

Report to Planning applications committee

Item

10 January 2019

Report of Head of planning services

Subject Application no 18/01278/U - 4 Fieldview, Norwich, NR5 8AQ

4(f)

Reason for referral At officers discretion

Ward:	Wensum
Case officer	Charlotte Hounsell – charlottehounsell@norwich.gov.uk

Development proposal		
Retrospective change of use from dwelling (Class C3) to HMO for up to 7 persons (Sui Generis).		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1	Principle of development
2	Design
3	Amenity
4	Transport
Expiry date	29 November 2018
Recommendation	Refusal



© Crown Copyright and database right 2019. Ordnance Survey 100019747.

Planning Application No 18/01278/U

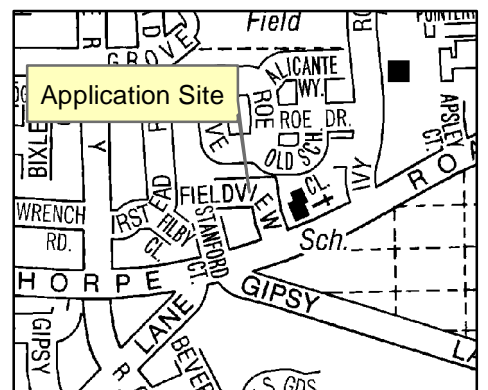
Site Address 4 Fieldview

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is no. 4 Fieldview, a property within a cul-de-sac off Bowthorpe Road in the west of the city, close to Norwich Cemetery. It comprises a semi-detached house which has been extended to the rear and via a loft conversion. The site is surrounded by further residential development.
2. The property is surrounded by residential development, and it is understood that no.s 2 and 3 Fieldview are also occupied by students.
3. There are no local plan designations affecting the site.

Relevant planning history

4.

Ref	Proposal	Decision	Date
13/00329/F	Demolition of existing garage and car port and erection of single storey side and rear extension with conservatory.	Approved	03/05/2013

The proposal

5. Retrospective planning permission is sought for the change of use from a C3 residential dwelling to a 7 bedroom large house of multiple occupation (HMO).

Representations

6. Adjacent and neighbouring properties have been notified in writing. 3 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.

Issue	Response
Concern about the number of HMO's that are now on Fieldview.	See main issue 1 & 2
Given that there will be seven otherwise unrelated occupants, the number of comings and goings will be greater, including those by private car and taxi, as will the number of separate social events, delivery of meals and other purchases, and people visiting for other reasons. This increase in activity will have a significant impact as a result of increased noise and disturbance.	See main issue 2

Issue	Response
The development increases the likelihood of cars parking on-street in a constrained cul-de-sac.	See main issue 4
Vehicles are regularly parked across the pavement to the detriment of pedestrians (particularly vulnerable age groups) and access by emergency vehicles.	See main issue 4
The two end to end parking spaces are inadequate and will result in vehicle movements and on-street parking.	See main issue 4

Consultation responses

7. No consultations were undertaken.

Assessment of planning considerations

Relevant development plan policies

8. **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
 - JCS6 Access and transportation
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
9. **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
 - DM13 Communal development and multiple occupation
 - DM15 Safeguarding the city's housing stock
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

10. **Relevant sections of the National Planning Policy Framework August 2018 (NPPF):**
- NPPF2 Achieving sustainable development
 - NPPF4 Decision making
 - NPPF5 Delivering a sufficient supply of homes

- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places

Case Assessment

11. 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

12. Key policies and NPPF paragraphs – DM12, DM13.
13. Policy DM13 of the Development Management Policies sets out that proposals for the conversion of existing buildings to larger HMO's will be permitted where they achieve a high standard of amenity and living conditions for existing and future residents and would not result in an unacceptable impact on the living and working conditions of neighbouring occupiers. In addition to this, proposals should be consistent with the overall spatial planning objectives set out in the development plan, have no detrimental impacts on the character and amenity of the surrounding area, and should contribute to achieving a diverse mix of uses within the locality.
14. These matters are assessed within the following sections of this report.

Main issue 2: Amenity

15. Key policies and NPPF paragraphs – DM2, DM11, NPPF chapter 12.

Amenity for current and future occupiers

16. The property is two-storey semi-detached property, with a loft conversion, and has 7 bedrooms, bedrooms ranging in size. Four are ~12sqm, two ~9sqm but one is below 6sqm and is therefore below the 6.51 square metres necessary as part of a HMO licensing requirement for this type of property. The property has a toilet and shower room on the ground floor and a separate family bathroom on the second floor with an en-suite to the attic room. A kitchen/dining room and separate lounge are provided on the ground floor and are of a reasonable size.
17. Externally, there is a private rear garden which is small in comparison to other properties in the surrounding area due to the size of the rear extension.
18. The smallest room measures 5.9sqm on the submitted plans, nationally described space standards seek single bedrooms of 7.5m² and new licensing regulations which came into force on 01 October 2018 require rooms to be not less than 6.51 square metres. The Licensing of HMO Regulations 2018 are considered to be a

material consideration in this case. Although the internal living space is reasonable given the small size of the bedroom in question and the limited external amenity space the proposal is not considered to provide suitable living accommodation for seven occupants as proposed.

