

Report for Resolution

Report to Planning Applications Committee
1 October 2009

Report of Head of Planning and Regeneration Services

Subject 09/00572/F Branksome Lodge 12 Branksome Road
Norwich NR4 6SN

Item
5(3)

SUMMARY

Description:	Erection of a new dwelling and garage (amendment to previous planning permission 09/00062/F).	
Reason for consideration at Committee:	Objection	
Recommendation:	Approve subject to conditions	
Ward:	Eaton	
Contact Officer:	Lee Cook	Senior Planner Telephone no: 01603 212536
Date of receipt:	13th July 2009	
Applicant:	Mr Andrew Jary	
Agent:	Peter Codling Architects Ltd	

INTRODUCTION

The Site

Location and Context

1. The site is located on the western side of Branksome Road at the rear of what was previously a part of the large garden serving No. 12 Branksome Road. Following the grant of planning permission in 2004 (see below), the garden has been sub divided and sold off.
2. The surrounding area is characterised in the main by large detached residential properties sited within generous garden space. The age of buildings varies considerably with 1970's/80's buildings to the South West along Sunningdale and to the immediate North West a more recent development of several detached dwellings served from Fulford Close cul-de-sac. These latter properties generally have smaller gardens but these are still of relatively generous proportions.

Constraints

3. Tree Preservation Orders Site – TPO.435

Planning History

4. **4/1989/0547** - Sub-division of curtilage to provide site for one bungalow. (Allowed at appeal - 28/09/1989). **4/1990/0391** - Sub-division of curtilage to provide site for one house. (Approved - 31/05/1990). **4/1993/0473** - Sub-division of curtilage to provide site for one bungalow. (Approved - 05/08/1993). **4/1995/0010** - Erection of two storey extension at rear. (Approved - 09/02/1995). **4/2000/0343** - Sub-division of curtilage to provide site for one bungalow (renewal of previous permission 4930473/O) (Approved - 19/10/2000). **4/2002/0424** - Development of site for single dwelling (Withdrawn - 21/06/2002).
5. **04/00317/F** - Sub division of curtilage & erection of single dwelling with garage. (Approved - 01/06/2004). **09/00062/F** - Erection of new dwelling and garage. (Approved - 08/04/2009). **09/00215/D** - Condition 2 - details of (a) bricks; (b) roofing materials; (c) surfacing of drive and manoeuvring area of previous planning permission 04/00317/F 'Sub division of curtilage & erection of single dwelling with garage'. (Withdrawn - 08/05/2009).

The Proposal

6. The scheme involves the erection of a new dwelling and garage. This is as an amendment to previous planning permission 09/00062/F. Given that the scheme makes material changes to the approved scheme in terms of amenity, design and potential impacts on trees a new application has been submitted for consideration. Following consultation the scheme has been revised to take account of comments on proximity to the Larch tree and size of the master bedroom window.

Representations Received

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below. 2 further letters have been received following re-consultation.

Issues Raised	Response
Concern that a business is to be run from the property	See para 15
Concern about the loss/ removal of the existing trees	See paragraphs 18 and 19
Damage to neighbours property.	Not a material planning consideration
Also general lack of consideration to neighbours through actions and continual amendment to the scheme	Applicant has certain rights to re-apply for a variation to an application

Closeness of two storey wing to TPO larch tree	See paragraphs 20 to 22
Scale of house has increased with each application to the point where it will spoil the view/ outlook of neighbours	See paragraphs 12, 13 and 16
Increase in size of store	See paragraph 16
Chimneys are included on the building which are unnecessary, add height and will create nuisance	See paragraph 14

Consultation Responses

8. Arboricultural Officer: No objection subject to conditions to ensure full and strict compliance with the submitted AIA. Including an auditable system of arboricultural supervision as stated at 8.0 of appendix 5 of the AIA [the AMS] and a condition requiring protection of existing hedges on site. It should also be a condition that there will be a pre-development site meeting between the main contractor, the applicants chosen arboricultural consultant and the Council's tree protection officer
9. Transportation: No objection to this proposal on transport grounds. Have asked that the provision of the hardstanding for refuse collection be a condition on any permission.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1 Delivering Sustainable Development.

PPS3 Housing

Relevant East of England Plan Policies

ENV7 Quality in the Built Environment

Relevant Saved City of Norwich Replacement Local Plan Policies

NE3 – Tree Protection

EP22 – High Standard of Amenity for Residential Occupiers

HOU13 – Proposals for New Housing

Supplementary Planning Documents and Guidance

SPD Trees and Development – Adopted September 2007

Revised Scheme

10. The 2004 permission for a two storey dwelling expired in May of this year. A revised proposal under application 09/00062/F was approved by Members at committee in April. The scheme did not significantly differ in terms of overall scale, design, layout, site position and access arrangements from the 2004 application and in all

considerations was considered compatible with the character and amenity of the surrounding area. The scheme also accorded with relevant policy requirements.

