

Report to Planning applications committee

Item

12 April 2018

Report of Head of planning services

Subject

Application no 18/00005/F - 5 Nutfield Close, Norwich,
NR4 6PF

4(d)

Reason

for referral

Objection application / Called in by an elected member

Ward:	Eaton
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk

Development proposal		
Single storey front and rear extension, creating a new dwelling with a separate rear garden (retrospective application).		
Representations		
Object	Comment	Support
5	0	1

Main issues	Key considerations
1 Principle of development	The creation of a new dwelling.
2 Design	The impact of the development within the context of the original design / surrounding area.
3 Amenity	The impact of the development on the neighbouring properties and occupiers of the subject property.
4 Transport	The impact of the development on parking and access arrangements within the cul-de-sac.
Expiry date	12 March 2018
Recommendation	Approve

The site and surroundings

1. The site is located at the western end of Nutfield Close, a residential cul-de-sac within Eaton to the south-west of the city. The predominant character of the area is residential, primarily consisting of a mixture of single and two storey detached dwellings built on good sized plots constructed as part of a wider post war housing development circa 1960. Nutfield Close consists of twelve single storey bungalow type dwellings constructed around a cul-de-sac which slopes gently upwards from east to west. The subject property has been constructed on a wedge shaped plot at the western end of the cul-de-sac with the rear gardens of properties located on Nutfield Close to the rear.
2. The property was originally constructed to a simple hipped roof design on a rectangular footprint with front and rear gardens. Many of the properties in the close have been extended or altered from their original form including the subject property which was extended previously during the 1960's by way of single storey rear flat roof extension and extensions to the side including a car port to the front. It should be noted that at the time of assessing the application the majority of the proposed building works had been completed with only the internal finishing remaining outstanding.
3. The site is bordered by the neighbouring properties located within Nutfield Close with no. 4 being located to the south and no. 6 to the north. Both neighbouring properties are bungalows which have been altered. To the rear of the site is the rear gardens of properties located on Chestnut Close. The site boundaries are marked by close bordered fencing and mature planting at the rear and mature hedgerows to the front.

Constraints

4. There are no particular constraints.

Relevant planning history

5.

Ref	Proposal	Decision	Date
17/00587/F	Single storey extension (retrospective).	WITHDN	02/10/2017

The proposal

6. The proposal seeks retrospective planning consent for the construction of a single storey rear extension, single storey front extension and replacement roof. The proposal also involves the demolition and rebuilding of part of the property approximately 1m away from the southern boundary. The proposal also includes the construction of a timber shed within the rear garden. The shed has been re-positioned within the western corner of the site, adjacent to the boundary shared with no. 20 Chestnut Hill.

7. The proposal also seeks consent for the creation of a separate unit of accommodation within the recently rebuilt part of the property. The new dwelling includes 2 bedrooms, a shared bathroom, shared WC, utility space and kitchen living area with direct access to a private rear garden. The new unit also includes 2 car parking spaces to the front, a bin store and cycle store.
8. It should be noted that the application follows the unauthorised sub-division and subsequent letting of 3 separate units of accommodation. Following investigation by the council an enforcement notice was formally served on the owner of the site to return the premises to being a single dwelling. This application seeks consent for an alternative to the requirements of the enforcement notice. The committee report and minutes authorising enforcement action along with a copy of the enforcement notice are appended to this report.
9. It should also be noted that the proposed plans have been revised during the course of the application following negotiations with the applicant in order to improve the standard of residential amenity provided by the proposed new unit of accommodation.

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 7 letters of representation have been received citing the issues as summarised in the table below. 1 letter of representation declined to make any formal comment. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Sub-division of plot and creation of new dwelling is out of character with the surrounding area	See main issue 2
The plot is too small for 2 dwellings	See main issue 3
Loss of privacy as a result of new side access / windows	See main issue 3
Poor arrangement of rooms will result in poor amenity for occupiers of new dwelling.	See main issue 3
Proposal will result in increase in number of cars causing parking / access / transport issues within the cul-de-sac	See main issue 4
The deeds do not allow for such a development	See other matters
The application has already been referred as an enforcement case and should not therefore be allowed.	See other matters

Consultation responses

11. No consultations were undertaken.

Assessment of planning considerations

Relevant development plan policies

12. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS12 The remainder of the Norwich urban area including the fringe parishes

13. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)

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

Other material considerations

14. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design

Case Assessment

15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

16. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.

17. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF states that local authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM3 and DM12 are satisfactory to determine applications for dwellings in gardens.
18. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations which are discussed in the following sections. The proposal does not conflict with any of the criteria in the first part of DM12 and with regard to criteria a) it would not compromise wider regeneration proposals. Criteria b) to e) of DM12 are considered further in the design and amenity sections below.

Main issue 2: Design

19. Key policies and NPPF paragraphs – JCS2, DM3, DM12, NPPF paragraphs 9, 17, 56 and 60-66.
20. The alterations to the subject property have resulted in only minor changes to the footprint of the building from its previous form. This includes the 12m side wall located adjacent to the boundary shared with no. 4 Nutfield Close being moved away from the boundary, creating a new 1m wide side access. Previously the side wall abutted the shared boundary.
21. To the front, the previous garage has been extended forwards by a small amount, effectively squaring off the front, so that it matches the orientation of the main front elevation. The rebuilt and enlarged section also includes a new dual-pitched roof with a matching eaves height of 2.5m and a ridge height of 3.6m.
22. Also to the front of the property, an original covered porch formed from the overhang of the main roof has been infilled. The 3.3m x 1.8m infill extension creates a new en-suite bathroom whilst the main entrance has been re-sited behind.
23. At the rear the rebuilt section now extends beyond the previous rear elevation to match the building line of the original dwelling, effectively infilling a previously undeveloped corner of the site. The enlarged corner projects approximately 3.5m to the rear.
24. The entire roof has been replaced in a design closely matching the original with there now being three distinct sections. The original dwelling features a dual pitched roof, the rebuilt and extended section features a hipped roof and the new front section a dual pitched roof. The replacement roof appears to have been slightly raised in comparison with the original as a result of the insertion of enhanced insulating materials. The overall appearance of the roof remains largely unchanged however with the change in height not impacting significantly.
25. Particular concern has been raised that the sub-division of the original plot is out of character with the surrounding area. It is accepted that the proposal will result in a

