

Report to Planning Applications Committee
Date 8th May 2014
Report of Head of Planning Services
Subject 14/00477/F 9 Ella Road Norwich NR1 4BP

Item
4(5)

SUMMARY

Description:	Erection of 1 No. two bed dwelling.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Thorpe Hamlet
Contact Officer:	Mr James Bonner Planner 01603 212542
Valid Date:	5th April 2014
Applicant:	Mrs Joanne Oldham
Agent:	Mr Roger Mason

INTRODUCTION

The Site

Location and Context

1. The currently vacant plot lies to the west of the end terrace (No.9) on the north side of Ella Road. The site, previously believed to have contained a dwelling, separates No.9 from the more recently built detached No.1 Ella Road to the west. Except for this property, the Hamlet Centre and Ellacombe care home, the rest of the area is characterised by terraces with low front boundary walls. The rear gardens of the properties are accessed via the alleyway connecting Ella Road and Marion Road.
2. The site is not within a conservation area and there are no listed buildings nearby.

Topography

3. There is a drop in levels travelling east along Ella Road with the rear garden of No.1 being 0.6m higher than that of the application site.

Planning History

06/01062/F - 3 bedroom end terrace house on land next to 9 Ella Road. (**Refused** - 19/01/2007. **Appeal dismissed** 2 October 2007)

07/00390/F - Erection of a three bedroomed end of terrace house on the land adjacent to number 9 Ella Road. (**Refused** - 05/06/2007)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

4. The erection of a two bedroom end terrace dwelling with cycle store in rear garden and bin store in front.

Representations Received

5. Adjacent and neighbouring properties have been notified in writing and the consultation period expires on the 29th of April (any additional representations received will be included in the update report.) Two letters of representation have been received citing the issues as summarised in the table below.
- 6.

Issues Raised	Response
The new house will be an eyesore in such a small space.	Paragraph 20.
The mass of the building right up against the boundary would greatly overshadow the rear garden while the side elevation would dominate the outlook. The loss of daylight to rear rooms of house would make them less pleasant places to be. Also of note are the two previous refusals and dismissed appeal. The removal of the dormer does little to change the policy position.	Paragraphs 10 to 18.

Consultation Responses

7. Local highway officer – No objection.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

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

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014:

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:

NE9 – Comprehensive landscaping scheme and tree planting
HBE12 – High quality of design
EP16 – Water conservation and sustainable drainage systems
EP22 – High standard of amenity for residential occupiers
HOU13 – Proposals for new housing development on other sites
TRA3 – Modal shift measures in support of NATS
TRA7 – Cycle parking standard
TRA8 – Servicing provision
TRA9 – Car free housing

Other Material Considerations including:

Written Ministerial Statement: Planning for Growth March 2011

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 2014 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

DM1 - Achieving and delivering sustainable development
DM2 - Ensuring satisfactory living and working conditions
DM3 - Delivering high quality design
DM12 - Ensuring well-planned housing development
DM28 - Encouraging sustainable travel
DM30 - Access and highway safety
DM31 - Car parking and servicing
DM32 - Encouraging car free and low car housing

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.

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

8. The site is previously developed land in an established residential area in a very accessible location less than 500m from the station. The principle of residential use is therefore acceptable subject to concerns over amenity, design and transport being adequately addressed.

Impact on Living Conditions

Noise and Disturbance

9. The introduction of an additional house can be expected to bring about a small increase in noise. Given the otherwise tight-knit nature of the housing here it is doubtful it would be noticeable and certainly not to the degree that could warrant refusal.

Overlooking

10. Overlooking from the front to the properties opposite is not a significant issue in an established terrace street such as this. The largest potential for overlooking comes from the rear window of the bedroom at first floor level. To the properties at the rear it is not a concern given the angle and distance involved (over 25m). There will be a degree of increased overlooking to the rear gardens either side (particularly No.1), but this is considered inevitable in residential developments in edge of city centre locations and as such it is not considered it will lead to a detrimental impact upon the living conditions of the neighbours.
11. The side facing windows will be obscure glazed and fixed shut and retained as such through condition.

