

Report to Planning applications committee

Item

14 December 2017

Report of Head of planning services

Subject Application no 17/01180/F - 171 Newmarket Road,
Norwich, NR4 6AP

4(e)

**Reason
for referral** Objection

Ward:	Eaton
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk

Development proposal			
Construction of detached two-storey dwelling.			
Representations			
	Object	Comment	Support
First Consultation	10	0	4
Second Consultation	5	0	0

Main issues	Key considerations
1 Principle of development	The principal of development in the context of the development plan.
2 Design & Heritage	The impact of the development within the context of the site / character of the surrounding area / impact upon the surrounding conservation area.
3 Amenity	The impact of the development on the occupiers of the neighbouring properties.
4 Transport	Access arrangements to the site
5 Trees	The impact of the development on nearby trees
Expiry date	15 December 2017
Recommendation	Approve



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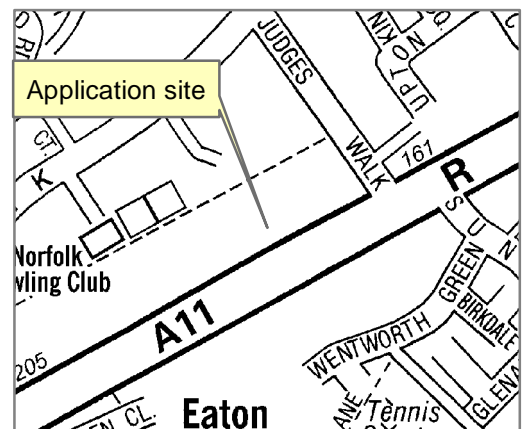
Planning Application No 17/01180/F
 Site Address 171 Nemarket Road

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The application site is located within the rear garden of 171 Newmarket Road, on an area currently used as a tennis court. 171 Newmarket Road is a large, two storey detached dwelling constructed circa 2000 in a traditional style. The site features an extensive front garden area, gravel driveway which provides access to Newmarket Road, parking / turning area to the rear and a further area of garden to the rear where a tennis court has been installed adjacent to the rear boundary. The majority of the garden areas have been laid to lawn, although there is mature planting separating the driveway and road from the garden area. There are also tall mature trees marking the boundaries to the south and east.
2. The site is bordered by 173 Newmarket Road to the west, a large detached two storey dwelling constructed on a large plot, and 165 Newmarket Road to the east, a large detached two storey character property constructed within extensive grounds. To the north of the site is an unsurfaced track known as The Loke which runs between Judges Walk to the east and Unthank Road to the west. Beyond The Loke is 424 Unthank Road, a two storey detached dwelling forming part of a small cul-de-sac of similar properties. Tall mature trees are in place along the neighbouring boundary to the north.
3. The prevailing character of the surrounding area is predominantly residential with most properties being large detached dwellings constructed on large plots. It should also be noted that there are a number of smaller dwellings which have recently been constructed or are under construction within the gardens of neighbouring properties. Many of the neighbouring properties were constructed around the beginning of the twentieth century and form important elements of the character of the conservation area in terms of form and material. The significant number of tall mature trees also contribute significantly to the character of the area, creating a verdant appearance.

Constraints

4. Conservation Area: Newmarket Road
5. Conservation Area: Adj. Unthank and Christchurch
6. Tree Preservation Order Site: 171 Newmarket Road

Relevant planning history

7.

Ref	Proposal	Decision	Date
4/1994/0676	Erection of single dwelling and detached garage.	APCON	22/09/1994
4/1997/0224	Erection of house and annexe.	APCON	05/09/1997

The proposal

8. The application seeks full planning consent for the construction of a two storey detached dwelling to the rear (north) of 171 Newmarket Road with sole access being provided via the existing driveway. It should be noted that the proposal has been revised during the course of its determination. Most notably, the original scheme included the use of The Loke as a sole access and included the construction of a garage block. Changes have also been made to the external appearance of the proposed dwelling in a reduction in the size of some glazing sections and the use of render finish.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	1
No. of storeys	2
Max. dimensions	The footprint measures 17m at its widest and 12.5m at its deepest points. The ridge line of the main section of roof is 8.8m tall with the projecting gable sections being lower at 8.1m tall. The eaves height is 5.7m tall.
Appearance	
Materials	Buff coloured bricks, cream coloured render, slate tiles, dark grey aluminium windows and doors.

Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two consultation periods have been run as a result of the revised access and redrawn site boundaries. 14 letters of representation were received during the initial consultation and a further 5 letters of representation were received during the second consultation period 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
The proposed dwelling is too tall / overly large	See main issue 2
The proposal will result in overlooking (no. 424 Unthank Road / 165 Newmarket Road)	See main issue 3

Issues raised	Response
The proposal will result in loss of daylight / sunlight to neighbouring property and overshadowing of gardens.	See main issue 3
The proposal will result in light pollution (no. 424 Unthank Road)	See main issue 3
The use of The Loke is not acceptable / will cause harm to amenity	See main issues 3 & 4
Route for construction traffic	The sole access to the site is to be via the existing access from Newmarket Road only.

Consultation responses

10. 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

11. No comments submitted.

Highways (local)

12. No objections.

Tree protection officer

13. (Revised plans) The construction of the no-dig driveway will need to be completed before any construction activity starts. Add condition TR4 Arboricultural Supervision in relation to the driveway construction and TR7 Works on site in accordance with the AIA, AMS and TPP.

Norfolk Fire & Rescue Service

14. (Revised plans) From the revised plans that you have sent over it would appear that the issues on fire appliance access have been dealt with. A turning head has now been provided and the width of the access road is now acceptable, pending confirmation that it will be a made up surface and not bare earth as previously mentioned.

Assessment of planning considerations

Relevant development plan policies

15. **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
- JCS12 The remainder of the Norwich urban area including the fringe parishes

16. 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
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

17. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design

Case Assessment

18. 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

19. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
20. Residential gardens in built up areas are excluded from the definition of previously developed land within the NPPF. 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.

21. Paragraph 50 of the NPPF states that local authorities should deliver a wider choice of quality homes. Policies JCS 4 and DM12 are all supportive of new dwellings which help to meet housing need in the city. A dwelling of this scale is considered to form part of the mix of residential accommodation, contributing to the City housing stock. The principle of a dwelling in an established residential area with easy access to public transport to the city centre is therefore acceptable in principle in accordance with the above policies subject to other material planning considerations below.
22. Policy DM12 of the Norwich Development Management Policies Plan supports new residential development within the city boundary except in specific circumstances, none of the exceptions apply to this application site. The site is in a sustainable location for new housing, within walking distance of a number of public transport routes and is within easy cycling distance to the City Centre. The proposal is therefore considered to be acceptable in principle, subject to assessment against criteria a) to e) of DM12 and a considerations against other development plan policies and material considerations. With regard to criteria a), c) and d) of DM12 the proposals will not compromise wider regeneration proposals and given the proposals is for a single dwelling in a residential area the proposals are consistent with criteria c) and d). An assessment against the character and appearance of the area, heritage assets and density are assessed in the design and heritage section below (criteria b) and e)).

Main issue 2: Design & Heritage

23. Key policies and NPPF paragraphs – JCS2, DM3, DM9, DM12, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
24. The proposal first involves the removal of the existing tennis court and fencing located at the rear of the site. Within its place a two storey dwelling is to be constructed. The proposed dwelling is to be arranged with an irregular footprint consisting of a series of interlinked rectangular blocks. The footprint measures 17m at its widest and 12.5m at its deepest points. The proposed dwelling has been designed with a central dual-pitched roof with an east – west orientation and two projecting gables to the north and south. The ridge line of the main section of roof is 8.8m tall with the projecting gable sections being lower at 8.1m tall. Each section has a matching eaves height of 5.7m tall.
25. The proposed dwelling is to be constructed using buff coloured bricks and a cream coloured render and the roof is to be finished in slate tiles. The design includes extensive sections of glazing, most notably on the south-west elevation where there is to be floor to ceiling curtain glazing up to the apex of the gable. The south-west corner features an outdoor patio area with sun louvres above, propped up by an oak post. The finish also includes dark grey coloured aluminium sliding and bi-fold doors, grey aluminium windows, PVC fascia, galvanised steel guttering and sandstone edged coping.
26. Concern has been raised from neighbours that the proposed dwelling is too large and is of an appearance which does not fit in well with the prevailing character of the area. The historic character of this part of the Newmarket Road Conservation

Area is of large detached two storey properties on large rectangular plots which were created during the late C19th with dwellings erected on most plots during the early C20th. This urban form has been eroded in recent years to some extent by development in rear gardens of other plots in the area such as at 177 Newmarket Road and more recently at 1 and 3 Judges Walk. Whilst appeals have been defended for some properties in the past (albeit not under the current local plan) these have related to original Victorian Villas, whereas in this case (and the case of 177 Newmarket Road) the host dwelling is not of Victorian construction.