change to the original layout of the cul-de-sac which has remained unchanged since the 1950's. No. 5 however occupies a wedge shaped corner plot which is notably larger than many others within the cul-de-sac. The subject property is set back from the highway and is largely not visible from as a result of mature planting which provides screening. As such, the plot is considered to be capable of subdivision into two units without causing any noticeable harm to the character of the surrounding area.

26. Overall, the alterations and subdivision do not significantly alter the character and appearance of the subject property, or have a significant impact on that of the wider area. As such, the alterations, additions and subdivision are considered to be acceptable in design terms.

Main issue 3: Amenity

27. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
28. The subdivision of the subject property as now proposed does not result in any significant harm being caused to the residential amenities of neighbouring properties. Particular concern was raised that the newly created side access and walkway which facilitate the main entrance to the new dwelling would result in a loss of privacy. The walkway is screened by a new 1.6m tall close boarded fence which prevents views across the neighbouring garden. The existing fencing which marks the boundary between the garden of the new dwelling and the neighbouring property is of a similar height, albeit at a lower level than the raised walkway, ensuring that there is not a significant loss of privacy.
29. The extensions and alterations do not result in any significant harm being caused by way of overshadowing, loss of privacy or loss of outlook as the enlarged parts of the building area located far from neighbouring properties. Only the enlarged rear section is noticeable from the rear garden of no. 4, however the enlarged 2.5m tall side wall represents only a slight alteration from the previous situation.
30. The proposed dwelling is considered to comply with the nationally prescribed space standards and would provide sufficient internal and external amenity space. Particular concern was raised that the layout of the dwelling represented a poor arrangement of rooms, resulting in a poor standard of amenity for the occupiers. It is acknowledged that the plans originally submitted were poorly laid out, however following negotiations with the applicants a revised layout has now been proposed which represents a higher standard of design. The bedrooms are now located in the front and middle rooms whilst the kitchen living room is now at the rear, providing direct access to the rear amenity space. A new internal corridor has been added allowing for the creation of a shared WC and bathroom.
31. A private rear garden is to be created including a patio area subdivided from the original dwelling by way of a close boarded fence.
32. The original dwelling remains acceptable in terms of both internal and external amenity space standards and can provide a suitable standard of accommodation.

Main issue 4: Transport

33. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.

34. The proposed layout includes the provision of two car parking spaces to the front with use of a shared turning area within the shared driveway. Access to the main entrance is via the walkway to the side which also provides direct access to the rear garden where a cycle store is to be provided. Details of the cycle and bin stores are to be submitted to the council by way of way of planning condition prior to the occupation of the new dwelling.
35. Particular concern has been raised by several neighbours that the proposal does not provide adequate parking which result will result in an increase in the volume of cars using Nuffield Close for parking and manoeuvring, subsequently causing highway safety and access issues for emergency vehicles.
36. The provision of 2 car parking spaces for each dwelling exceeds the locally prescribed requirements, and as such the provision is considered to be acceptable. It therefore follows that it is unlikely that the proposal will have a significant impact on the current situation within the cul-de-sac with regard to the number of cars parking on the highway and subsequent access issues. It is accepted that the proposal is likely to result in an increase in the number of vehicles using the cul-de-sac, however that increase is considered unlikely to result in significant harm.

Other matters

37. Concern was raised that the proposal was contrary to the restrictions set out within the deeds of the property. Such a matter is not a material planning consideration.
38. An enforcement notice has been served requiring the property to be returned to a single dwelling, following the unauthorised subdivision into four units. The committee report and minutes relating to the enforcement action is appended to this report. Should members be minded to approve the current application then it is also recommended that the existing enforcement notice be withdrawn and a new enforcement notice served giving a time period within which to implement the current proposals.

Equalities and diversity issues

39. There are no significant equality or diversity issues.

Local finance considerations

40. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
41. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
42. In this case local finance considerations are not considered to be material to the case.

Conclusion

43. The proposal results in an enlarged and subdivided dwelling which does not cause significant harm to the character and appearance of the subject property or surrounding area.
44. The proposal results in a new dwelling which provides an acceptable standard of residential amenity for the occupiers of the subject and parent properties.
45. The proposal will not have a significant impact on the current parking and access arrangements within Nuffield Close.
46. The development is therefore considered to be in accordance with the requirements of the National Planning Policy Framework and the Development Plan.
47. It is recommended that the existing enforcement notice is withdrawn and a new notice served requiring the implementation of the proposals presented here.