Loss of Privacy

12. Due to the existing overlooking to No.9's rear garden from a number of properties, the rear facing windows of the proposal would not increase this to an unacceptable level. The only other loss of privacy comes as a result of the overlooking into the rear garden of No.1 which is otherwise not currently visible due to the boundary treatment. The loss of privacy is not considered severe enough to warrant refusal.

Overshadowing/Loss of light

13. The rear of the dwelling has the largest potential for affecting the neighbour to the west (No.1). Due to the orientation there is only considered to be a small amount of light lost to the rear rooms of the neighbouring property at the start of the day. The first floor section of the proposed dwelling only extends beyond the rear elevation of 1 Ella Road by 1m, the majority extending beyond this would be at ground floor level at a maximum height of 3.6m. Due to the boundary fence and change in levels, this is not considered to cause significant overshadowing or loss of light. The first floor section that does extend beyond the rear elevation has a sloping roof with its lowest point nearest No.1, effectively reducing the level of light lost during this short period to an impact not considerably worse than that of the existing adjacent dwelling, 9 Ella Road.
14. The existing gap between the houses (No 1 and 9) does offer additional light to the

garden of No.1 that will be affected by the introduction of the new dwelling. However again this is not considered excessive when compared to the light blocked out by its neighbour. Accordingly the proposals are not considered to lead to an adversely detrimental impact on the living conditions of the neighbour.

15. There is currently a window at ground floor level on the side elevation of No.9. This property, which is currently vacant (to let), is owned by the same person applying for new dwelling. While the proposal would lead to this window's removal, it is not considered to lead to an unacceptable loss of natural light within the property given that the design of these terraces is not intended to rely on side windows for this purpose.

Overbearing Nature of Development

16. The development site is not particularly large and as such there is the potential for a dwelling close to the boundary to feel overbearing. With a separation distance of 0.9m the previous refusals and appeal dismissal are understandable. Pre-application discussions have sought to reduce the impact and the revised scheme is considered to adequately address the previous concerns. The reduced first floor section and sloped roof ensure that there is not an unacceptable mass of brick right up against the boundary that could be considered unneighbourly. Given that there is only 1m of the first floor extending beyond the rear elevation of 1 Ella Road it is difficult to argue that their outlook could be significantly harmed to the degree that it was in previous proposals, also helped by the lack of windows on the east side of 1 Ella Road.
17. The previous scheme included a rear dormer that added to the bulk and imposing nature of the dwelling as well as increasing the level of overlooking. Its removal improves the scheme and given the tight nature of the site a condition is considered necessary to remove permitted development rights for the property. This would ensure any extensions would first need consideration by the council for impact on neighbours.
18. Overall these changes are considered to adequately address the previously identified amenity concerns set out in the previous refusals and dismissed appeal. Subject to condition the proposal is considered to provide an additional dwelling without detracting substantially from the quality of the life of the nearby residents.

Amenity for future occupiers

19. The property would be served by a rear garden of similar proportions to the neighbouring terraces. For a dwelling of this size it is considered acceptable and further landscaping detail will be required to ensure a decent level of amenity. Accordingly the proposal complies with saved policy EP22 of the RLP and emerging policy DM2, to which some weight can be attached.

Design

20. The dwelling is of a form, scale and design that is sympathetic to the character of the street. While the gap left between the end of the proposed house and the detached neighbour is relatively small, it is not one that is considered to lead to a cramped development. Subject to a condition requiring detail on the external materials, the proposal is considered visually acceptable and in keeping with the street scene. There is a clear link between good design and mitigation of amenity concerns and at the rear there is a significant improvement in both from that previously refused. The dormer would have been a prominent and discordant

feature and its removal is welcomed.