27. The overall scale of the proposed dwelling is similar to many of the neighbouring properties with the height and number of bedrooms created being of particular likeness. The proposed dwelling does differ from most of the older neighbouring properties which have predominantly been constructed from a similar palette of materials including red bricks, rendered walls and clay pantiles. The proposal is similar in terms of overall form as a detached dwelling with a dual pitched roof with feature projecting gables. The more contemporary approach to the design is not considered objectionable in principal however arguably more could have been done to relate the scheme better to its verdant surroundings. Having said this, the siting of the dwelling at the end of the garden of the parent property also helps to ensure that the property is not visible from the public realm, therefore limiting the proposals impact on the conservation area.
28. Whilst the proposal would further erode the historic plot form of this part of the conservation area, the fact that the host property is not an original Victorian villa and that the appreciation of this from the public realm will be limited to non-existent means that the impact on the conservation area is extremely limited. The scale and nature of the property will be consistent with the character of the area of large dwellings on spacious plots.

Main issue 3: Amenity

29. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
30. The proposed dwelling includes the provision of four en-suite bedrooms and substantial living spaces. As such, the proposal is considered to provide for a good standard of amenity for the future occupiers.
31. The proposed dwelling is to be constructed a significant distance from neighbouring properties, with the parent property to the south and 424 Unthank Road being the closest at 30m and 25m respectively. As the parent property is owned by the applicant, no representations have been made however it is considered that the significant distance between properties and proposed screening and planting along the proposed boundary will sufficiently mitigate any potential harm caused to neighbouring residential amenities.
32. 424 Unthank Road is separated from the site by The Loke and rows of trees which mark the edges of each boundary. A number of trees adjacent to the site have recently been lopped, giving the site a more open feel. Particular concern has been raised by the occupants of 424 Unthank Road that the scale of the proposed dwelling will cause harm to their residential amenity by way of overlooking, loss of privacy, overshadowing and loss of daylight. The representations made over the course of both consultations include detailed diagrammatic explanations and photographs to express their concern. Having visited the site on several occasions

during both summer and autumnal months, and having also visited the neighbouring property it is considered that the proposal will result in a noticeable change to the current situation, albeit one which does not cause significant harm.

33. The proposed dwelling will be visible through the treeline during winter months, however during times of the year when the mature trees are in full foliage much of the dwelling will be obscured from view. An assessment of the proposal on the amount of daylight reaching the neighbouring property has been carried out. The proposed dwelling will cause a small amount of overshadowing of some of the garden area during winter months, however this is not considered to significantly alter the current situation where the existing line of tall mature trees obscures sunlight. The proposed dwelling will not significant impact upon the primary living spaces of the neighbouring property which are orientated to face to the south-east, away from the proposed dwelling which is directly to the south. Similarly, the proposed dwelling will allow for some limited views of the neighbouring garden, however the significant distance between properties and presence of screening along the boundary help to ensure that significant loss of privacy does not occur. It should be noted that the only first floor rear facing room is to be used as a spare bedroom. It should also be noted that the type of views afforded by the proposed dwelling are typical of properties within this area of the city.
34. Particular concern was also raised by 424 Unthank Road that the proposed dwelling will result in light pollution from the large areas of glazing on the adjacent elevation. The proposal has been revised to reduce the glazing within this elevation so that the glazing does not extend into the apex of the gable, as per other elevations. As a result, the potential for light emitting from this elevation and causing significant harm to the neighbouring property is considered to be minimal.
35. Concerns have been raised by the occupants of 165 Newmarket Road to the east of the site that the proposed dwelling would result in a loss of privacy. The proposed dwelling is to be constructed approximately 60m from the site and as such will not result in a loss of privacy.
36. Representations were received from a number of neighbours concerned that the proposed use of The Loke, as per the original submission would cause harm to neighbouring properties by way of an increase in vehicular movements. The proposal has since been revised so that the sole vehicular access is to be via the existing driveway to Newmarket Road. As such, the revised access will result in an increase in traffic passing the parent property. It is not considered that this will cause significant harm to the amenities of 171 Newmarket Road as the driveway passes several rooms which benefit from dual aspects, with much of the other main living spaces being located on the opposite side of the property. A detailed landscaping scheme can assist in ensuring that potential harm is mitigated by way of some form of screening which can be secured by way of condition.
37. It is not considered that any other neighbouring properties will be impacted upon as a result of the proposed development by way of overshadowing, overlooking or loss of outlook. This is a result of the significant distances between properties and the presence of mature trees within the surrounding area.