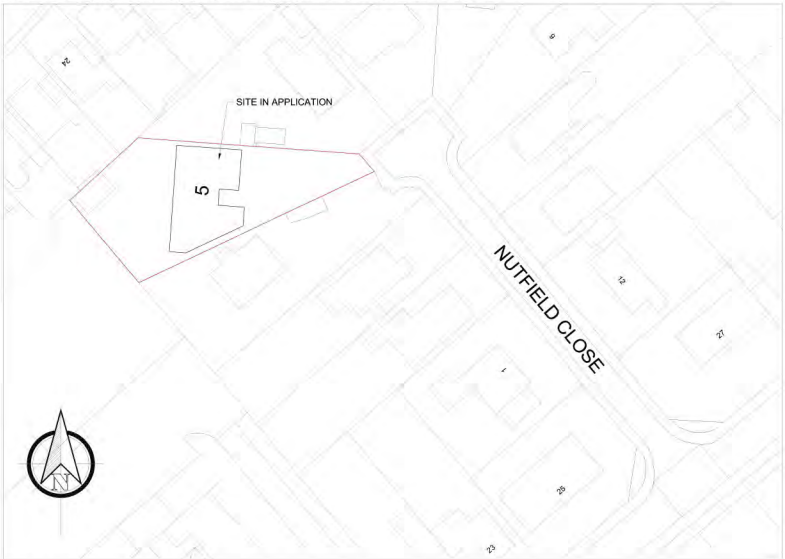
Recommendation

To:

(1) approve application no. 18/00005/F - 5 Nutfield Close Norwich NR4 6PF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Cycle and bin stores;
4. Landscaping.

(2) authorise the withdrawal of the existing enforcement notice and serving of a new enforcement notice requiring the implementation of application no. 18/00005/F - 5 Nutfield Close Norwich NR4 6PF within a prescribed timeframe.



SITE LAYOUT PLAN
1:1250

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REFER TO DRAWING 205405-35
FOR PROPOSED ELEVATIONS

client
MR MARK GRUBB

project
5 NUTFIELD CLOSE, EATON,
NORWICH, NR4 6PF

architect

we

SITE LAYOUT PLAN
PROPOSED GENERAL ARRANGEMENT
PLAN

down design check status date
DJB BD JP NOTED 11.2017

drawing number
205405-45-P3

P3	28.03.2018	REVISED AS PER RECEIVED COMMENTS	PK	TR
P2	19.12.2017	REVISED AS PER RECEIVED COMMENTS	DJB	JP
P1	11.12.2017	PRELIMINARY ISSUE	DJB	JP
rev	date	details	by	checked

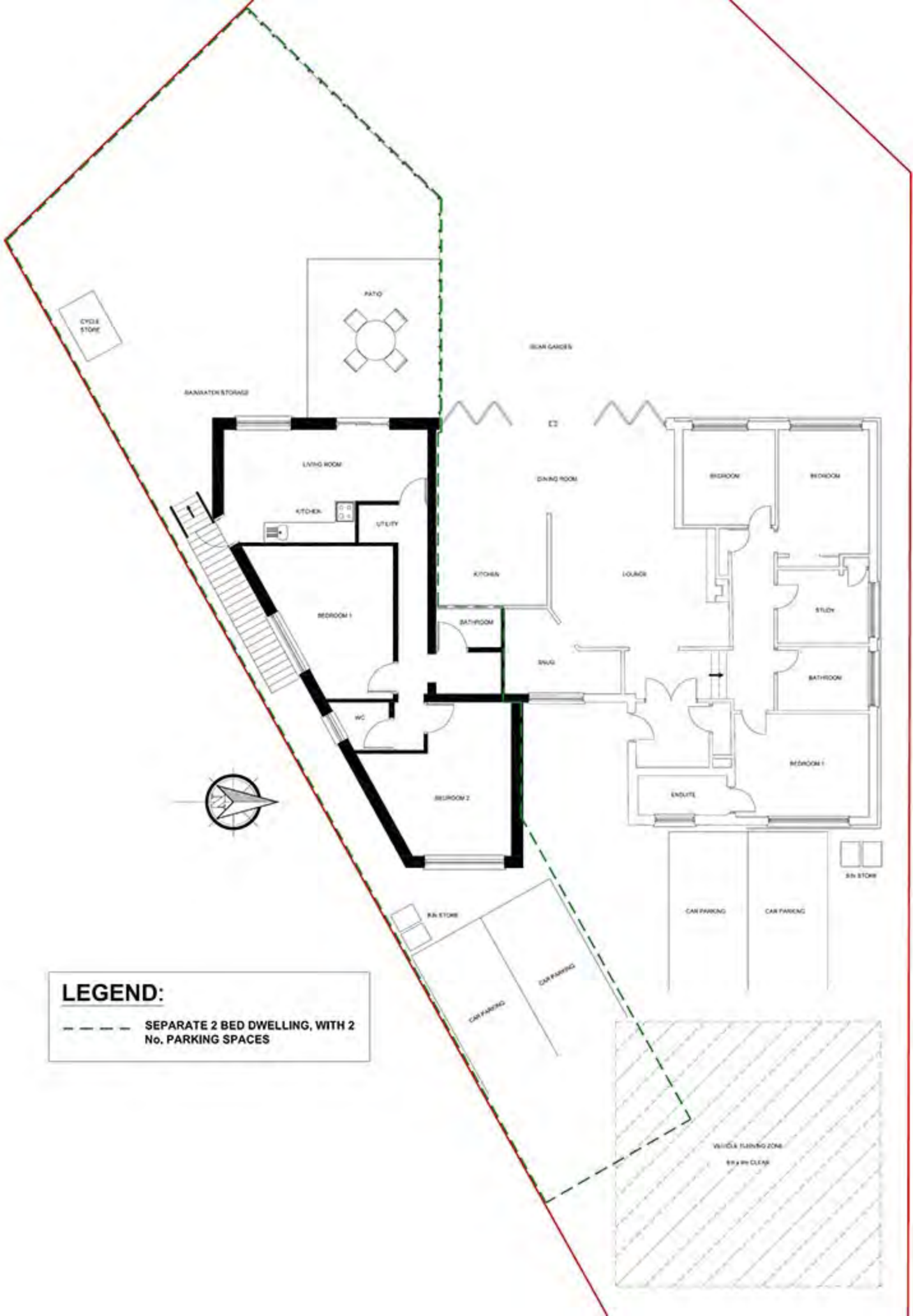


Canham Consulting Ltd The Old School School Lane, Norwich
Norfolk NR7 6DP Tel: +44 (0)1603 430600 Fax: +44 (0)1603 430601
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LEGEND:

