

## Report for Information

**Report to** Planning Applications Committee  
21 December 2010

**Item**

**6**

**Report of** Head of Planning Services

**Subject** Performance of the Development Management Service:  
Appeals: 1st July 2010 to 30th September 2010  
(Quarter 2: 2010 - 2011)

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### **Purpose**

To report the performance on planning appeals to members of the Committee and update the information previously presented to Committee on 11 November. Additional information relating to the reasons for refusal of the application by the Head of Planning are now reported in full in paragraphs 5 and 11 as requested.

### **Recommendations**

That the report be noted.

### **Financial Consequences**

The financial consequences of this report are none.

### **Strategic Priority and Outcome/Service Priorities**

The report helps to meet the strategic priority "Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future" and the implementation of the planning improvement plan.

### **Contact Officers**

Graham Nelson, Head of Planning Services  
Ian Whittaker, Planning Development Manager

01603 212530  
01603 212528

### **Background Documents**

None.

# Report

## Background

1. On 31 July 2008 Planning Applications Committee considered a report regarding the improved working of the Committee which included a number of suggested changes to the way the Committee operates. In particular it suggested performance of the development management service be reported to the Committee and details of appeals provided.

## Performance of the development management service

2. This report is in relation to the Appeals aspect only of the service. Appendix 1a and 1b provide details of appeals lodged which are pending and determined. The paragraphs below attempt to briefly summarise the information.
3. It can be seen from Appendix 1a that there are seven planning appeals pending or awaiting decision. All seven are due to be determined by written representation. Six of the appeals were delegated officer decisions with one appeal being a Committee decision where members have refused planning permission contrary to the officer's recommendation. The application was for the sub-division of curtilage of the property at 111 Newmarket Road for the erection of a four bedroom detached two-storey dwelling and double garage. The two reasons for refusing the application related to the creation of the access to the development which would involve the loss of part of an historic wall and the use of the access already in place would be detrimental to highway safety.
4. You will see from Appendix 1b that there have been two appeals determined in Quarter 2 and in both cases The Planning Inspectorate have Allowed the appeals.
5. The first case relates to a proposal to demolish existing buildings and construct 4 no. one-bedroom houses at the **Duke of Connaught, Livingstone Street**. As the site is not in a Conservation Area there was no requirement to advertise in the Press or on site but neighbours were consulted. There were no neighbour objections. The application was refused under the Head of Planning's delegated powers for the following reasons:
  - (a) The proposed development leads to an over intensive and cramped form of development with limited residential amenity space and with buildings sited close to Speke Street and to adjacent properties on Grant Street and would have a poor living environment and an adverse effect on the amenity of nearby residents by reason of the siting, design and the overbearing visual impact of the proposed buildings thereby relating poorly to the character and amenities of the surrounding area contrary to saved policies EP22 and HOU13 of the City of Norwich Replacement Local Plan (November 2004).

- (b) The application site is of limited size and the proposed development by reason of its layout, dominant form on the street corner, increase in height, poor gable and boundary treatments and close proximity to plot boundaries results in a poor standard of design and setting to the new houses and would be detrimental to the amenity and general character and appearance of the surrounding area contrary to saved policies HOU13, HBE12 and EP22 of the City of Norwich Replacement Local Plan (November 2004) and Policy ENV 7 of the East of England Plan, May 2008.
- (c) The application site is located out of the centre of Norwich and no on-site parking provision has been made for the proposed development. The form of development is intensive and cramped on this corner site and the removal of on-site parking facilities has not been used to contribute to an enhanced design of the site or the site laid out to make provision for the requirements of disabled drivers or visitors to the site contrary to policies TRA5, TRA6, TRA9, HOU13 and HBE12 of the City of Norwich Replacement Local Plan (November 2004) and Policy ENV 7 of the East of England Plan, May 2008.

At appeal the Inspector considered the main issues to be the effect the proposed development would have on the character and amenity of the area; whether living conditions would be provided and parking provision.

- 6. The Inspector noted the surrounding area is characterised by modest scale brick built housing in a style typical of the late Victorian period. This is largely terraced with some semi-detached houses.
- 7. It was the Inspector's opinion that the front elevation of each individual new house would incorporate design elements which can already be found in the immediate area. The building would be similar in height. The Inspector also thought that the gable ends on the buildings would not be prominent or harmful and the grouping of the houses would not look out of place. The Inspector considered that provided suitable external materials were used and the bin stores at plots 2, 3 and 4, which would be in a prominent position in the streetscene, were suitably detailed, the proposal would have no detrimental impact on the character and amenity of the surrounding area.
- 8. With regard to the living conditions and amenity space, the Inspector felt this would be sufficient and in keeping with that of a one-bedroomed house. Also in respect of the windows it was the Inspector's opinion that the distance from the public footway and size of the windows would be comparable to other urban housing of a similar style.
- 9. The Inspector considered that there was enough parking provision for the development; on street parking near the site is not regulated and there would be room for vehicle parking in front of the development.
- 10. The appeal decision was subsequently issued with the standard time limit and drawings conditions. Also conditions relating to materials; cycle storage; bin stores; landscaping works; the submission and approval of an Arboricultural Method Statement and a condition limiting windows constructed on the west elevation of plot 2; east or south elevation of plot 3 and west or south elevation of plot 4.