Main issue 4: Transport

38. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
39. The proposal originally comprised of a sole access to the site making use of The Loke and Judges Walk to the east. Following several site visits and following guidance provided by the Fire Service it was determined that the use of The Loke for vehicular traffic is unacceptable. Indeed there is little evidence that The Loke has been used by vehicles beyond the rear access serving 165 Newmarket Road which is a secondary access only. The site has an existing gate onto the Loke which has not been used by vehicles as the tennis court makes this impossible. Given the unmade single track nature of the Loke, the distance between Judges Walk and the application site, inability for vehicles to pass, inability to service the property via the Loke, poor access arrangements at the junction with Judges Walk and availability of an alternative access point to the site, vehicular access via the Loke is not considered appropriate.
40. The revised scheme therefore seeks to make use of the existing access which currently abuts the edge of the application site where a gravel parking area is located. The proposal includes the provision of a turning head for fire appliances as per the requirements of the fire safety officer. The proposal includes the provision of a new shingle driveway and parking area located to the east of the proposed dwelling which is to link directly to the existing access. The existing driveway is currently surfaced in gravel ensuring that it is suitable for an increase in vehicular traffic. To ensure that the access arrangements remain in place and continue to be both safe and do not cause harm to neighbouring amenities, it is considered reasonable to add a condition which prohibits the use of The Loke for vehicular access, with only the Newmark Road access being used as the sole vehicular access to the site.
41. The proposal includes the provision of a combined cycle and bin store close to the proposed entrance to the site. The store is to be constructed using timber and provides space for three wheeled bins and up to four cycles.
42. The application site is considered to be within a sustainable location, close to bus routes and cycle paths which provide easy access to and from the city.

Main issue 5: Trees

43. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
44. A detailed tree survey and arboricultural method statement (AMS) have been submitted as part of the application. The survey confirms that no trees are required to be removed to facilitate the construction of the proposed dwelling. One Ash tree however to be removed on arboricultural grounds. The AMS includes the creation of root protection areas and protective fencing to ensure that no trees are harmed during the construction of the proposed dwelling.
45. The proposal includes the planting of a row of Yew trees along the southern boundary of the application site. The trees are designed to provide a visual screen to separate the proposed dwelling from the rear of the parent property. The submission of a detailed landscaping plan to be secured by way of condition will

assist in ensuring that an appropriate tree planting plan is put in place to both provide screening and encourage biodiversity.

Other matters

46. The submission indicates that surface water will be disposed of via a soakaway, however now detailed drainage strategy or percolation testing has been undertaken to date. It is recommended that surface water drainage details can be agreed via condition in this case.

Equalities and diversity issues

47. There are no significant equality or diversity issues.

Local finance considerations

48. 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.
49. 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.
50. In this case local finance considerations are not considered to be material to the case.