SEPARATE 2 BED DWELLING, WITH 2
No. PARKING SPACES

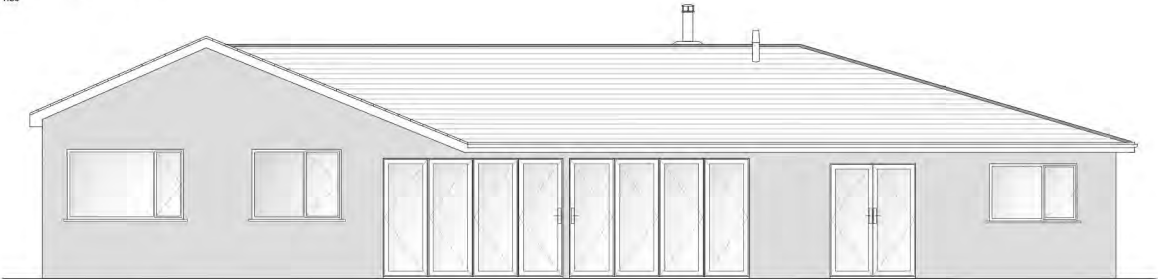
PROPOSED GENERAL ARRANGEMENT
1:100





EAST ELEVATION

1:50



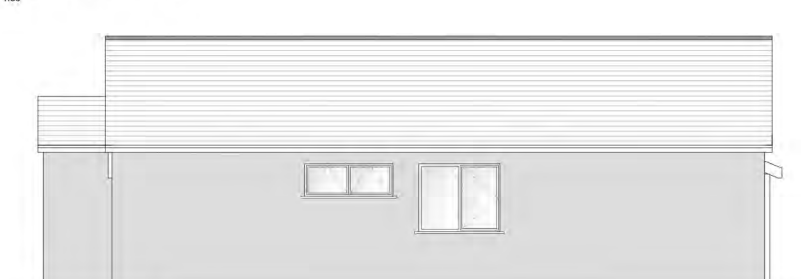
WEST ELEVATION

1:50



SOUTH ELEVATION

1:50



NORTH ELEVATION

1:50

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client
MR MARK GRUBB

project
5 NUTFIELD CLOSE, EATON,
NORWICH, NR4 6PF

architect

title

PROPOSED BUILDING USE CHANGE
ELEVATIONS

P2	28.03.2018	REVISED FOLLOWING COMMENTS RECEIVED	PK	TR
P1	14.11.2017	PRELIMINARY ISSUE	DJB	JP
rev	date	details	by	checked
DJB	BD	JP	NOTED	11.2017

COL A1 1013: CAD DRAWING NOT TO BE HAND MODIFIED OR SCALED IF IN DOUBT ASK
drawn design checked scales date
DJB BD JP NOTED 11.2017

drawing number

205405-35-P2



Canham Consulting Ltd The Old School School Lane, Norwich
Norfolk NR7 6EP Tel: +44 (0)1603 430660 Fax: +44 (0)1603 430661
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Report to Planning applications committee