Transport and Access

Servicing

21. Bin stores are provided to the front. The principle of this is considered acceptable as realistically the future occupier is not going to always take their bins round to the back. This should provide an improvement to the street scene and details will be secured through condition to ensure a high quality design.

Car Parking

22. No parking is provided. Given the very sustainable location and the parking restrictions in place, a car-free approach is considered appropriate here. The property will not be eligible for a parking permit. There are therefore no significant highway impacts.

Cycling Parking

23. A cycle shed is proposed to the rear. Again, subject to condition this is acceptable.

Environmental Issues

Water Conservation

24. 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 and a condition is recommended to ensure as such.

Trees and Landscaping

25. There are no trees affected. Limited information has been provided on the landscaping scheme and a condition will be attached requiring full details including boundary treatments such as the front wall, which will be steered towards a low brick wall to further assimilate the proposal within the street scene.

Local Finance Considerations

26. 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.

Financial Liability	Liable?	Amount
New Homes Bonus	Yes	Based on council tax band. Payment of one monthly council tax amount per year for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes	£75 per square metre (£5805.44 unless any relief for self-build is successful)

Conclusions

27. As mentioned in the relevant policies section due to a recent appeal decision, as the council does not have a five-year housing land supply this means that policy HOU13 of the replacement local plan can be given no weight in determining this planning application. As such there is a presumption in favour of sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits.
28. The scale, design and layout of the development is considered to be sympathetic to the character of the area and will not be a discordant feature within the street scene. The revisions from the previously refused applications alter the roof form and reduce the mass at the rear to provide a scheme that adequately addresses the previously identified concerns. The impact upon the living conditions of the neighbours, especially that of the detached property, is now not considered adversely detrimental. As there are no other outstanding amenity concerns or issues relating to servicing or transportation, the proposed dwelling is considered to be acceptable as it accords with the objectives of the National Planning Policy Framework (2012), policies 1, 2, 3, 4, 6, 9, 12 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE9, HBE12, EP16, EP22, TRA3, TRA7, TRA8 and TRA9 of the City of Norwich Replacement Local Plan (2004) and all other material considerations.

RECOMMENDATIONS

To approve 14/00477/F (9 Ella Road) and grant planning permission, subject to the following conditions:-