Amenity for neighbouring occupiers

19. Concerns have been raised about impact from comings and goings associated with the development and the increased numbers of HMO's operating within the cul-de-sac generally. Fieldview is a small residential cul-de-sac comprising of a mixture of small semi-detached houses and bungalows and 4 Fieldview was originally a relatively modest three-bed semi-detached dwelling which has been subsequently extended through a loft conversion and single storey extension. Although three properties are known to be HMO's the majority are understood to be C3 residential dwellings occupied by single households.
20. Given that there are seven otherwise unrelated occupants, it is considered that, the number of comings and goings are increased compared with a family dwelling, including those by private car and taxi, as will the number of separate social events, delivery of meals and other purchases, and people visiting for other reasons. It is considered that this increase in activity is likely to have had a significant impact as a result of increased noise and disturbance. The number of occupants is significantly greater than might be expected in what was originally a relatively small three bed family dwelling. There are not considered to be any mitigating factors in this case which would minimise this impact on neighbouring properties and all activity would be focused to the front of the property where there is a driveway providing two/three parking spaces (in tandem).
21. With regard to the cumulative impact, regard is had to the fact that in terms of its occupation, the property at no. 3 Fieldview appears to be lawful in planning terms, as it is understood to be occupied by no more than 6 unrelated individuals. The impacts of no. 2 Fieldview will be assessed on its merits, on the basis of its own layout and facilities.
22. On balance given the size of the plot in question and its relationship to neighbouring properties, the proposal is considered to cause significant harm to residential amenity for occupants of nearby dwellings in terms of noise, and general disturbance. Therefore the development does not accord policies DM2 and DM13. These include provisions to protect residential amenity in terms of noise disturbance, and to ensure that larger HMOs do not have an unacceptable impact on the living conditions of neighbouring residential occupiers.

Main issue 3: Impact on the character of the area

23. Key policies and NPPF paragraphs – JCS2, DM1, DM3, NPPF chapter 12.
24. No external alterations are proposed to the property and therefore it is not considered that there would be any material impact on the physical character of the area.

Main issue 4: Transport and servicing

25. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF chapter 12.

26. Fieldview is a small cul-de-sac providing access to 21 properties, there are no restrictions to on-street parking however available parking space is limited to a degree by private driveways. All driveways on the close have off-street parking providing space for between 2-4 cars. The site itself has space for 2/3 cars to park off-street albeit they are in tandem. Officer visits to the close have not identified any particular on-street parking issues which are seen in other parts of the City and therefore whilst it is acknowledged that a large HMO in this location may increase demand for on-street parking it is not considered in this case to be a ground to refuse planning consent.
27. Concern has been raised in relation to parking on the pavement. Fieldview is wide enough for cars to park fully on the road and allow other cars to pass and therefore whilst this is unfortunate, it is not something which can be controlled through the planning process.
28. A shed is provided at the front of the property for cycle parking. There is adequate space within the curtilage of the property to provide bin storage which can easily be presented and collected from the street.

Equalities and diversity issues

29. There are no significant equality or diversity issues.

Local finance considerations

30. 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.
31. 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.
32. In this case local finance considerations are not considered to be material to the case.

Conclusion

33. The application seeks retrospective permission for the change of use of a residential dwelling to a sui generis HMO to accommodate 7 people. This is a finely balanced case and whilst the parking arrangements are considered to be marginally acceptable it is considered that the proposal would have an unacceptable impact on neighbouring residents through noise and disturbance in what is a relatively quiet residential cul-de-sac. The amenity of future residents would also not be acceptable given the size of one of the bedrooms. Therefore the development does not accord policies DM2 and DM13. These include provisions to protect residential amenity in terms of noise disturbance, and to ensure that larger HMOs do not have an unacceptable impact on the living conditions of neighbouring residential occupiers.