Item

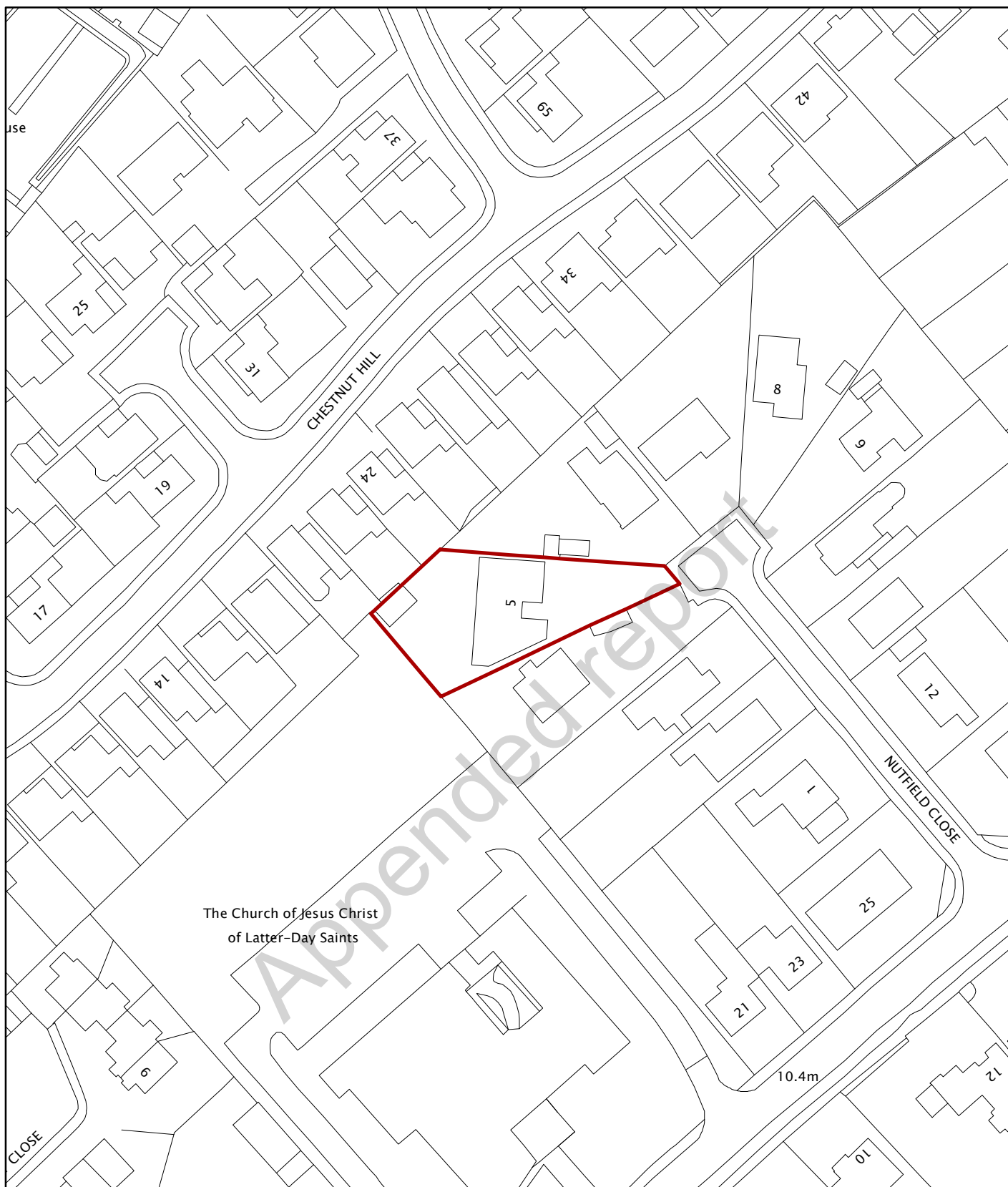
12 October 2017

Report of Head of planning services

4(d)

Subject Enforcement Case – 5 Nutfield Close, Norwich, NR4 6PF

SUMMARY	
Description:	Subdivision of dwelling to create four independently accessed units of accommodation
Reason for consideration at committee:	Enforcement action recommended.
Recommendation:	<p>Authorise enforcement action up to and including prosecution in order to:</p> <ol style="list-style-type: none"> (1) secure the cessation of the use of the three newly created flats; (2) secure the removal of the additional kitchen facilities which facilitate their use; (3) secure the removal of the three new external access doors to the side elevations; (4) secure the opening up of the internal doorways so that all rooms are accessible internally within the dwelling.
Ward:	Eaton
Contact officer:	Stephen Polley stephenpolley@norwich.gov.uk



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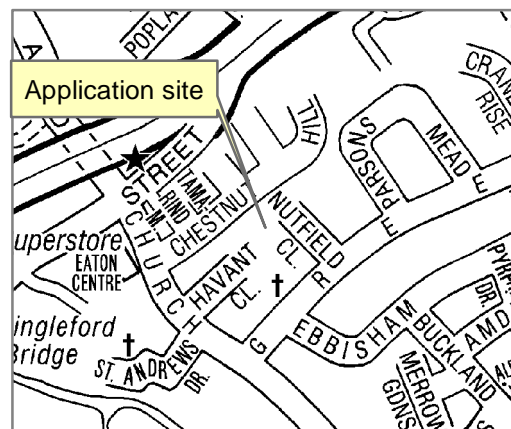
Planning Application No 17/00157/ENF
Site Address 5 Nutfield Close

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site

1. The site is located at the western end of Nutfield Close, a residential cul-de-sac within Eaton to the south-west of the city. The predominant character of the area is residential, primarily consisting of a mixture of single and two storey detached dwellings built on good sized plots constructed as part of a wider post war housing development circa 1960. Nutfield Close consists of twelve single storey bungalow type dwellings constructed around a cul-de-sac which slopes gently upwards from east to west.
2. The site is bordered by the neighbouring properties located within Nutfield Close with no. 4 being located to the south and no. 6 to the north. Both neighbouring properties are bungalows which have been altered. To the rear of the site is the rear gardens of properties located on Chestnut Close. The site boundaries are marked by close bordered fencing and mature planting at the rear and mature hedgerows to the front.

Relevant planning history

3. 17/00587/F – Single storey extension (retrospective) – Withdrawn

The breach

4. Without planning permission carrying out the following operations without planning permission:
 - a) The erection of a single storey front, side and rear extension with replacement roof;
 - b) The change of use of the dwelling from a single C3 dwelling house into four separate units of accommodation (class C3).

Relevant policies

National Planning Policy Framework:

- NPPF0 Achieving sustainable development
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design

Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS):

- JCS2 Promoting good design
- JCS4 Housing delivery
- JCS6 Access and transportation

Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan):

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM12 Principles for all residential development
- DM13 Communal development and multiple occupation

- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Justification for enforcement

5. The bungalow was partly demolished and rebuilt to include a raised roof, extension to the front, extension to the rear and the infilling of a covered porch. The works commenced without planning consent and were subsequently investigated by the planning enforcement officer which led to the submission of the retrospective planning application. The proposal included the creation of two independently accessed bedrooms with en-suite. The application stated the rooms were to be occupied by a carer and the applicant's elderly mother whom is a dementia sufferer. The application was presented to the planning applications committee in September and was recommended to be approved on the basis that the design, amenity and use were acceptable. Members chose to defer the decision on the basis that the rooms should be incorporated within the main house and not be independently accessed.
6. On further investigation and following a further site visit, the building works have now been largely completed and three independent studio flats have been created. Each has a bedroom, small kitchen and shower room with independent external access. Two of the three units were occupied at the time of the visit and the final unit was being actively marketed. The internal layout varies to that which was provided as part of the recent withdrawn planning application.
7. In considering if it is expedient to take enforcement action it is necessary to consider the acceptability of the operations which have taken place.
8. The principal of new flats and bedsits is assessed under policies DM12 and DM13. These policies allow for such proposals subject to a number of criteria. These criteria in particular require a consideration of:
 - (a) the amenity of future and neighbouring residents in accordance with policy DM2;
 - (b) servicing and access arrangements to ensure appropriate cycle, car parking and refuse arrangements.
 - (c) density and character of the surrounding area;
 - (d) The above are considered further below.

