could be considered to be significantly detrimental.
30. There would also be a potential for a loss of daylight and direct sunlight to the rear garden of 2A and 2B Upton Close. However this could be limited by the shape and height of the dwelling which have not yet been specified. It is considered that the only form of development that would be acceptable would be a single storey, flat roofed development. The loss of daylight and direct sunlight to 2A Upton Close, both through side windows and to the rear garden would then be within acceptable bounds. It would therefore be possible to build some form of development on this plot without further loss of direct sunlight and daylight to the rear garden of 2A Upton Close. The details and acceptability would be considered through a subsequent reserved matters application. However, at this stage it is considered unreasonable to refuse the outline consent on this basis.
31. An appropriate landscaping and screening scheme would need to be agreed through the reserved matters application.
32. The issue of disturbance from the new driveway has also been identified in a letter of representation. The level of use of the driveway for one dwelling would lead to a relatively low use, and associated disturbance from noise and lights from cars. It is difficult to refuse the proposals on this basis due to the fact a driveway could be

installed here at any time without the need for planning permission. The absence of a fence along this boundary could lead to car lights shining into neighbouring windows as cars enter the driveway, however an appropriate boundary treatment could be agreed at reserved matters stage via the landscaping details.

### **Future residents**

33. The size of the plot would enable private outdoor amenity space along with space to store refuse bins and cycles as referred to above. The amenity of future residents is therefore considered to be acceptable in principle.

### **Trees and protected species**

34. There are no protected trees on site but there are some trees that provide mature screening from other dwellings and a certain level of visual amenity. All development is located outside of the current root protection areas of the trees on site, most significantly a walnut tree close to the proposed development. One small tree is to be removed. This is a category C tree of small biodiversity and visual value that could be removed at any time without consent. Its loss is therefore considered acceptable given the remaining trees within the rear garden.
35. A report has been submitted with the application to identify tree protection measures during construction to ensure there is no longer term harm to the trees. Subject to these measures being followed the development is considered to be acceptable. Tree and ground protection are therefore recommended to be conditioned.
36. No details have been given to protect the hedges at the front of the site during construction. Whilst the beech hedges are considered to have a positive contribution to the street frontage and would screen the future development from the street, it is not considered reasonable to require protection measures or the retention of this hedge. These hedges could also be removed at any time and the removal of the hedge would not lead to a significant level of overlooking given the distance to the dwellings on the opposite side of Upton Close.
37. It is considered unlikely that protected species such as bats would be using the site. The site forms an open garage structure and a well-kept garden. The presence of protected species is therefore considered unlikely.

### **Water conservation**

38. Given the scale of development the dwelling would not need to have on-site renewable energy provision. Water efficiency would need to meet Code for Sustainable Homes level 4 for water usage. A condition is recommended to ensure as such.

### **Local Finance Considerations**

39. 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.

<b>Financial liability</b>	<b>Liable</b>	<b>Amount</b>
New Homes Bonus	Yes	Based on council tax band, for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes	Floorspace not yet specified
Business Rates	No	-

40. Whilst this is a consideration, all the above material considerations must also be fully assessed to determine the suitability of the application.

### **Other matters raised in letters of representation**

41. A letter of representation raised there is insufficient information on the proposed dwelling and changes to the existing dwelling. No works are proposed to the existing dwelling within this application and there is no planning reason why they should be included in the same application. Any works which require permission can be submitted as a separate application.
42. The outline application has provided sufficient information to validate and consider the application under Part 2 of the Development Management Procedure Order (2010) as amended. The outline consent requires less information than a Full planning application would require. This detail would be provided through subsequent Reserved Matters application.
43. The application was not subject to any pre-application neighbour consultation by the applicant. This is not a legal requirement for only one dwelling. Only major developments require pre-application consultations. Otherwise it is up to the applicant to decide whether to speak to the neighbours prior to submitting the application.

### **Conclusions**

44. The principle of an additional dwelling on this site has been considered. There are several impacts from the proposed development which have been fully considered. There would be impacts on the streetscene, highway safety and residential amenity. These issues have all been considered, but on balance none are considered sufficient enough to merit refusal of the application. Whilst the form of development would be a more intense use of the land than some of the surrounding land in Upton Close, paragraph 14 of the NPPF identifies that development should be approved where there is no significant harm. In this instance there is not considered to be significant harm to justify refusal of the application.
45. The subsequent details such as design, scale and form would require careful consideration and may lead to a very small, single storey, flat roofed development on the site, but it is considered feasible and so there are no significant reasons to refuse this application. The outline consent is therefore recommended for approval subject to the recommended conditions.



