

**Report to** Planning applications committee

**Item**

10 March 2016

**Report of** Head of planning services

**Subject** Application no 15/01921/F - 2 Upton Close, Norwich,  
NR4 7PD

**Reason  
for referral** Objection

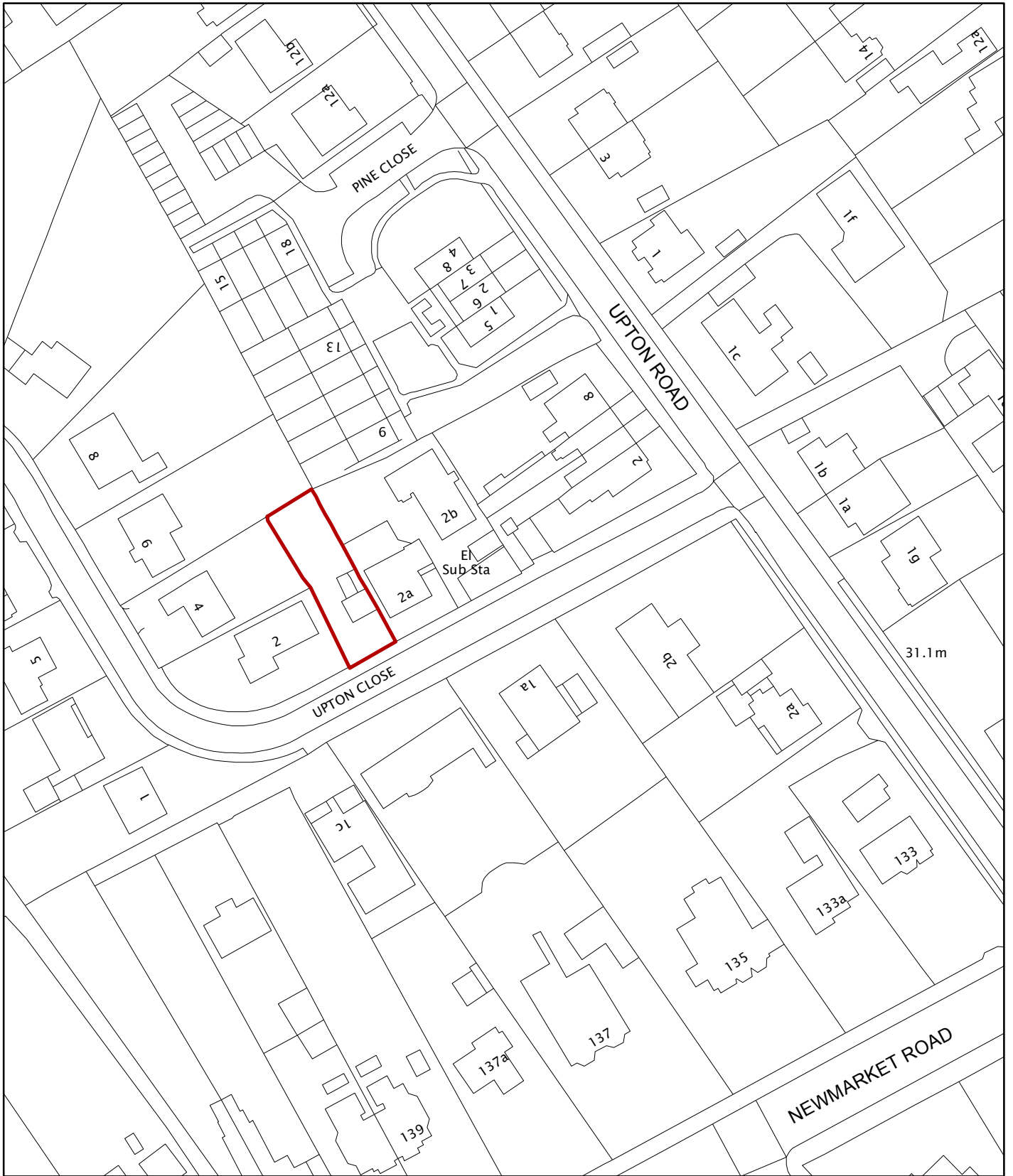
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<b>Ward:</b>	Eaton
<b>Case officer</b>	Kian Saedi - <a href="mailto:kiansaedi@norwich.gov.uk">kiansaedi@norwich.gov.uk</a>