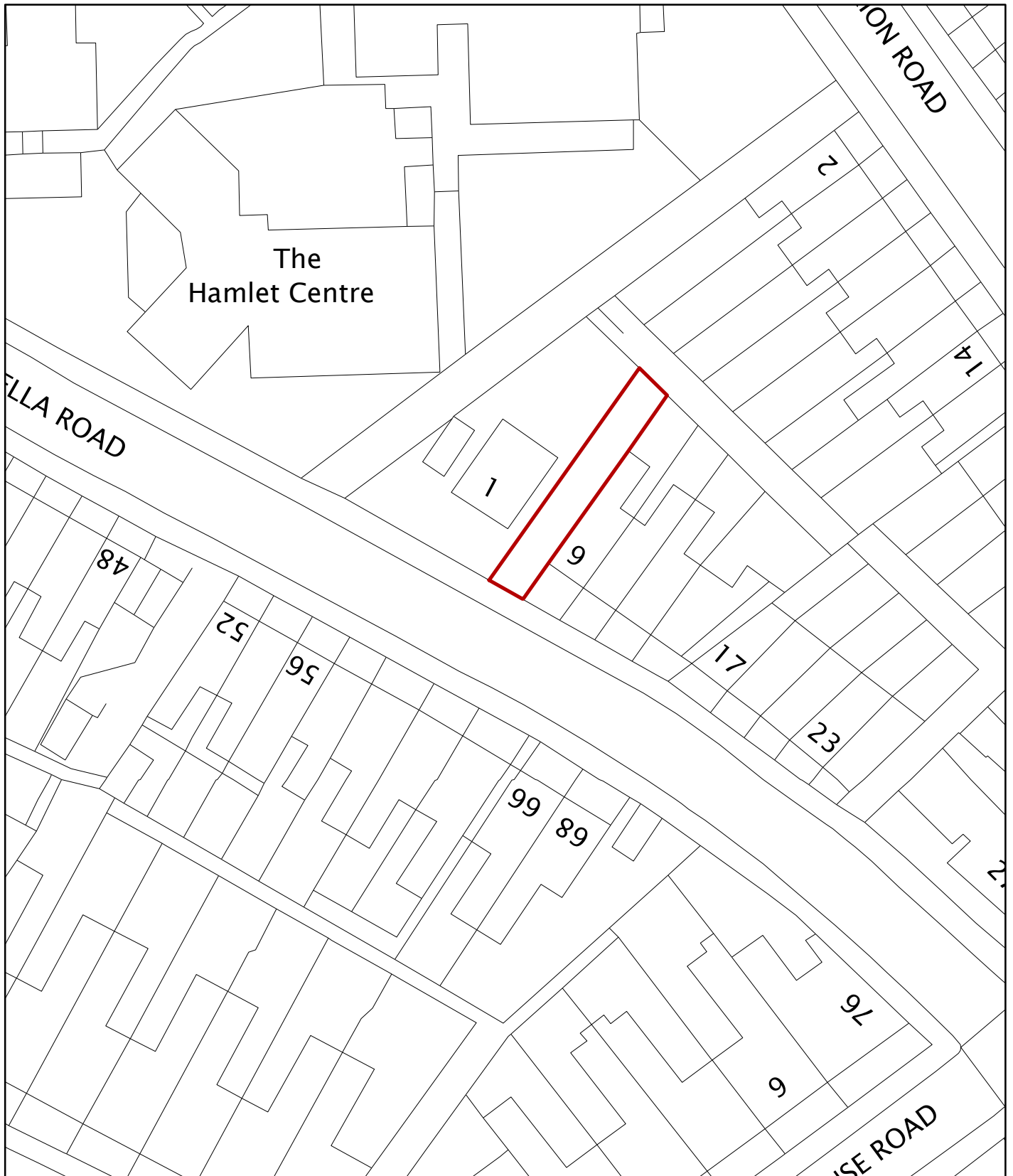
- 1) STLC (3 years)
- 2) In accordance with the approved plans
- 3) External facing materials
- 4) Landscaping
- 5) Bin and cycle store details
- 6) Side windows fixed shut and obscure glazed
- 7) Removal of permitted development rights
- 8) Water conservation

Informatives

- 1) CIL
- 2) Considerate Construction

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, following negotiations with the applicant and subsequent amendments at the pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



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Planning Application No

Site Address 14/00477/F
9 Ella Road

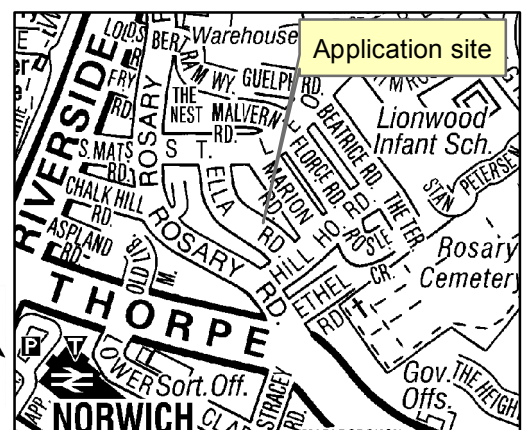
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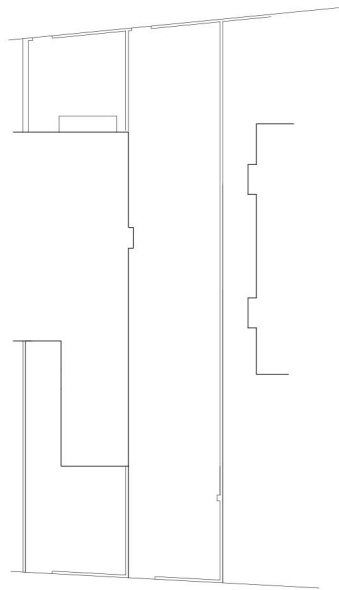
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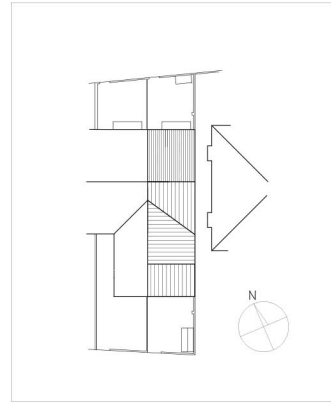
NORWICH
City Council