Amenity

9. Whilst we do not have accurate as built plans the new flats are estimated to measure between 17-25m² in size. The nationally described space standards as well as the space standards in policy DM2 seek a minimum gross internal area of 37m² for a 1 person 1 bed property. The largest flat is centrally located and has a single window facing west and less than a metres from the boundary fence. The other two flats which have been created also have a single aspect one with an outlook to the frontage parking area and another with an outlook to the rear garden.

10. The sites rear garden has not at this point been subdivided and no separate defensible external amenity space exists for any of the newly created flats. Whilst the rear garden could be subdivided to provide amenity space to the flat at the rear of the property, it is not considered that external amenity space could be readily created for the other two flats in a manner which relates well to those properties.
11. Given the size of the dwellings, their poor outlook and lack of defensible amenity space the flats would fail to provide a high standard of amenity to future occupants as required by policies DM2 and DM13.
12. With regard to the impact on the amenity of neighbouring occupiers the extensions are not considered to result in amenity impacts such as overlooking or overshadowing which would conflict with policy.

Access, parking and servicing

13. The frontage of the property consists of a drive way with shingle parking areas. This is bordered by boundary hedging and trees. No formal refuse storage or cycle parking has been provided, albeit it is possible that such provision could be made. Car parking standards would require at least 4 car parking spaces for the four properties on the site and whilst the frontage of the property is a reasonable size it's shape may prohibit the provision of car parking whilst allowing sufficient turning and servicing space and retaining existing boundary vegetation.

Character and density of the area

14. The site is located in an area characterised by single and two storey detached properties in reasonable sized plots. Densities in the area are around 13 dwellings per hectare. The extension and subdivision of the property to four units of accommodation would be inconsistent with this character and would result in a far higher density and intensity of use of the site.
15. Whilst the extensions themselves would not be harmful in design terms due to the relatively concealed nature of the site, the use as four units of accommodation would be inconsistent with the character of the surrounding area.

Equality and diversity Issues

16. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:
 - (a) Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised building works in the interests of amenity is proportionate to the breach in question.
 - (b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party

ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

Conclusion

17. For the reasons outlined above the extension and subdivision of the property into four separate units of accommodation represents an overdevelopment of the site resulting in a poor standard of amenity for future occupiers, insufficient parking and servicing facilities and inconsistent with the character of the surrounding area. As such it is recommended that enforcement action be pursued to secure the cessation of the use of the three newly created flats, removal of the kitchens facilitating their use, the blocking of external access doors and opening up of interior doorways to ensure all rooms can be accessed internally within the remaining single dwelling.

18. Whilst the extensions do not benefit from planning permission, subject to securing the above and ensuring that the extensions are ancillary to the main use of the dwelling, the extensions would not result in harm to the surrounding area. As such the recommendation does not seek to secure the removal of the extensions themselves.

Recommendation

Authorise enforcement action up to and including prosecution in order to:

- (1) secure the cessation of the use of the three newly created flats;
- (2) secure the removal of the additional kitchen facilities which facilitate their use;
- (3) secure the removal of the three new external access doors to the side elevations;
- (4) secure the opening up of the internal doorways so that all rooms are accessible internally within the dwelling.

**Extract from the minutes of the planning applications committee
12 October 2017**

Present: Councillors Driver (chair), Maxwell (vice chair), Button, Carlo, Henderson, Jackson, Lubbock (substitute for Councillor Wright), Malik, Peek, Sands (M) and Woollard

Apologies: Councillors Bradford and Wright

1. Enforcement Case – 5 Nutfield Close, Norwich, NR4 6PF

(Councillor Lubbock, having declared a predetermined view in this application, addressed the committee and then left the meeting during the committee's determination of the application.)

The area development manager (outer area) presented the report with the aid of plans and slides. At its meeting on 10 August 2017, the committee had deferred consideration of the retrospective planning application for further discussion with the applicant and agent. The application had subsequently been withdrawn. The report was seeking to cease the use of the three newly created flats and revert back to a single dwelling.

Councillor Lubbock, local member for Eaton Ward, addressed the committee on behalf of local residents. The property had been subdivided into four with three rental properties and the primary concern was the impact that this would have on the residents of the small cul-de-sac, particularly from on street parking restricting the space for vehicles to turn round. She also said that the subdivision was contrary to policy DM2; the rental units were below national space standards and lacked amenity space and asked the committee to support enforcement action.

The agent spoke on behalf of the property owner who had owned the property since 2012. She explained the owner had been under the impression that the extension could be built under permitted development rights and had been originally intended for a family member and her carer but due to a change in circumstances was no longer required for that use. She referred to the planning history and said that the owner had made small changes to the layout with external doors and kitchenettes to provide three rental units for professional people. Two of the rental units were currently let with the third empty pending the decision of the committee. A further planning proposal was being drawn up and the owner requested that if this application and the owner asked for enforcement action to be put on hold for two months to enable the planning process to be carried out.

(Councillor Lubbock left the meeting at this point.)

The area development manager (outer area) referred to the report and answered members' questions. He said that the extension was acceptable for a single dwelling but the subdivision into four separate units was not and would be to not receive planning consent. Members were advised that there did not appear to be room for negotiation with the owner and therefore enforcement action was being sought. The

area development manager explained the enforcement process and that any enforcement notice would take at least 28 days to come into effect. However in fairness to the tenants he suggested a three month compliance period.

During discussion members spoke in support of enforcement action and the cessation of the rental use. A member said that the reconfiguration would not preclude the subdivision of the property into two dwellings at a future date. The committee discussed the period for taking enforcement action and expressed their dissatisfaction with the owner's disregard to the planning process. The area development manager (outer area) asked members to leave this to officers' discretion, subject to further discussion with the property owner and agent.

RESOLVED, unanimously, to authorise enforcement action up to and including prosecution in order to:

- (1) secure the cessation of the use of the three newly created flats;
- (2) secure the removal of the additional kitchen facilities which facilitate their use;
- (3) secure the removal of the three new external access doors to the side elevations;
- (4) secure the opening up of the internal doorways so that all rooms are accessible internally within the dwelling.