Development proposal		
Sub-division of garden and erection of dwelling.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Principle of development	Subdivision of garden, suitability of site for residential development, previous appeal decision
2 Amenity	Loss of outlook/overbearing, loss of light/overshadowing, overlooking, noise and disturbance, standard of amenity for future residents
3 Design	Scale, form and massing, materials, impact on character of the area
<b>Expiry date</b>	16 February 2016 extended to 18 March 2016
<b>Recommendation</b>	<b>Approve subject to conditions</b>



## The site and surroundings

1. The site is located on Upton Close, which leads through to other residences on Kingston Square and Queens Close. The area is residential in character, with a varied urban form predominantly with single and two storey detached dwellings. There are also some terraced dwellings to the north east of the site.
2. The site itself is located on a bend in the road on Upton Close. The application site was previously occupied by the garage to 2 Upton Close.
3. The immediate neighbours to the site are a bungalow at 2a Upton Close, a two storey dwelling at 4 Upton Close and the rear gardens of 2b and 6 Upton Close. On the south side of Upton Close there are chalet bungalows facing the application site.
4. There are some trees in the vicinity and a Walnut Tree had previously been in the rear garden of 2 Upton Close. Outline permission 13/01740/O had set out for this tree to be retained, but this tree has since been removed outside of the outline consent.

## Relevant planning history

5.

Ref	Proposal	Decision	Date
13/01740/O	Outline permission for demolition of existing garage, division of existing plot and erection of single storey dwelling.	APPR	13/01/2014
15/00250/F	Erection of detached dwelling.	REF	30/03/2015

## The proposal

6. The application seeks permission for the sub-division of the garden and erection of a dwelling.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	1
No. of affordable dwellings	The proposal does not trigger the need to provide any affordable units
Total floorspace	~125 sq.metres
No. of storeys	1.5 storey

Proposal	Key facts
Max. dimensions	Width of 7.5m, length of 17m, eaves set at 2.25m, maximum roof height of 5.6m
<b>Appearance</b>	
Materials	lbbstock Mercia Orange facing bricks, Sandtoft Calderdale slates (charcoal), white uPVC windows
<b>Transport matters</b>	
Vehicular access	From existing point on Upton Close but dropped kerb to repositioned
No of car parking spaces	2
No of cycle parking spaces	2

## Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received 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
Example of garden grabbing	Main issue 1
Noise and disturbance	Main issue 2
Loss of light	Main issue 2
Loss of outlook	Main issue 2
Overlooking	Main issue 2
Impact upon rear garden of number 2a Upton Close – will reduce to a minimal space	Main issue 2
Loss of trees	Outline consent 13/0170/O included arboricultural documentation that set out for the protection of a Walnut Tree on site. This tree has subsequently been removed. The site is not located within a conservation area, nor are any of the trees on site served by a Tree Preservation Order (TPO). The current

Issues raised	Response
	<p>application is for full planning permission and is in no way tied to the previous outline consent and while the loss of the Walnut Tree is regrettable, its removal does not contravene any legal protection.</p> <p>The proposal otherwise involves no further loss of trees and sets out satisfactory protection of the trees to be retained on and adjacent to the site.</p>
Departure from the outline consent which was for single-storey development only	The current application is for full planning permission and is not tied into the previous outline consent.

## Consultation responses

8. 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.

### Highways (local)

9. No objection on highway/transportation grounds.

### Tree protection officer

10. No objections. Planning permission should be conditioned for full compliance with the submitted Arboricultural Impact Assessment.

## Assessment of planning considerations

### Relevant development plan policies

11. **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
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
  - JCS20 Implementation
12. **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
- DM4 Providing for renewable and low carbon energy
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **13. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF3 Supporting a prosperous rural economy
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

#### **14. Technical housing standards – nationally described space standard (March 2015).**

### **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. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.

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 detailed below given that:
  - The site is not designated for other purposes;
  - The site is not in a hazardous installation notification zone;
  - The site is not in the late night activity zone;
  - It does not involve the conversion of high quality office space; and
  - It is not in the primary or secondary retail area or in a district or local centre.
19. The principle of sub-dividing the plot and erecting a single-storey dwelling has also already been established under outline consent 13/01740/O.
20. Previous application 15/00250/F for the erection of a similar dwelling to that currently under consideration was refused on the grounds that the development would lead to a feeling of enclosure and overbearing to the rear garden of number 2A Upton Close at the detriment to residential amenity and contrary to policy DM2 of the *local plan*. Concerns were also raised that the scheme failed to create a strong residential frontage due to the dominance of the integral garage.
21. The refusal was subsequently appealed and the appeal dismissed. The planning inspector concluded that “although I have not found harm to the character and appearance of the area, I have identified that the appeal scheme would have an unacceptable effect on the living conditions of the occupiers of 2A Upton Close with respect to outlook”.
22. The current application has sought to address the reason for refusal associated with the previous application at the site and the issue of amenity is discussed in the following section of this report. Members will be shown plans of both the current and appeal scheme during the committee presentation in order to clearly illustrate the changes that have occurred.