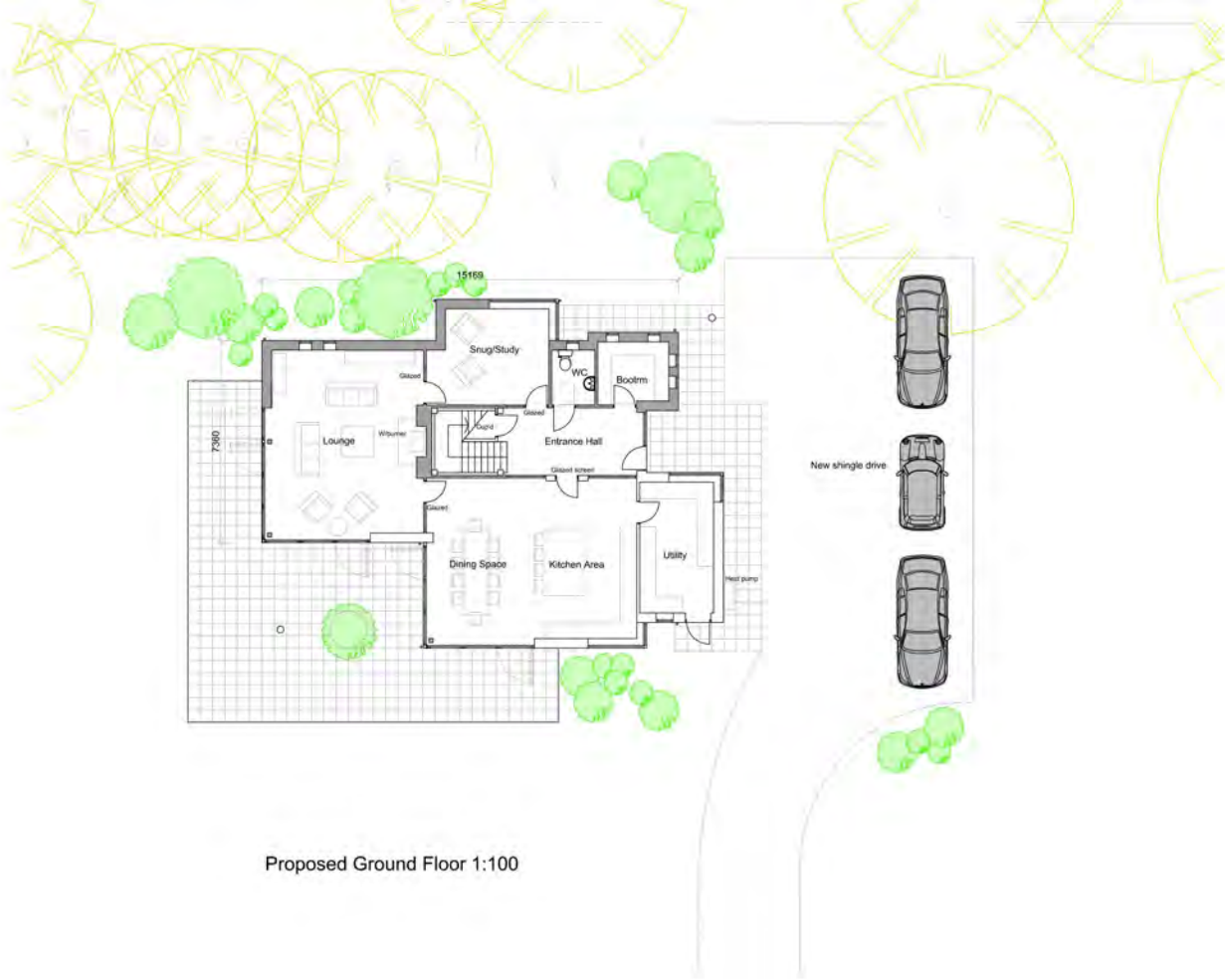
Conclusion

51. The principal of development on this site is considered acceptable in principal subject to key issues of character and appearance, amenity and access. Whilst the proposal would further erode the historic plot form of this part of the conservation area, the fact that the host property is not an original Victorian villa and that the appreciation of this from the public realm will be limited to non-existent means that the impact on the conservation area is extremely limited. Any such harm is considered to be outweighed by the benefits of the proposal in the delivery of a further dwelling on the site which will contribute, albeit extremely modestly, to housing supply.
52. The proposal will result in the construction of a new dwelling within a sustainable location without causing significant harm to the residential amenities of the occupiers of neighbouring properties and the revised access arrangements to the site are considered to be appropriate.
53. The development is therefore 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. 17/01180/F - 171 Newmarket Road, Norwich, NR4 6AP and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Sole access to be via the existing driveway only / no vehicle access via The Loke;
4. Details of hard and soft landscaping and planting
5. Arboricultural Supervision;
6. Works in accordance with AIA / AMS;
7. Water efficiency;
8. Surface water drainage.



Proposed Ground Floor 1:100



Proposed First Floor 1:100

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H	Revised drive area.	06.12.17
G	Revised boundary line.	20.11.17
F	Revised boundary line.	15.11.17
E	Revised text.	17.10.17
D	Revised entrance, turning head and drive.	11.10.17
C	Garage removed and type 3 turning head.	09.10.17
B	Measurements added.	22.08.17

rev: _____ date: _____

architects and consulting engineers

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e: info@dfal.tv w: www.dfal.tv

Project: **Sub-division of garden and erection of new house and garage at rear of 171, Newmarket Road.**

Client: **Mr & Mrs Cumby**

Drawing: **Proposed ground and first floor plan.**

Drawn by: DLLL	Checked by: -	Orig. No. 6717 P01	Rev. H
Scale: 1:100 @ A1	Date: July '17		