(Councillor Lubbock was readmitted to the meeting at this point.)



NORWICH
City Council

ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning
and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: Norwich City Council (“the Council”)

1. **THIS NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THIS NOTICE RELATES**

Land known as 5 Nutfield Close, Norwich, NR4 6PF as shown edged in red on the attached plan (“the Land”)

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the carrying out of the following operations:

- a) The erection of a single storey front, side and rear extension with replacement roof;
- b) The change of use from a single C3 dwellinghouse into four separate units of accommodation (class C3).

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years. The building works have been largely completed and three independent studio flats have been created. Each has a bedroom, small kitchen and shower room with independent external access.

The new flats are estimated to measure between 17-25m² in size. The nationally prescribed space standards as well as the space standards in policy DM2 seek a minimum gross internal area of 37m² for a 1 person 1 bed property. The largest flat is centrally located and has a single window facing west and less than a metre from the boundary fence. The other two flats which have been created also have a single aspect one with an outlook to the frontage parking area and another with an outlook to the rear garden.

No separate defensible external amenity space exists for any of the newly created flats. Whilst the rear garden could be subdivided to provide amenity space to the flat at the rear of the property, it is not considered that external amenity space could be readily created for the other two flats in a manner which relates well to those properties.

As a result of the size of the dwellings, their poor outlook and lack of defensible amenity space the flats would fail to provide a high standard of amenity to future occupants. Therefore the proposal conflicts with policy DM2 and DM13 of the Norwich Development Management Local Plan Policies (2014).

No formal refuse storage or cycle parking has been provided. Car parking standards require at least 4 car parking spaces for the four properties on the site and whilst the frontage of the property is a reasonable size it's shape may prohibit the provision of car parking whilst allowing sufficient turning and servicing space and retaining existing boundary vegetation. Therefore the proposal conflicts with policy DM30 of the Norwich Development Management Local Plan Policies (2014).

The site is located in an area characterised by single and two storey detached properties in reasonable sized plots. Densities in the area are around 13 dwellings per hectare. The extension and subdivision of the property to four units of accommodation would be inconsistent with this character and would result in a far higher density and intensity of use of the site. Therefore the proposal conflicts with policy DM3 of the Norwich Development Management Local Plan Policies (2014).

5. WHAT YOU ARE REQUIRED TO DO

- a. Cease the use of the three newly created flats (labelled studio 1, studio 2 and studio 3 and shaded blue, green and orange on the plan appended to this notice) as units of residential accommodation independent of the main dwelling and return the property to use as a single C3 dwellinghouse;
- b. Remove the additional kitchen facilities within the newly created flats (labelled studio 1, studio 2 and studio 3 and shaded blue, green and orange on the plan appended to this notice);
- c. Remove the three new external access doors (labelled A, B and C on the plan appended to this notice) to the side elevations and replace with a wall using materials to match the adjacent existing walls;
- d. Open up internal doorways so that all rooms within the dwelling are accessible internally within the dwelling.

6. TIME FOR COMPLIANCE

- a. three months after this notice takes effect
- b. three months after this notice takes effect
- c. three months after this notice takes effect
- d. three months after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the **11th January 2018** unless an appeal is made against it beforehand.

Dated: **11th December 2017**

Signed:



Graham Nelson

Head of Planning and Regeneration Services

on behalf of:

Norwich City Council
City Hall
St Peter's Street
Norwich NR2 1NH

ENFORCEMENT NOTICES AND APPEALS.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 as amended.

Enforcement Notice relating to the following land: Land known as 5 Nutfield Close, Norwich, NR4 6PF shown edged in red on the attached plan (“the Land”)

The Council has issued an enforcement notice relating to the above Land and copies of the notice are being served on the parties listed at the end of this letter who, it is understood, also have an interest in the Land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on **11th January 2018** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **11th January 2018**.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- b) that those matters have not occurred;
- c) that those matters (if they occurred) do not constitute a breach of planning control;
- d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- e) that copies of the enforcement notice were not served as required by section 172;
- f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee. You should pay half of the fee to the Council (made payable to Norwich City Council and the other half of the fee to the Planning Inspectorate (made payable to the Department for Communities and Local Government). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

List of persons whom have an interest in the land and on whom an enforcement notice has been served.

1. Francis Mark Grubb
5 Nutfield Close
Norwich
NR4 6PF
2. Ipswich Building Society
P.O Box 547
Freehold House
The Havens
Ipswich
IP3 9WZ



The Planning Inspectorate

CST Room 3/05
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-372 6372
Switchboard 0117-372 8000
Fax No 0117-372 8782

www.planning-inspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0117 372 6372 or by emailing us enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

TOWN AND COUNTRY PLANNING ACT
SECTION 171A TO 177
SUMMARY

Section 171A

Carrying out development without planning permission or failing to comply with planning conditions is a breach of planning control and the issuing of an enforcement notice or the breach of condition notice is the taking of enforcement action.

Section 171B

Enforcement action cannot be taken in respect of operational development if four years have elapsed after the operations were completed.

Enforcement action cannot be taken for the change of use of a building to use as a single dwelling house after four years have elapsed from change of use

With respect to any other breach of planning control enforcement action cannot be taken after the end of a period of 10 years beginning with the date of the breach.

Section 171C

Local authorities have power to serve a planning contravention notice requiring information about activities on land.

Section 171D

The penalty for non-compliance with the planning contravention notice is a fine not exceeding £1000.

Section 172

A local planning authority can issue an enforcement notice when it appears to them that it is expedient to do so having regard to the development plan and to any other material considerations.

They are required to serve a copy on the owner, occupier and any other person having an interest in the relevant land.