11. This newly revised scheme changes the 2009 permission by increasing the size of the rear wing which now becomes a larger dining room and the master bedroom rather than a subsidiary bedroom above. This element increases in width and depth and increases its roof height to now being just below the main ridge line. To accommodate this the rear wing is moved South-West approximately 1 metre closer to the central tree on-site and the main building footprint moved North-East approximately 700mm. A larger window area has been incorporated at first floor level for the bedroom. A small store room has also been added to the North-West elevation. The most recent revised drawings were submitted at the end of August at which time a further neighbour consultation was carried out. The rear wing is now reduced by 500mm moving it further away from the Larch tree and the bedroom window reduced in size in response to initial neighbour comments on the scheme.

Impact on Living Conditions

Amenity, Overlooking and Privacy

12. The 2009 permission has a bedroom located on the rear wing facing properties on Sunningdale. The revised scheme moves the rear wing closer to properties on Sunningdale but the distance between the closest part of either building will be some 40 metres. The buildings on Fulford Close are slightly closer but are sited at an angle to the rear of the proposed house. Some trees and landscaping have been removed or pruned but a strong landscape element is retained on site through the protection of several trees.
13. Although the rear wing has moved down the site closer to the properties on Sunningdale and the rear window to the upper floor bedroom increased in size it is considered that due to the distance between dwellings and to some extent the location of existing trees on site the impact on amenity from this rear window will not be significantly different to that on the approved scheme.
14. Concerns have been raised about the inclusion of two chimneys in the scheme. These formed part of application 09/00062/F and do not add to the bulk of the scheme above that previously approved. Any concerns raised by their use would not be a material planning consideration.
15. Concerns have been raised about the potential to run a business from the property. It is understood that the applicant has no intentions to run any commercial activity from the property. However; in certain circumstances, such as the use of a single room as an office, a small business can be run from a property without requiring planning permission. There is no indication that a business use will operate but should one commence in the future then, following any complaints, the use would be investigated and appropriate action taken under planning legislation following an assessment of the impact of the use on the area. This is standard practice for such investigations.

Design

Layout, Form and Height

16. The building substantially retains the design and form of the 2009 permission. Although the rear wing changes in scale and height and the store is made bigger the changes do not adversely alter the proportions of the rear or side elevations. The changes made do not significantly alter the character of the building or operation and layout of the site and as such are acceptable.

Transport and Access

Vehicular Access and Servicing

17. No objection has been raised by the transport officer in connection with the revised scheme and provision of facilities for parking and servicing on site are adequate for the scale of development proposed.

Trees and Landscaping

Preserved Trees and Recent Works

18. As stated at 3 above the site is covered by a tree preservation order. Some work has been carried out to 2 poplar trees in the area but these were not covered by the TPO. The arboricultural officer is aware of this work and understands that the work has taken height out of the trees back to a previous pollarding point (recommended in January 2000 to pre-empt crown failure). Although not recommended as tree management, if a tree has previously been subject to pollarding there is little option but to continue the practice on a cyclical basis.
19. The tree that will be closest to the proposed alterations will be the central larch tree within the site. Other trees remain unaffected by the development subject to compliance with the submitted AIA.

Loss of Trees or Impact on Trees

20. The most recent revision, which is before the Committee for consideration, has reduced the depth of the rear wing by 500mm from the initial submission, allowing further spacing to this tree. The tree preservation order enables the Council to control the amount of pruning that will be allowable in the future. It is anticipated that there will be future applications to do some marginal pruning of the crown where it is closest to the building, however none is likely to be permitted where it could be anticipated that it would adversely affect the amenity value of the tree to a significant degree.
21. The common law relating to the right to prune back trees where there is branch encroachment only applies where the trees are overhanging from someone else's property as this constitutes trespass; that is not the case in regard to the new [proposed] building and the larch tree as they occupy the same property. Consent from the Council will be a requirement for any future desired works to the tree. Any works that might be permitted in future will be with the usual conditions applied i.e. that the work is carried out to the arboricultural best practice that is current at the

time.

22. The tree is precedent to the building, and the current owners are aware of this and any future owners will know both of the tree preservation order and the juxtaposition of tree and building before they decide to buy or not. It is felt, therefore, that there is no sustainable objection to the revised location of the rear wing of the building. Conditions are suggested along the lines of the previous approval in regard to tree protection during construction works on site.

Conclusions

23. Given the above comments and planning history of the site the changes made to the scheme will have no significant increase in impact above the dwelling approved under application 09/00062/F and are considered to be an acceptable form of development in this location.