## **Main issue 2: Amenity**

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
24. Outline planning consent has previously been granted for the erection of a single-storey dwelling at the site (13/01740/O). The case officer assessment for that application identified a number of potential impacts carrying the potential to impinge upon the amenities of neighbouring properties. It was concluded that the design, scale and form of any scheme would need to be carefully considered and “may lead to a very small, single-storey, flat roofed development”. This determination does not however preclude the potential for a larger form of development and every planning application must be assessed on its own merits against current development plan policy at the time of assessment.
25. The inspector’s reason for refusal for appeal scheme (15/00250/F) centred on the impact upon amenity in terms of generating an unacceptable overbearing effect on the outlook from 2A Upton Close, especially when viewed from the rear garden.

26. The appeal scheme extended alongside the entire depth of the garden to 2A, set 1 metre in from the boundary of the neighbouring property and with eaves to a pitched roof set at 2.5 metres in height.
27. In order to address the harm from overbearing, the section of the proposed development which projects beyond the rear elevation of number 2A has been reduced to a flat roof reaching 2.25 metres in height. The development has also been set 1.8 metres in from the boundary before stepping further to 3.5 metres from the boundary. Given that a 1.8 metre fence is to be erected alongside the boundary of the site with number 2A and that the development will extend only 45cm above the top of the fence set apart by a gap of 1.8 metres at its closest proximity, any loss of outlook will be minimal and will not significantly reduce the quality of the neighbouring rear garden space. It is also acknowledged that under permitted development rights a 2 metre high fence could be erected alongside the boundary with number 2A without the need for planning consent.
28. The inspector's assessment of the appeal scheme determined that "due to the orientation of the properties I do not consider that the proposal would cause any significant harm to the with regard to loss of sunlight or daylight". Whilst the footprint of the current scheme now extends closer to and further along the rear boundary of number 4 Upton Close, the scale and form of the current scheme is such that there will be no significant harm with regard to overshadowing and loss of daylight to neighbouring properties. The reduced height and separation from the rear boundary is also sufficient to ensure that the development will not be excessively imposing when experienced from the rear garden of number 4.
29. The proposal would lead to a loss of outlook, direct sunlight and daylight to the side windows of 2A Upton Close. The two rooms that are affected pertain to a bathroom which currently features frosted glazing and a front living room that has two windows, the larger facing south to which would not be affected by the development. It is therefore considered that the loss of outlook, direct sunlight and daylight to these windows is not significant. The principle of development in this location in terms of impact upon these windows has also already been established with the outline consent for a single dwelling in the footprint adjacent to 2A and by the former garage which has now been demolished.
30. Any overlooking from ground floor windows could easily be mitigated for with suitable screening provided by the existing and proposed boundary treatments. A condition will be added to ensure that the ground floor bathroom/WC windows are obscure glazed to an appropriate standard. All windows in the upper floor of the development have been positioned 1.7 metres above floor level to restrict the line of sight onto adjacent properties. Any opportunity for overlooking would therefore be limited to a level whereby the privacy of neighbouring properties would not be significantly harmed.
31. A contributor has raised the issue of noise and disturbance resulting from the external access of the extended living area facing the neighbouring boundary. The potential residential activities associated with using this access are not considered harmful to the amenities of the surrounding area and would be typically expected for a rear garden space.
32. The property provides sufficient internal living space for future residents in accordance with national technical standards and local standards set out within the



supporting text of DM2 of the *local plan*. All habitable rooms are provided with good levels of outlook and will receive adequate daylighting.

33. In terms of external space the garden provides enough space to ensure the enjoyment of occupants and the scheme makes adequate provision for cycle/refuse storage.
34. Due to the limited available space on site and proximity of neighbouring residential plots, a condition will be imposed upon any planning permission restricting the scope of permitted development rights to enable the local planning authority to control certain types of future development which may carry amenity implications for neighbouring residents.

### **Main issue 3: Design**

35. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
36. The proposal is for a detached 1.5 storey, chalet style dwelling, constructed in orange/red brick and Sandtoft slate tiles. The height of the property drops down to single-storey and features a flat roof at the rear in order to address amenity concerns raised in the assessment of 15/00250/F. The scale, form and appearance of the development are successful in respecting the character of the surrounding area.
37. The proposed dwelling has been designed to fit the constraints of the long but narrow site. The roof height follows the transition line of neighbouring properties and the dwelling has been aligned sympathetically to respect the front building line of neighbouring properties.
38. The appeal scheme included an integral garage located at the front of the property and concerns were raised that this would detract from the appearance of the building. The integral garage has been removed from the current scheme and parking is instead provided in front of the property. This is considered an improvement in terms of providing a stronger residential frontage to Upton Close.