This service shall take place not more than 28 days after the notice has been issued and not less than 28 days before it takes effect.

Section 173

An enforcement notice shall state the matters which appear to the local planning authority to constitute the breach of planning control and whether it is development without permission or in breach of condition.

The notice shall specify the steps which the authority requires to either remedy the breach which has taken place or to remedy any injury to amenity which has been caused.

The enforcement notice must specify the date on which it is to take effect and the period allowed for any required steps to be taken.

Section 173A

A local planning authority may vary or withdraw an enforcement notice.

Section 174

A person having an interest in the land to which an enforcement notice relates or another occupier can appeal to the Secretary of State against the notice whether or not a copy of it has been served on them.

The grounds for appeal and method of appeal are as set out in the annexe to the enforcement notice.

Section 175

The Secretary of State has by regulations prescribed the procedure to be followed on appeals under Section 174.

Section 176

On an appeal the Secretary may correct any defect in the notice, vary it or quash it.

He may also dismiss the appeal.

Section 177

On an appeal the Secretary of State may grant planning permission for all or some of the matters stated in the enforcement notice as constituting a breach of planning control or discharge any condition subject to which planning permission was granted or determine whether any existing use of land or any operations or any failure to comply with a condition is lawful

Plan of three newly created flats at 5 Nutfield Close, Norwich, NR4 6PF labelled studio 1, studio 2 and studio 3 and shaded blue, green and orange respectively.



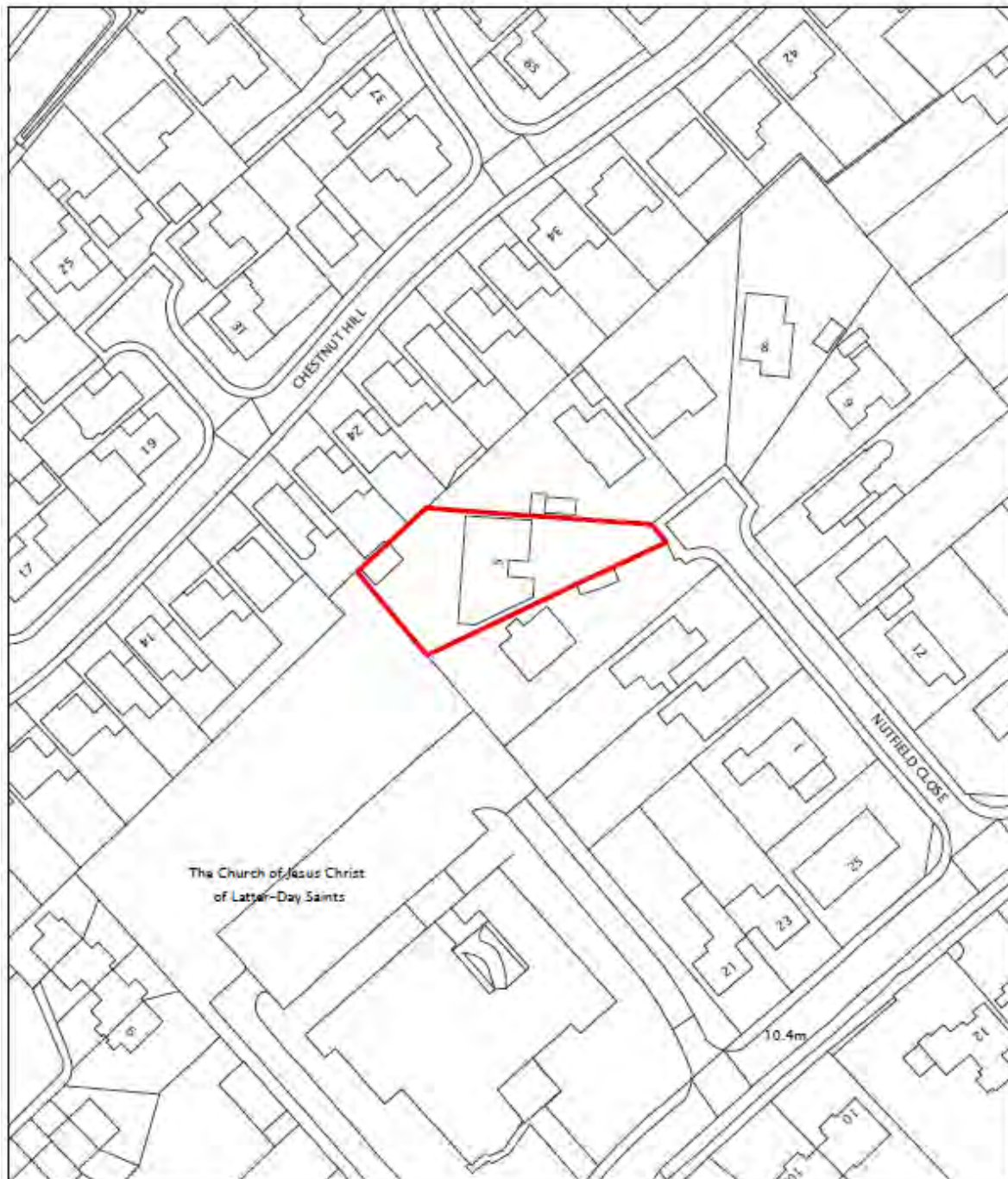
Land known as 5 Nutfield Close, Norwich, NR4 6PF shown edged in red on the attached plan. Norwich City Council (Localview GIS)



NORWICH
City Council

Town & Country Planning Act 1990

Enforcement of Planning Control at:
5 Nutfield Close, Norwich



PLANNING SERVICES

Norwich City Council, City Hall,
Norwich, NR2 1NH
Telephone 0344 980 3333

Date 09/11/2017

Scale 1:1,000

Drawn by L.A.C