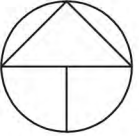
Recommendation

To refuse application no. 18/01278/U - 4 Fieldview Norwich NR5 8AQ for the following reasons:

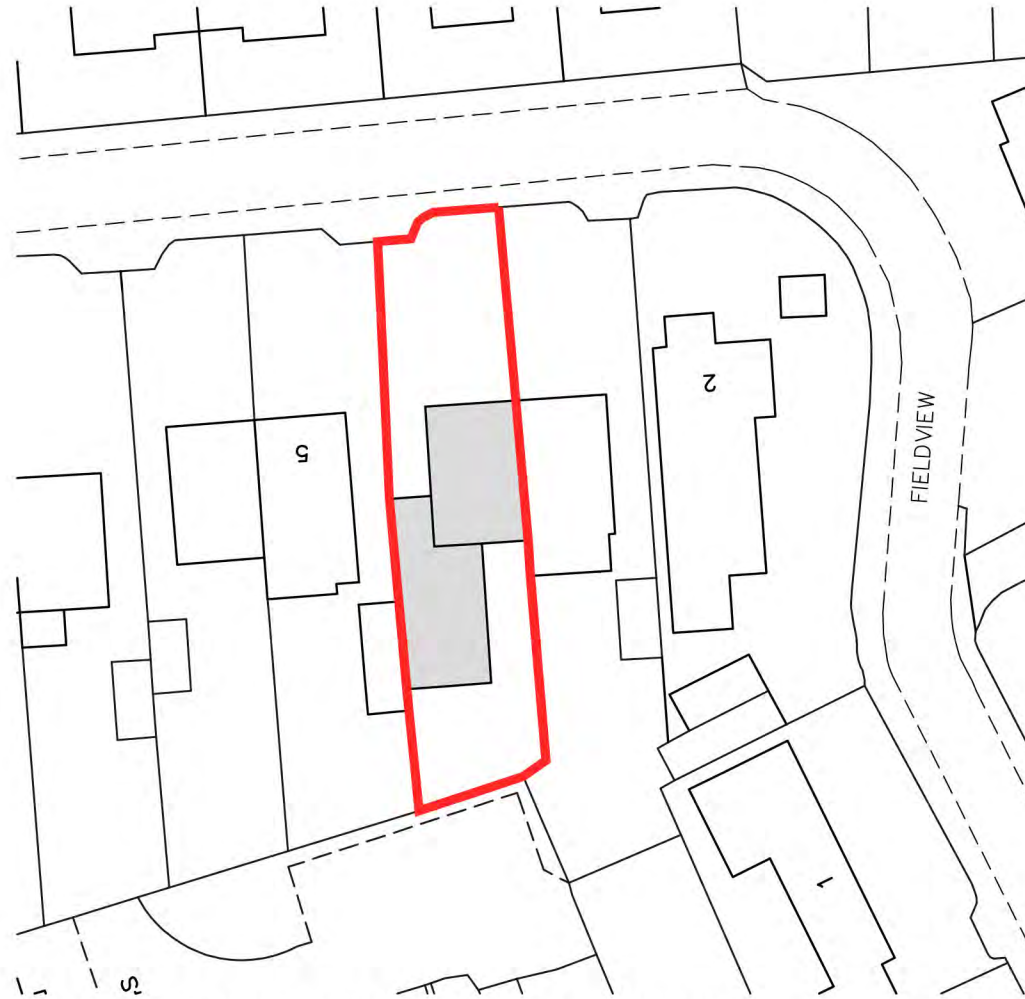
1. The proposed development by virtue of the number of occupants, the character of the local area, the size of the property and its relationship to neighbouring properties would cause significant harm to the residential amenity for occupants of nearby dwellings in terms of noise, and general disturbance. The development does not accord with development plan policy in terms of Policies DM2 and DM13 of the Development Management Policies Local Plan 2014. These include provisions to protect residential amenity in terms of noise disturbance, and to ensure that larger HMOs do not have an unacceptable impact on the living conditions of neighbouring residential occupiers.
2. The property provides 7 bedrooms of which one is below nationally described space standards for single bedrooms and is also below minimum space requirements within the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, both are considered to be material considerations in this case. Policy DM2 and DM13 of the Development Management Policies Local Plan 2014 require a high standard of amenity for future occupiers and although the internal living space is reasonable, given the small size of the room in question and the limited external amenity space the proposal is not considered to provide suitable living accommodation for seven occupants and is therefore contrary to the above referenced policies.

Article 35(2) Statement:

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. The proposal in question is not considered to be acceptable for the reasons outlined above.



