

**Report to** Planning applications committee

**Item**

11 March 2021

**Report of** Area development manager

**Subject** Application no 20/01095/F 6 Judges Drive Norwich NR4 7QQ

**Reason for referral** Objections

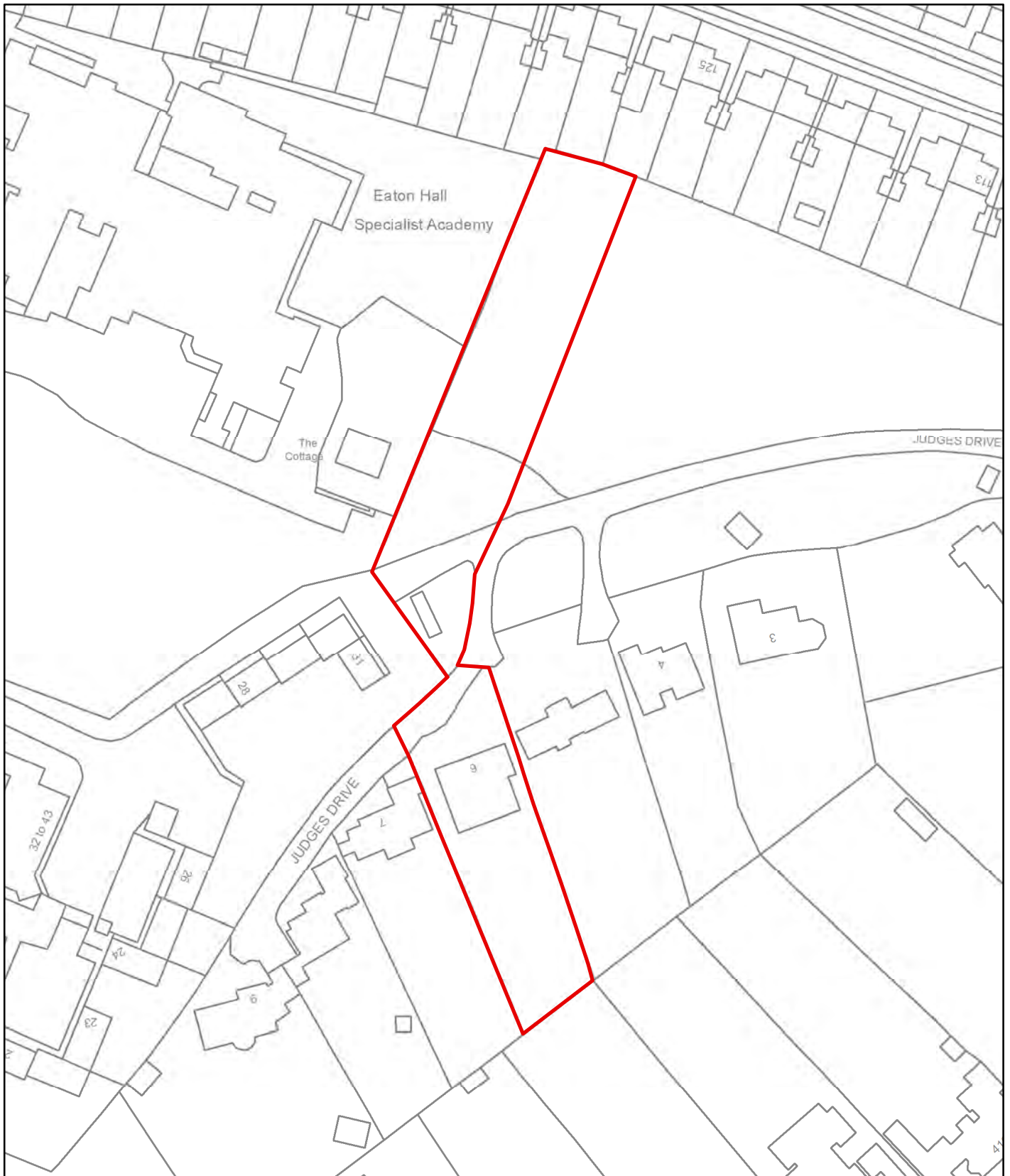
4(b)