### **Compliance with other relevant development plan policies**

39. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes</b>
Car parking provision	DM31	<b>Yes</b>
Refuse Storage/servicing	DM31	<b>Yes</b>
Energy efficiency	JCS 1 & 3	<b>Not applicable</b>

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
	DM3	
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Not applicable</b>

### **Other matters**

40. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: List relevant matters.

### **Equalities and diversity issues**

41. There are no significant equality or diversity issues.

### **Local finance considerations**

42. 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.

43. 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.

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

### **Conclusion**

45. 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 no. 15/01921/F - 2 Upton Close Norwich NR4 7PD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS). No other operations shall commence on site in connection with the hereby-approved development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have

been carried out and all tree protection barriers are in place as indicated on the Tree Protection Plan included within Appendix 4 of the approved AIA. The approved protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning authority has first been sought and obtained.

4. All hard and soft landscaping works shall be carried out in accordance with the details as specified on this decision, including those detailed on the approved 'proposed site plan and street scene' (ref. 6336 SL01 G) and the landscaped areas of the site shall be made available for the enjoyment of residents of the development hereby permitted. All hard and soft landscaping works shall thereafter be retained as such. No occupation of any part of the development shall take place until all landscaping works detailed within the approved plans have been carried out.
5. All bathroom and WC windows within the development hereby approved shall be:
  - (a) obscure glazed to a specification of not less than the equivalent of classification 5 of Pilkington Glass; and
  - (b) non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed;The windows shall be retained as such.
6. The development hereby approved shall be designed and built to meet the regulation 36 2(b) requirement of 110 litres/person/day water efficiency set out in part G2 of the 2015 Building Regulations for water usage.
7. Notwithstanding the provisions of Schedule 2, Part 1, Class A, Class B, Class D and Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no part of the dwelling houses hereby permitted shall be enlarged and no garage, porch or garden building erected without express grant of permission by the Council as Local Planning Authority.

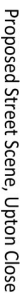
#### **Article 35(2) statement:**

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

#### **Informatives:**

1. Vehicle crossovers;
2. Purchase of refuse and recycling bins;
3. Street naming and numbering;
4. Considerate construction.

No.2A Upton Close



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- rev: A Minor Updates For Planning

date: 04/02/15 HJA

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**New Dwelling  
2 Upton Close  
Norwich, Norfolk**