NORTH



EXISTING AND PROPOSED SITE BLOCK PLAN
(no development proposed)



SITE BLOCK PLAN, 4 FIELDVIEW, NORWICH, 1:500 @ A4

PLANNING ISSUE



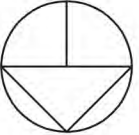
1 NETHERCONESFORD, 93-95 KING STREET

NORWICH NR1 1PW

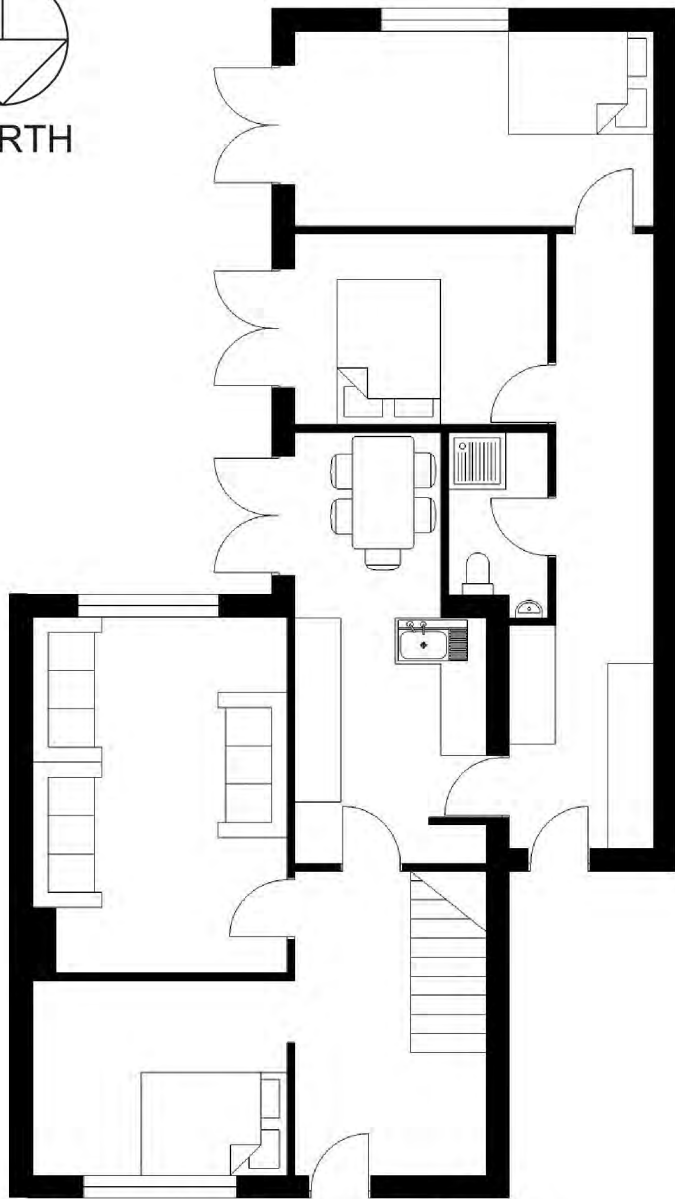
Telephone: (01603) 664379

Facsimile: (01603) 631352

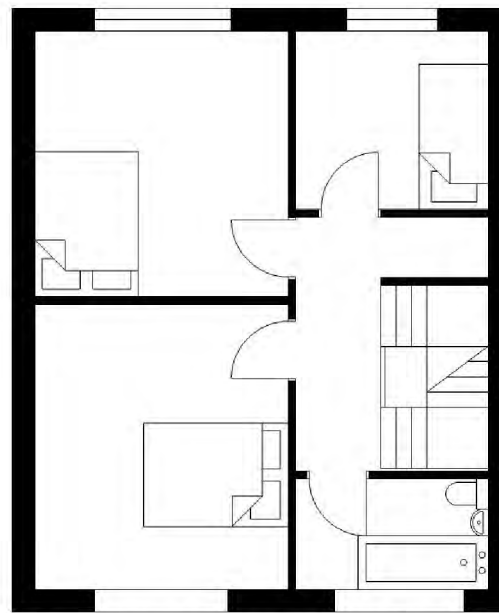
www.asquaredarchitects.com



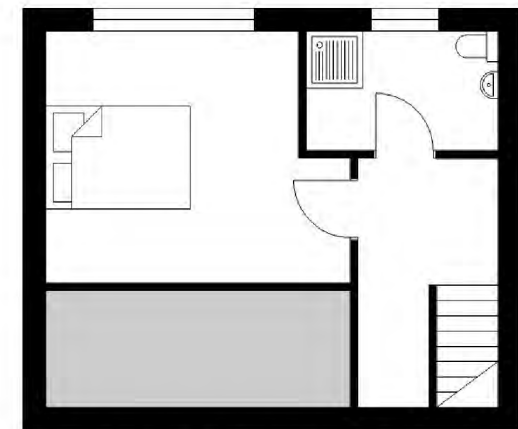
NORTH



Existing and proposed ground floor plan
(no development proposed)



Existing and proposed first floor plan
(no development proposed)



Existing and proposed second floor plan
(no development proposed)



FLOORPLANS, 4 FIELDVIEW, NORWICH, 1:100 @ A4

PLANNING ISSUE



1 NETHERCONESFORD, 93-95 KING STREET,
NORWICH NR1 1PW
Telephone: (01603) 664379
Facsimile: (01603) 631352

www.asquaredarchitects.com