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<b>Ward</b>	Eaton
<b>Case officer</b>	Danni Howard <a href="mailto:dannihoward@norwich.gov.uk">dannihoward@norwich.gov.uk</a>
<b>Applicant</b>	Mr Jonathan Kendal

Development proposal		
Erection of shed in woodland.		
Representations		
Object	Comment	Support
3	1	0

Main issues	Key considerations
1	Principle of Development
2	Design
3	Amenity
4	Trees
5	Biodiversity
<b>Expiry date</b>	11 February 2021
<b>Recommendation</b>	Approve



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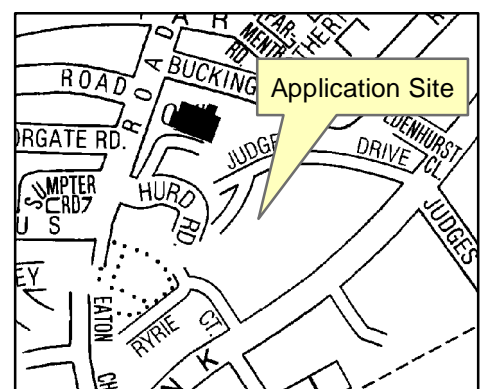
Planning Application No 20/01095/F  
Site Address 6 Judges Drive

Scale 1:1,000



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. Judges Drive is a single track, private residential road leading from the north-west side of Unthank Road. The road separates nine detached dwellings on its south side, from the enclosed woodland to the north. Whilst the woodland contains no physical boundaries, the ownership of the land is apportioned accordingly to each dwelling opposite. The woodland as a whole is bordered to the west by the playing field of Eaton Hall Specialist Academy and to the north by the rear gardens of dwellings on Buckingham Road. A footpath connecting Unthank Road to Buckingham Road borders part of the woodland opposite 1 Judges Drive to the north, however there is no line of site from the footpath to the application site or vice-versa.
2. The application site is located towards the north end of the woodland section owned by 6 Judges Drive. The site contains a mix of mature trees and shrubs, with a small grassy open space in the middle where saplings have been planted. Two concrete outbuildings used for storage are located at the edge of the woodland closest to Judges Drive, obscured from view on the road by a hedging and trees.

## Constraints

3. Part of the woodland, including the application site, falls within the Unthank and Christchurch Conservation Area.
4. Tree Preservation Order No. 197: This is a woodland TPO which covers the woodland area as a whole and does not list specific trees..
5. Natural & Semi-Natural Green Space: Relates to the woodland as a whole not a specific space.
6. Natural England Priority Habitat (Deciduous Woodland) as of November 2020.

## Relevant planning history

7. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
13/01427/TPO	Tree A Sycamore: fell as tree appears to be unstable and could fall in high wind towards garden and shed of 127 Buckingham Road. Plant replacement Sycamore at same location.	APPR	03/04/2014
14/01688/F	Two storey rear extension.	APPR	04/02/2015
20/00533/TPO	Holly x 4 (H): Fell;  Sycamore x 3 (S): Fell.	APPR	01/07/2020

## The proposal

8. The proposal is to erect a timber outbuilding within the woodland owned by 6 Judges Drive, to be used as a shed for storing maintenance equipment.
9. The proposed shed will have a dual-pitched roof measuring 2.2m at the highest point and 1.67m at the eaves. The shed will be 1.98m wide and 2.06m in length, with an 84cm verandah to the front, giving a total length of 2.9m. The total area of the proposal is 4.06m<sup>2</sup>.

## Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received, 3 of which are objections citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Impact on trees.	See Main Issue 4
Impact on biodiversity.	See Main Issue 5
Design of the shed indicates potential for recreational/leisure use.	See Main Issue 2
Loss of residential amenity.	See Main Issue 3
Loss of character and amenity of the woodland.	See Main Issue 4
Validity of the application	Concerns regarding the application type were addressed by way of re-consulting with neighbours and receipt of a revised application form.