North West Elevation 1:100



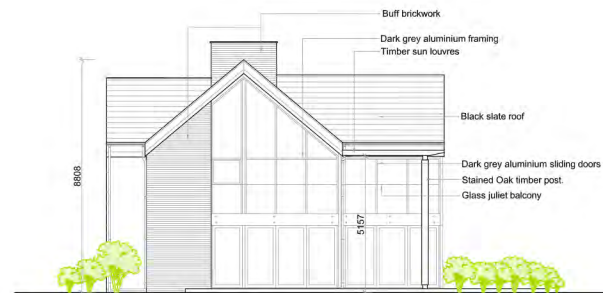
171, Newmarket Road



North East Elevation 1:100



Rear South East Elevation 1:100



South West Elevation 1:100

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SCALE BAR

1:100

F	Revised north-west elevation.	15.11.17
E	Revised materials	11.10.17
D	Garage removed	09.10.17
C	Scales clarified	22.08.17
A	Roof lights removed	05.07.17
rev:		date:

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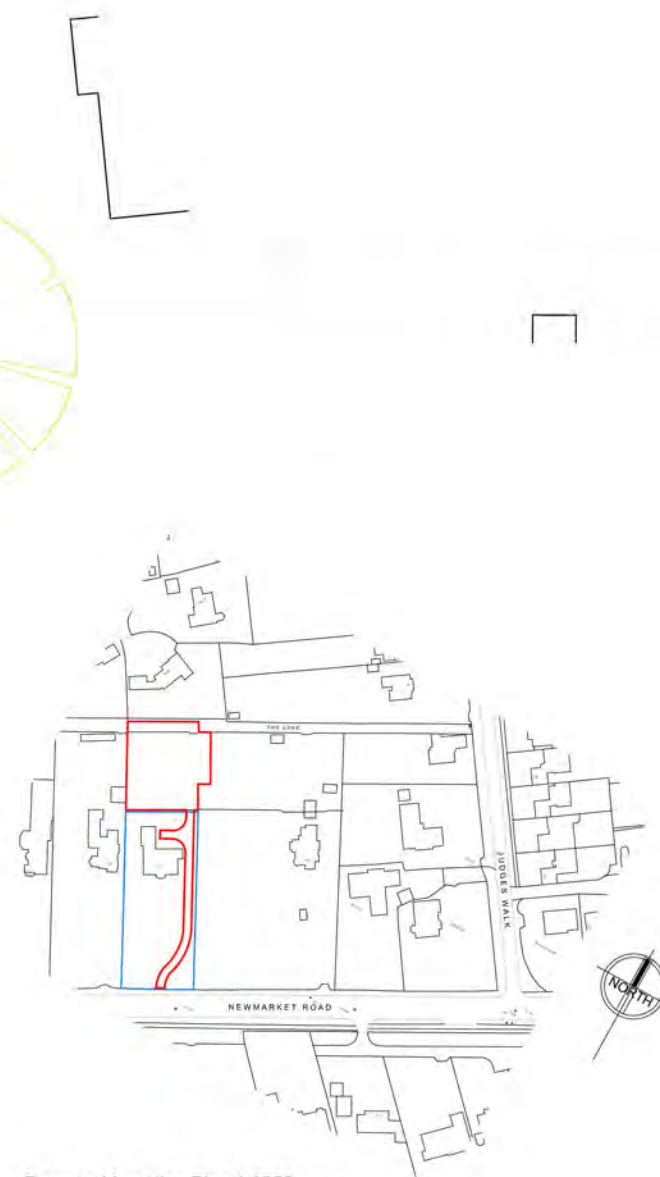
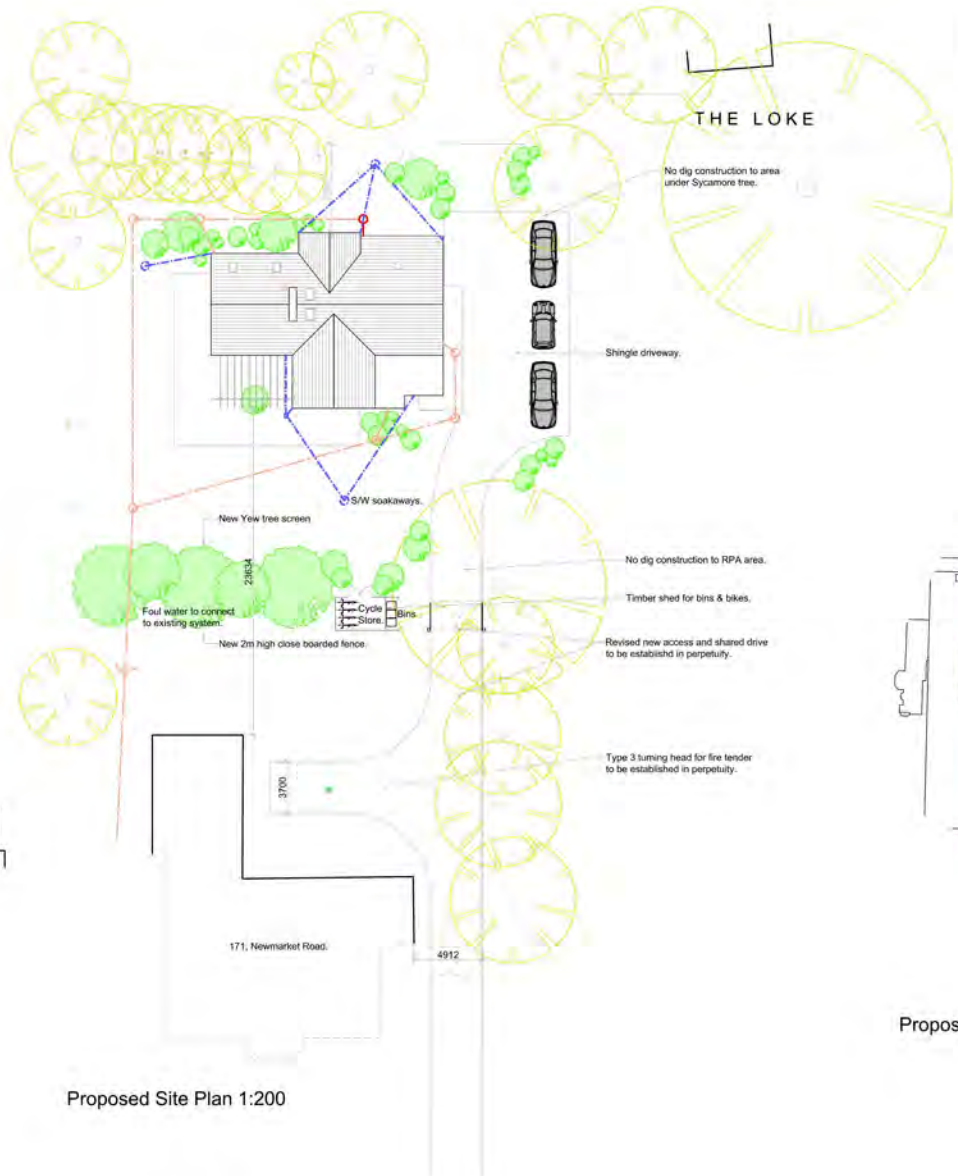
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 e: info@dfal.tv w: www.dfal.tv