## **RECOMMENDATIONS**

To approve Application No 13/01740/O at 2 Upton Close and grant outline planning permission, subject to the following conditions:-

- 1) Standard time limit
- 2) Approval of reserved matters in relation to access, layout, scale, external appearance and landscaping
- 3) In accordance with plans
- 4) Works in accordance with AIA including tree protection
- 5) Ground protection, arboricultural supervision and siting of services
- 6) Water efficiency

### Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

### Informative Notes:

- 1) Vehicle crossover/dropped kerb information
- 2) Street naming information



CHARLES EMBERSON ARCHITECT

Project  
2 Upton Close

Drawing  
Site plan

Drawing No.  
PP 002

Scale  
1.200

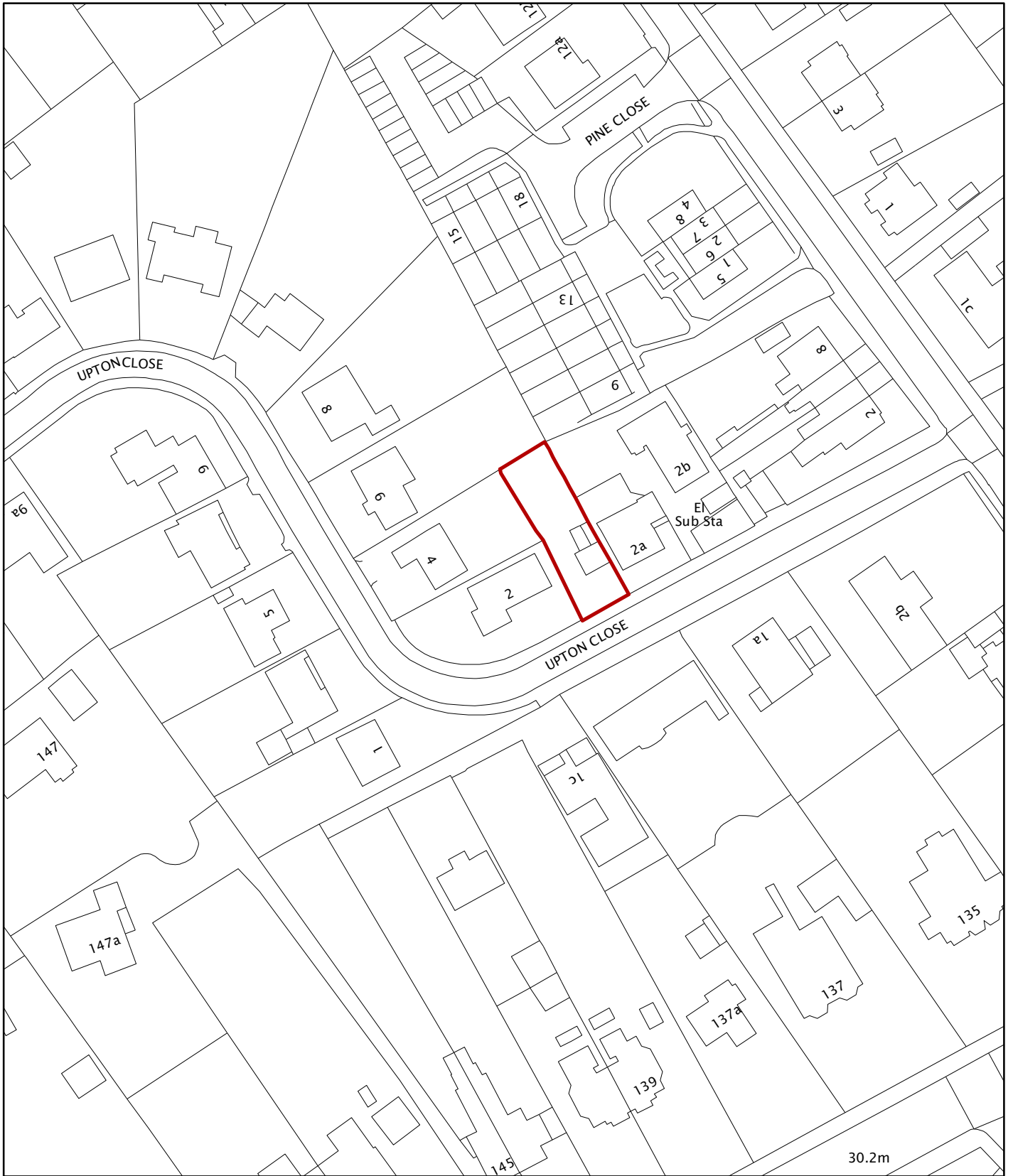
Date  
23.09.13

Rev.

Drawn  
CE

Checked

DO NOT SCALE  
Any discrepancies between or on  
drawings shall be  
reported to CHARLES EMBERSON  
ARCHITECT



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Planning Application No 13/01740/O  
Site Address 2 Upton Close

Scale 1:1,000



**NORWICH**  
City Council

PLANNING SERVICES