Wright &amp; Yaxley

## Proposed Site Plan & Street Scene

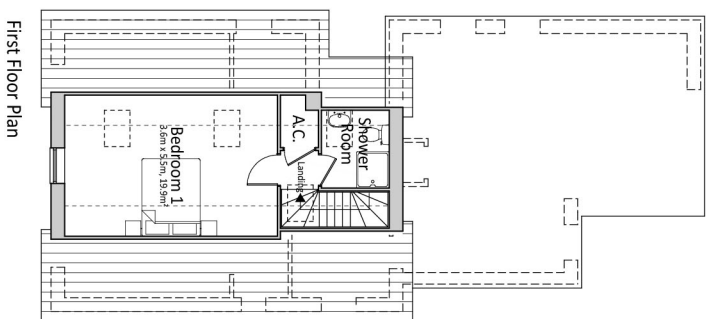
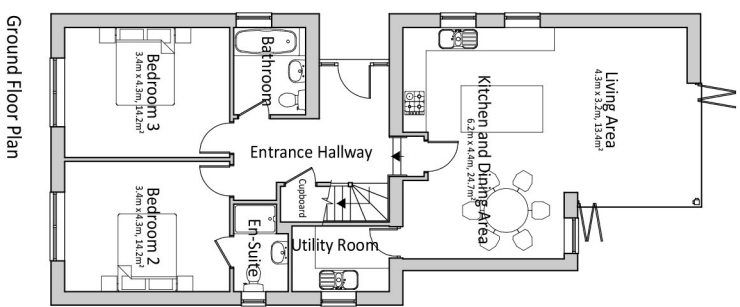
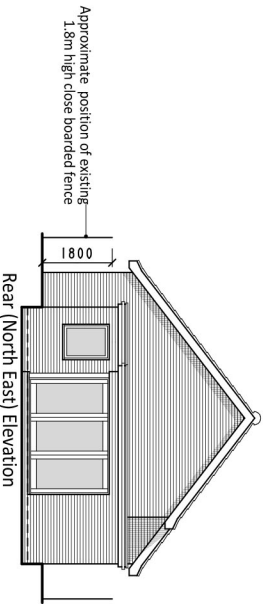
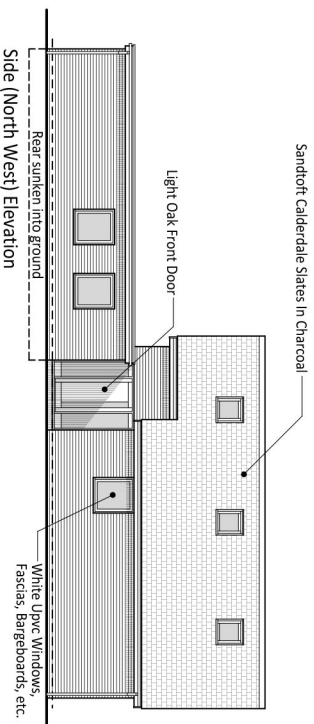
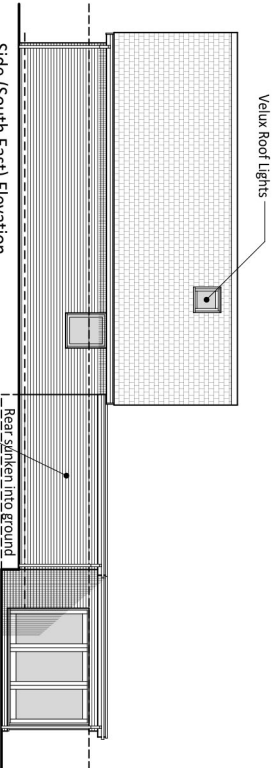
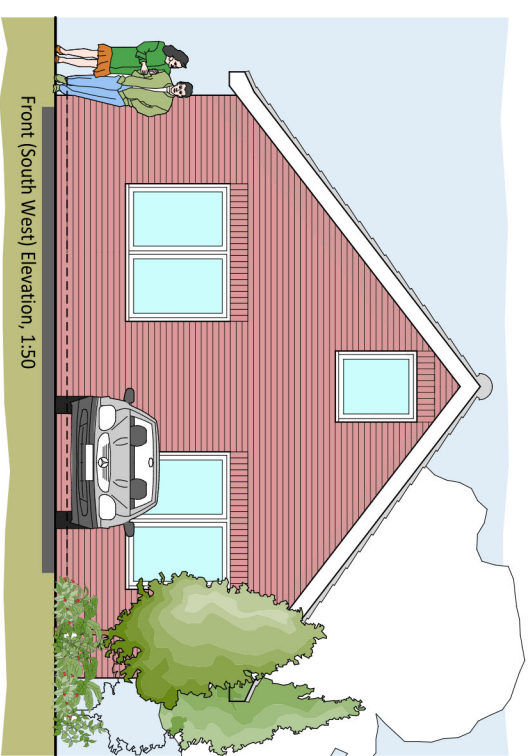
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### CDM REGULATIONS 2015

**Client Note: Health & Safety is your responsibility!**

Construction works to be carried out in accordance with the Construction Design Management Regulations 2015 (CDM 2015).

The Main Contractor is to prepare a Construction Phase Plan before commencing work on site. The Contractor is to ensure that the plan is kept up to date and that it is used to guide the work on site. The plan may be carried out by the Principal Designer.

Please contact DFAL to assist.

The Main Contractor is to carry out the construction work in reference to a Design Risk Assessment prepared by DFAL.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Any necessary assumption of liability and Claims for Exception for Self Build Development Application Forms are to be completed and submitted to the Local Planning Authority before construction works commence on site.

DFAL take no responsibility for any financial liability in this respect as this lies with the client.

Please contact DFAL should you require further assistance.

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- F. Rear extension further reduced due to planners comments 01/02/2016 HJA
- E. Rear flat roof lowered due to planners comments 22/01/2016 HJA
- D. Rear of building lowered 375mm 28/11/2015 HJA
- C. Scheme updating based on Planning Comments 20/03/2015 HJA
- B. Scheme updating based on Planning Comments 10/03/2015 HJA
- rev. date:

architects and consulting engineers



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Project:

**New Dwelling  
2 Upton Close  
Norwich, Norfolk**

Client:

**Wright & Yaxley**

Drawing:

**Proposed Plans and Elevations**

Drawn By:	Checked By:	Ref. No.	Dwg. No.
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