PLANNING SERVICES





GROUND FLOOR PLAN

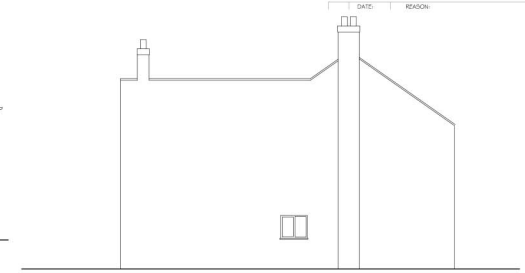


SITE PLAN 1:200

EXISTING



BACK - NORTH/EAST - ELEVATION

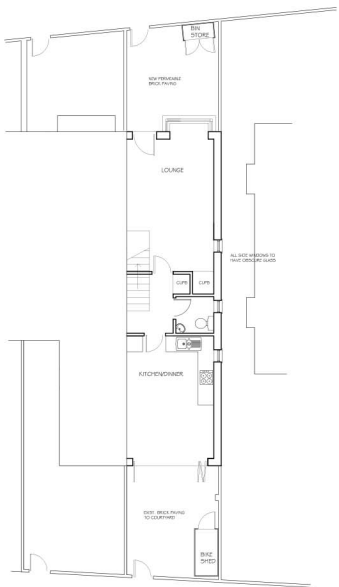


SIDE - NORTH/WEST - ELEVATION

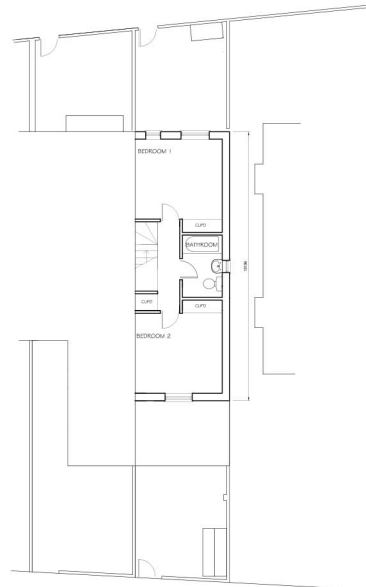


FRONT - SOUTHWEST ELEVATION

PROPOSED



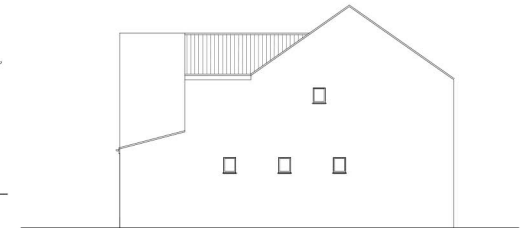
GROUND FLOOR PLAN



FIRST FLOOR PLAN



BACK - NORTH/EAST - ELEVATION



SIDE - NORTH/WEST - ELEVATION



FRONT - SOUTHWEST ELEVATION

MATERIALS:
 ROOF - CLAY PANTILES
 COLOUR TO MATCH ADJOINING BUILDING
 WALLS - BRICK TO MATCH ADJOINING BUILDING
 WINDOWS - WHITE PVCu

PROJECT:
 9 ELIA ROAD, NORWICH
 TITLE:
 NEW HOUSE

DATE: APR 2014 SCALE: 1:100 (at A1) DWG No: 9 ER 1

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