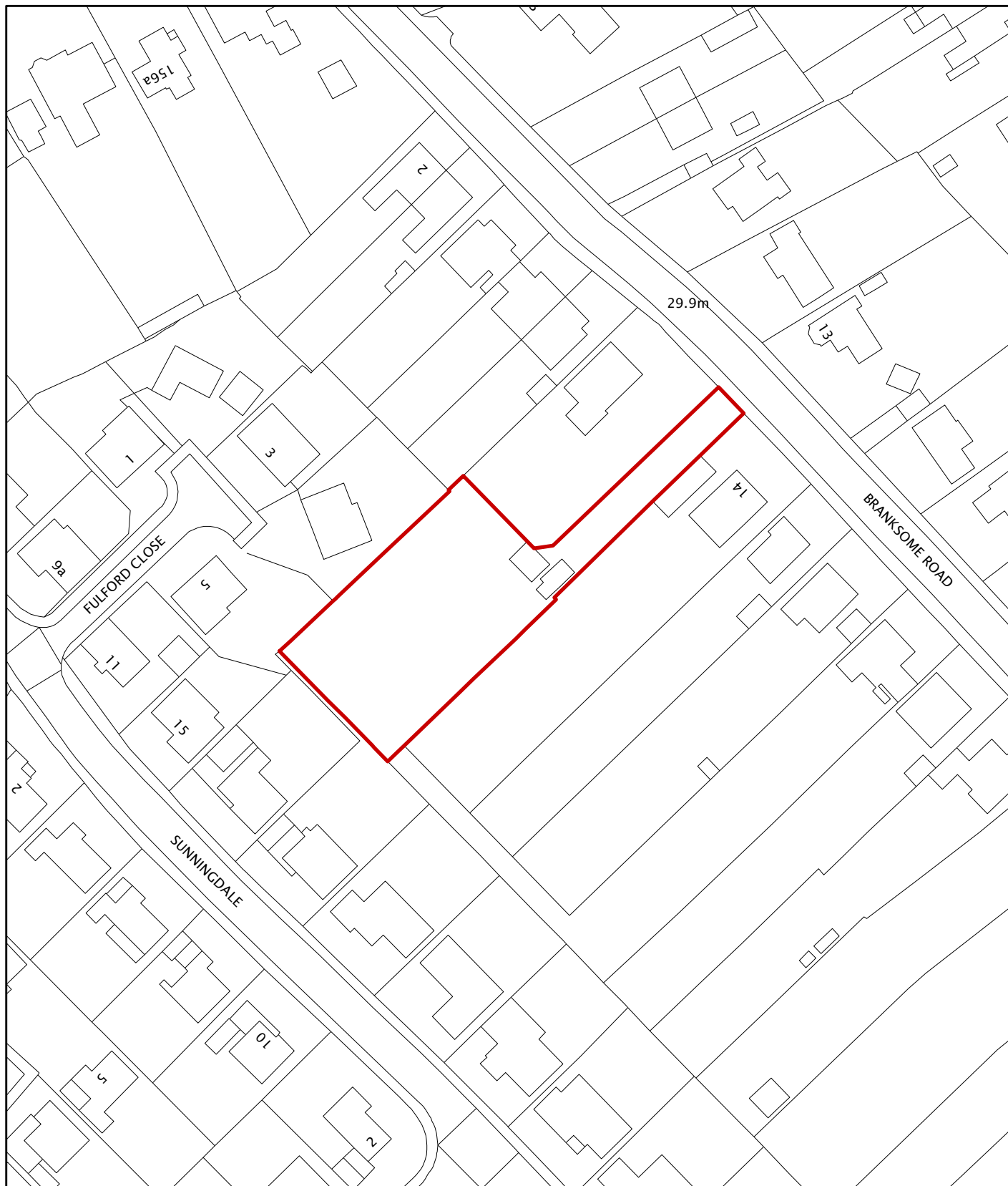
RECOMMENDATIONS

To approve Application No 09/00572/F and grant planning permission, subject to the following conditions:-

1. Commencement of development within three years
2. Development to be in accordance with submitted plans and details
3. Development to be carried out using agreed facing materials
4. Pre commencement -hard and soft landscaping and maintenance to be agreed
5. Protection of trees during construction
6. Compliance with AIA
7. Retention of existing landscaping (hedges and trees)
8. Permeable access to be laid out before occupation
9. Pre occupation garage to be constructed
10. Pre commencement -refuse storage details and location to be agreed.
11. Pre commencement –details of boundary treatment.

Reasons for approval:

The decision has been made with due regard having been paid to saved Policies NE3, EP22 and HOU13 of the City of Norwich Replacement Local Plan Adopted Version 2004 and policy ENV7 of the East of England Plan, May 2008, and all material considerations. The siting of a two storey detached dwelling and garage in this location accords with the aims of PPS1 and 3 and will not unduly affect the amenities of the surrounding area or protected trees within the site. Furthermore, the form of build respects the character of surrounding properties in the vicinity.



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Planning Application No - 09/00572/F

Site Address - Branksome Lodge, 12 Branksome Road, Norwich

Scale - 1:1000



NORWICH
City Council

DIRECTORATE OF REGENERATION
AND DEVELOPMENT