## Consultation responses

11. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

## Design and conservation

12. No response received.

## Natural England

13. Natural England does not hold local species data for Priority Habitats and such data should be collected when impacts on priority habitats or species is likely. The impact on any local wildlife or geodiversity can be considered at a local level in line with any relevant planning policy.

## Natural areas officer

14. Deciduous Woodland is classed as a priority habitat by Natural England under the Natural Environment and Rural Communities Act 2006 (NERC Act). The land has value both as a priority habitat and as part of the wider green infrastructure in this part

of the city. Any harm would be relatively minimal, and the proposed mitigation and enhancement measures are anticipated to result in an actual enhancement for biodiversity at the site. The relevant policies would be complied with, but advised the enhancements should be conditioned.

### **Tree protection officer**

15. Proposal will not have a significant detrimental impact on the woodland. No objections.

## **Assessment of planning considerations**

### **Relevant development plan policies**

16. **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
17. **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
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM8 Planning effectively for open space and recreation
  - DM9 Safeguarding Norwich's heritage

### **Other material considerations**

18. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**
- NPPF12 Achieving well-designed places
  - NPPF15 Conserving and enhancing the natural environment
  - NPPF16 Conserving and enhancing the historic environment
19. **Supplementary Planning Documents (SPD)**
- Landscape and trees SPD adopted June 2016

### **Case Assessment**

20. 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**

21. Key policies and NPPF paragraphs – JCS2, DM3, DM8, NPPF paragraphs 8, 91, 96-101, 127
22. The principle of development here is largely in relation to the woodland as a natural and semi-natural green space and it is important to note that the space is a privately owned, enclosed woodland with no public access. Policy DM8 seeks to protect existing open spaces by restricting development that leads to the loss of open green space where possible. In this case, the amount of floorspace proposed as a result of the development is very small and isn't considered to result in a material loss of open space. The shed is a small ancillary structure and would not affect the primary character of space as a woodland area. In this instance it is therefore considered that policy DM8 cannot be reasonably applied to the proposal, as a material loss of open space would not be caused. The principle of development in the proposed location is therefore acceptable.

### **Main issue 2: Design**

23. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
24. The proposed shed is small in scale and will be constructed from pre-fabricated timber panels. In the context of the woodland as a whole, the size of the structure is not overly dominating as part of the landscape and the use of natural materials lends itself to blending in with the natural surroundings, particularly as it weathers with age. The overall impact of the building on the distinctiveness and character of the area is minimal and not considered to be unacceptable.
25. Concerns were raised in an objection regarding the design of the shed, which is typical of a building to be used as a summerhouse, implying that the design indicates a recreational/leisure use rather than storage of maintenance tools as stated in the application. The applicant has indicated that the storage of such equipment within the curtilage of the dwelling is not practical due to health concerns which make transporting equipment through the woodland difficult. Whilst it is unusual for a shed to have windows and a verandah such as the proposed, the scale of the proposed building would be unlikely to result in a level of recreational use that would harm the character of the woodland or residential amenity. The use of the building whether for storage or recreation is considered ancillary to the land and the occupiers have the right to the enjoyment of their land where this does not cause a breach of planning control.
26. The application site sits at the edge of the boundary of the conservation area, and as the site cannot be seen outside of the immediate woodland area, the design is considered to cause no harm to the conservation area.

### **Main issue 3: Amenity**

27. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.

28. Policy DM2 seeks to protect the amenities of the neighbouring occupiers with particular regard given to overlooking, overshadowing, loss of light/outlook and the prevention of disturbance from noise, odour, vibration, air or artificial light pollution.
29. The proposed location of the shed will have very little impact on the residential amenity of properties on Judges Drive as it is obscured from view of the properties by the woodland itself and its natural border as well as hedging bordering the curtilage of no. 5 and 6 Judges Drive. There may be a partial view of the shed from No.4 Judges Drive during the winter months when tree coverage and vegetation is at its sparsest, however, the impact on outlook is considered minimal and there is little risk for loss of privacy to the occupiers of No. 4. Some properties on Buckingham Road to the rear of the shed location may have some view of the shed from the first floor. There is sufficient distance between the development and the properties that it is unlikely to cause any harm to their amenity.
30. Overall, the proposal would not cause material harm to local amenity.