11. The second case relates to the demolition of existing garage and erection of a bungalow in the rear garden of a dwelling house at **14 Branksome Road**. This was an Outline application with all matters reserved. The site is not in a Conservation Area and as such was not advertised in the Press or on site. Neighbours were notified and there was one representation and one objection received in which the main concerns are poor design and loss of trees. The reasons for refusal were:
- (a) The proposed development would adversely affect the setting and amenity of the residential unit at 14 Branksome Road by reason of its proximity and introduction of additional vehicular movements alongside and to the rear of the existing dwelling contrary to saved policy EP22 of the City of Norwich Replacement Local Plan Adopted Version 2004.
  - (b) Notwithstanding the permission granted for a dwelling to the north of the site it is considered that the proposal would be out of keeping with the character and amenity of the area by reason of its setting and location at the rear of the residential property and could set a precedent for similar proposals on Branksome Road contrary to saved policies HBE12 and HOU13 of the City of Norwich Replacement Local Plan Adopted Version 2004.
  - (c) Insufficient information has been received to adequately assess the impacts of the proposal on the Larch tree on the adjacent property and therefore the proposal does not demonstrate that it would not have an adverse affect on the preserved tree contrary to saved policies NE3 and NE8 of the City of Norwich Replacement Local Plan Adopted Version 2004.
12. The Inspector considered the main issues to be living conditions and character and amenity of the area. The Inspector noted that there was currently one dwelling being built which already had planning permission, which when occupied is likely to increase vehicular movements. However, the Inspector felt that even with an additional increase in respect to the proposed development the proposal would still provide a high standard of amenity.
13. In respect of the character and amenity of the area the Inspector noted the proposal would intensify the use of the site but concluded the effect on the streetscene would be minimal with the most substantial change to the appearance of the area being at the rear of a few properties. The Inspector considered there would be no detrimental impact on the character and amenity of the surrounding area and the proposal would not set a precedent as each planning application should be considered on its own merits.
14. The appeal decision was subsequently issued with a time limit condition; drawings condition; a condition that the dwelling shall be a bungalow and a number of additional conditions relating to; landscaping; reserved matters; samples and materials and a drainage scheme for the site.

**Planning Appeals In Progress – Quarter 2: 2010 / 2011**

<b>Application Ref No</b>	<b>Planning Inspectorate Ref No</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
10/00001/REF	APP/G2625/A/10/2121144/WF	20 Elm Hill Norwich NR3 1HG	Refusal of planning permission for Change of use of ground floor from shop (Class A1) to residential (Class C3).	25th January 2010	WRITTEN	INPROG
10/00013/REF	APP/G2625/A/10/2129526/NWF	Chiswick House 3 Christchurch Road Norwich NR2 2AD	Refusal of planning permission for Extension and alterations.	3rd June 2010	WRITTEN	INPROG

## Appendx 1a

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
10/00014/REF	APP/G2625/A/10/2131292/WF	189 Earlham Green Lane Norwich NR5 8RF	Refusal of planning permission for Erection of a new 2 bedroom property attached to existing property at 189 Earlham Road.	30th June 2010	WRITTEN	INPROG
10/00015/REF	APP/G2625/A/10/2133082/WF	111 Newmarket Road Norwich NR2 2HT	Refusal of planning permission for Sub-division of curtilage to accommodate the erection of a four bedroom detached two storey dwelling and double garage with access from Kinver Close.	30th July 2010	WRITTEN	INPROG

## Appendix 1a

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
10/00016/REF	APP/G2625/A/10/2134497/ NWF	37 St Augustines Street Norwich NR3 3BY	Refusal of planning permission for Change of use from shop (Class A1) to one studio/apartment (Class C3).	17th August 2010	WRITTEN	INPROG
10/00017/REF	APP/G2625/A/10/2134497/ NWF	35 St Augustines Street Norwich NR3 3BY	Refusal of planning permission for Change of use from shop (Class A1) to one studio/apartment (Class C3).	17th August 2010	WRITTEN	INPROG
10/00018/REF	APP/G2625/H/10/2134961	9 Dereham Road Norwich NR2 4HY	Refusal of advertisement consent for Retrospective application for: (1) display of 1 No. Internally illuminated free standing double sided display unit.	26th August 2010	WRITTEN	INPROG

**Planning Appeals Allowed – Quarter 2: 2010 / 2011**

<b>Application Ref No</b>	<b>Planning Inspectorate Ref No</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
10/00003/REF	APP/G2625/A/10/2121894/ NWF	Duke Of Connaught 60 Livingstone Street Norwich NR2 4HE	Refusal of planning permission for Demolish existing buildings/construction of 4 no. 1 bedroom houses.	10th February 2010	WRITTEN	ALLOW 11th August 2010
10/00004/REF	APP/G2625/A/10/2124067/ WF	14 Branksome Road Norwich NR4 6SN	Refusal of planning permission for Outline application for demolition of existing garage and erection of bungalow in rear garden.	8th March 2010	WRITTEN	ALLOW 6th September 2010