Project:
 Sub-division of garden and erection of new house and garage at rear of 171, Newmarket Road.

Client:
 Mr & Mrs Cumby

Drawing:
 Proposed elevations.

Drawn by:	Checked by:	Dir. No.	Rev.
DLLL	-		
Scale:	1:100 @ A1		
Date:	July '17		
		6717 P02	F



Proposed Location Plan 1:1250

Proposed Site Plan 1:200

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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 Exemption 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.



L	Revised driveway area.	06.12.17
K	Revised boundary line.	20.11.17
J	Revised boundary line.	15.11.17
I	Revised text.	17.10.17
H	Revised red boundary line.	16.10.17
G	Revised red boundary line.	12.10.17
F	Revised access arrangement / materials.	11.10.17
E	Garage removed.	09.10.17
D	Entrance revised to include Type 3 turning head	27.09.17
C	Site boundary revised	19.07.17
rev:		date:

architects and consulting engineers

dfal
david futler associates ltd

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e: info@dfal.tv w: www.dfal.tv

Project:
Sub-division of garden and erection of new house and garage at rear of 171, Newmarket Road.

Client:
Mr & Mrs Cumby

Drawing:
Proposed Site Layout Plan

Drawn by: D.L.L.L.	Checked by: -	Orig. No. 6717 SL01	Rev. L
Scale: 1:200 & 1:1250 @A1	Date: July '17		