#### **Main issue 4: Trees**

31. Key policies and NPPF paragraphs – JCS1, DM7, NPPF paragraphs 170 and 175.
32. No existing trees are to be removed to accommodate the proposed development. Neighbouring trees close to the shed's proposed location have been surveyed and the development is unlikely to cause any significant harm to their health or future maintenance. No groundworks are proposed to accommodate the development thus minimising any potential harm to root protection areas. Slabs are to be placed on the ground to ensure the weight of the shed is spread evenly across the ground, mitigating the potential for pressure points that might affect tree roots. Sufficient regard for protection of the trees has been demonstrated in accordance with policy DM7.
33. There has been recent arboricultural work within the woodland owned by no.6, which were applied for historically under separate application for works to trees 20/00533/TPO. Any replanting conditioned by that application is to be agreed with the Tree Officer and managed under the works to trees application. It is therefore not appropriate for the effect of a previous decision to be considered as part of this proposal.

#### **Main issue 5: Biodiversity**

34. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 8, 170, 175-177.
35. Policy DM6 advises that proposals should “take all reasonable opportunities to avoid harm to and protect and enhance the natural environment”. Furthermore NPPF para 170 advises that decisions should provide a net gain for biodiversity.
36. No formal ecological assessment has been requested due to the small scale of the application but a statement detailing enhancement and mitigation measures has been received from the applicant. The proposal is to be located on clear ground, and due to the small area of floorspace being covered is considered to have a low impact on the area as a priority habitat. The applicant has stated an intention to make enhancements to the natural area such as the seeding of garlic and wildflowers and planting of fruit trees in the surrounding area that would assist in mitigating against

any possible harm. It has also been stated that wood from previously authorised tree works will also be used to create a hedgehog habitat.

37. Further protection of the habitat can be ensured in line with policy DM6 by a condition restricting the installation of any external lighting to the structure without consent from the local planning authority.

### **Equalities and diversity issues**

38. There are no equality or diversity issues.

### **Local finance considerations**

39. 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. 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. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

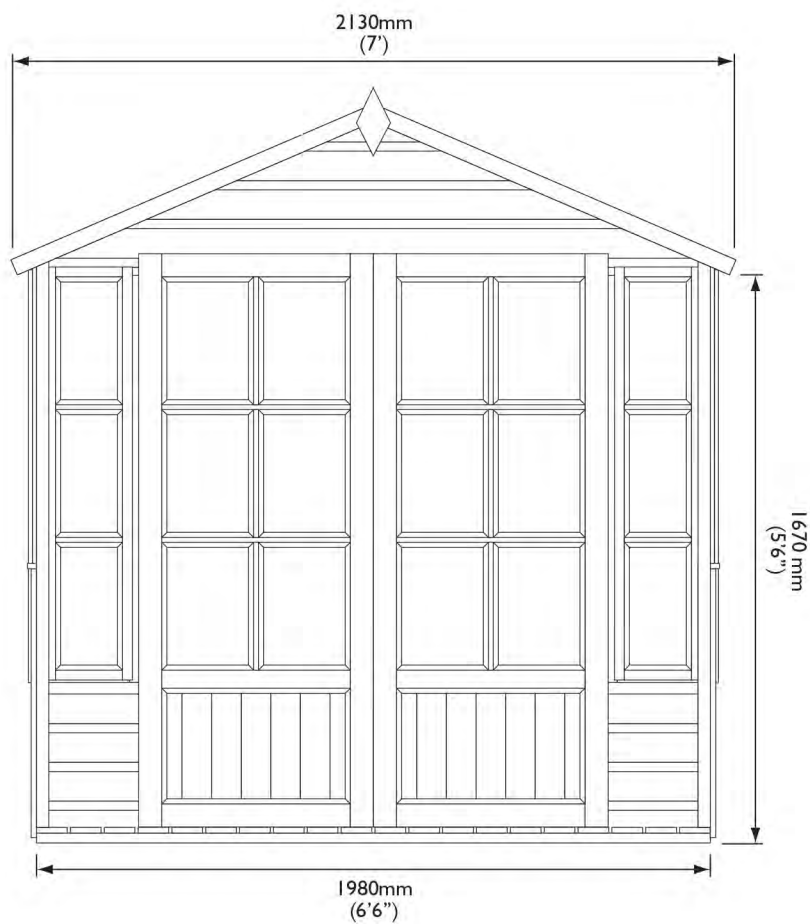
40. The proposal will have no significant impact on the use and character of the woodland as a whole, with no direct harm to the surrounding protected trees. The proposed location of the shed would not cause material harm to the character of the conservation area.
41. There would be no material loss of open space as a result of the proposed development and very minimal harm to the area as a priority habitat. Sufficient enhancements to the biodiversity of the area have been demonstrated.
42. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

### **Recommendation**

To approve application 20/01095/F at 6 Judges Drive, Norwich, NR4 7QQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No installation of external lighting without permission.

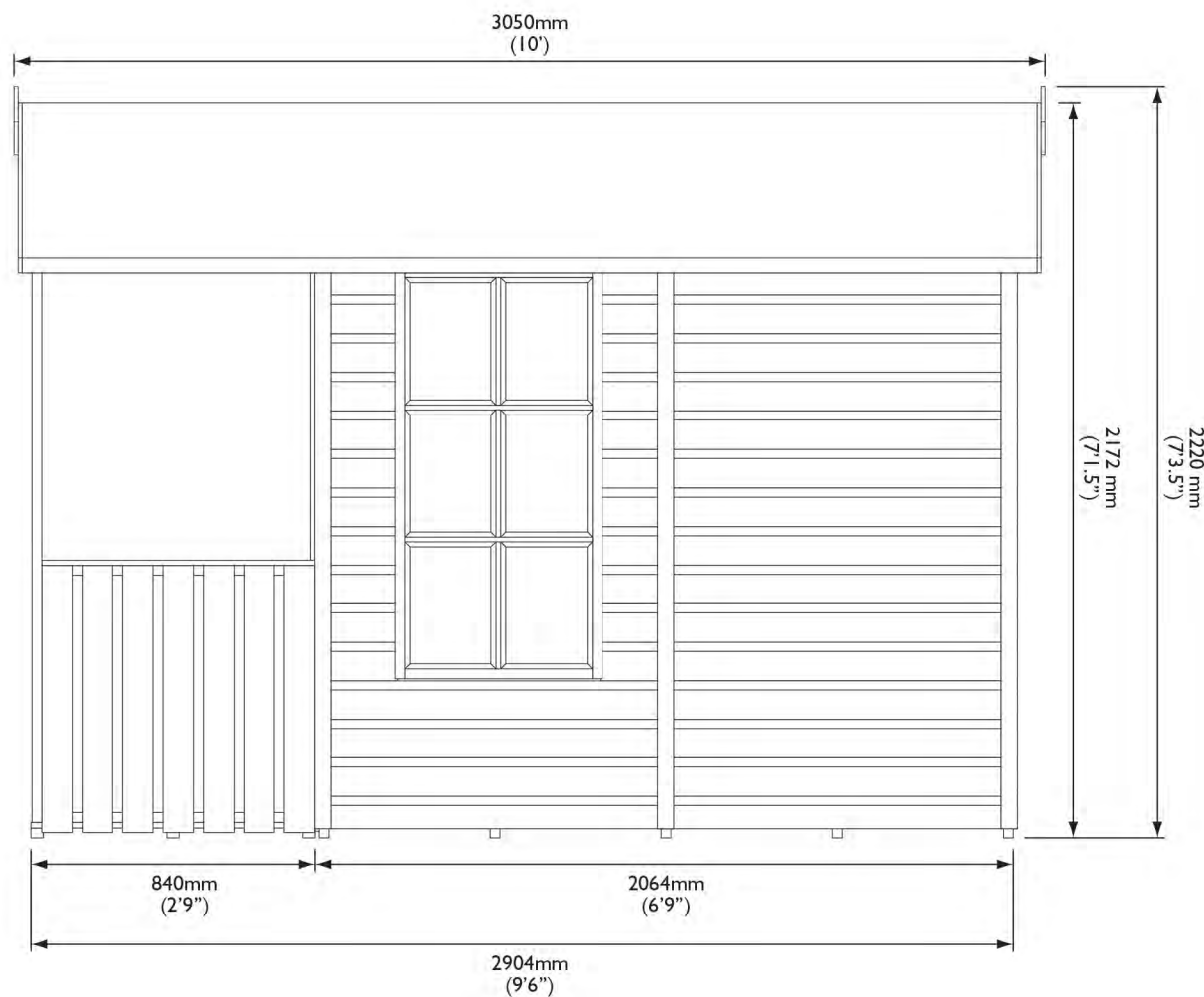




**Door Opening:**

Height: 1670mm (5'6")

Width: 1364mm (5'6")



**Arley Summerhouse**

PRODUCT DIMENSIONS

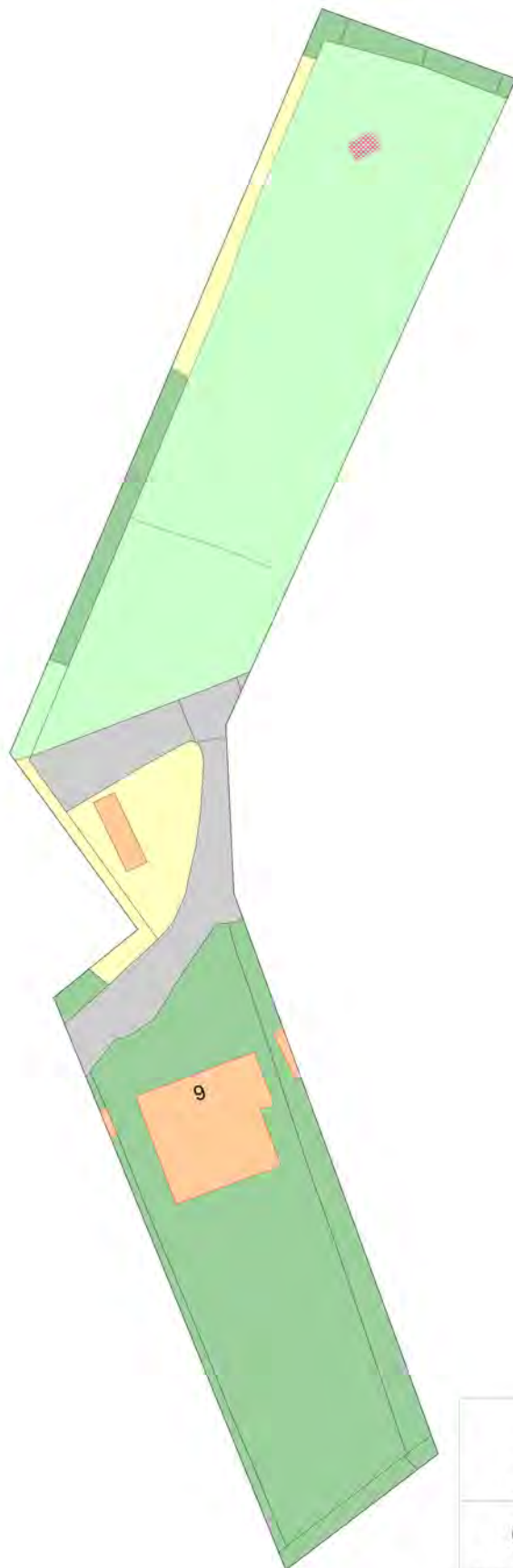


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DRAWING REF: SH7X7V PD 1

DRAWING DATE: 18.06.15



Location of Shed

## Target Trees

79 Stalham Road, Hoveton, NR12 8EF  
E: [info@targettrees.com](mailto:info@targettrees.com) T: 01603 916154

### 6 Judges Drive - Plot

SCALE : 1 : 750 @ A4 DATE : 16/12/2020

MAP FILENAME :  
Plotlayout



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