

## **Planning Applications Committee: 14 June 2018**

### **Updates to reports**

#### **Appeal decision and implications for decisions on today's decisions**

An appeal decision has been received which has implications for three items on the agenda being items 5(c) 2 Jordan Close, 5(e)21 Sotherton Road and 5(g) 6 St Matthews Road. The appeal decision is summarised below and the full decision attached to this report. The implications for each case are then discussed on a case by case basis.

The appeal case relates to a semi-detached property on Cunningham Road which has been extended and converted to an 8 bedroom House in Multiple Occupation (HMO). The appeal was against an enforcement notice which required that the property was returned to a C3 dwellinghouse or a small C4 HMO (up to six residents). The enforcement appeal was considered on the ground that planning permission ought to be granted for the development in question.

The inspector considered the following three main issues:

- 1) The effect of the alleged development on living conditions for occupants of the appeal property in terms of space standards, daylight and ventilation.
- 2) The effect of the alleged development on residential amenity for occupants of nearby dwellings in terms of noise, general disturbance, and privacy.
- 3) The effect of the alleged development on highway interests in terms of traffic generation and parking.

Whilst the inspector was satisfied that the proposal would not have a detrimental effect on future occupants of the HMO (main issue 1) the appeal was dismissed due to concerns with respect to main issues 2 and 3.

With regard to main issue 2 the inspector considered the proposal causes significant harm to residential amenity for occupants of nearby dwellings in terms of noise, and general disturbance. The inspector considered that when compared to a family dwelling a property occupied by eight otherwise unrelated occupants would result in an increased number of comings and goings – including those by private car and taxi – an increased number of separate social events, delivery of meals and other purchases, and people visiting for other reasons. The inspector considered that this increase in activity is likely to have a significant impact as a result of increased noise and disturbance.

In relation to main issue 3 the inspector concluded that the development would cause significant harm to highway interests in terms of traffic generation and parking. The inspector considered that the occupancy by 8 unrelated occupants is likely to result in a relatively high level of car ownership compared with a family dwelling as well as increased visitors and associated need for parking. The inspector considered that it was probably that this increase in demand would exacerbate any shortage of on-street spaces particularly outside working hours.

## **Appeal Decision**

**Application: 17/01862/F**

**Item: 5(c) Page: 89**

**Address: 2 Jordan Close**

### **Implications of above mentioned appeal**

The property in question was empty at the time of the site visit but is being advertised to let as a 6 bed HMO. The property would have once been a three bed family property. The immediate area is characterised a mixture of three bed family dwellings and two storey flats with communal gardens. The use of the property by 8 unrelated residents would be expected to increase activity and disturbance at the property compared to 6 occupants or indeed a family dwelling, the character of the area is slightly more mixed in that the appeal site in that four of the dwellings on the close and adjacent properties on Wilberforce Road are flats. Noise and disturbance is discussed at paragraphs 32 and 33 of the report, however in light of the appeal decision members may wish to give some greater weight to these matters in coming to a decision on the case. Policy DM2 (c) seeks to protect neighbouring occupants from noise and disturbance and DM13 (a) seeks to retain a high standard of amenity for existing residents in the area.

In relation to access and parking arrangements the site has an existing driveway which is capable of accommodating two cars to the standards required in appendix 3 of the Development Management Policies Local Plan. The site is not located within a CPZ. The close provides access to 4 houses and 4 flats along with properties on Wilberforce Road which have a vehicular access from the Close. The Close is relatively tight (although perhaps not quite as constrained as the Sotherton Road case mentioned below). Given the number of proposed residents and the fact that on-street parking in the area is not controlled (i.e. by a CPZ) the development could lead to an increase in demand for on-street parking. Policy DM13c) requires proposals for HMO's to provide for sufficient parking facilities, whilst this particular proposal can comply with the requirements of appendix 3 of the local plan members may wish to reconsider the weight given to impact of the development on on-street parking.

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**Application: 18/00544/F**

**Item: 5(e) Page: 111**

**Address: 21 Sotherton Road**

### **Implications of above mentioned appeal**

The property in question is currently a three bed family property within an area characterised by similar properties. Whilst the property would have permitted development rights to change to a 6 bed HMO it does not appear that such a change of use has been implemented. The site is very similar to the appeal site and the use of the property by 7 unrelated residents would be expected to increase activity and disturbance at the property. This is discussed at paragraphs 31 and 32 of the report,

however in light of the appeal decision members may wish to give greater weight to these matters in coming to a decision on the case. Policy DM2 (c) seeks to protect neighbouring occupants from noise and disturbance and DM13 (a) seeks to retain a high standard of amenity for existing residents in the area.

The access and parking arrangements at the site have been acknowledged as being far from ideal in the committee report at paragraphs 35 and 36. The arrangements would not meet the stipulations of appendix 3 of the Development Management Policies Local Plan. Given these arrangements, the fact that on street parking in the area is not controlled (i.e. by a CPZ) and the number of unrelated individuals living at the premises, the development could lead to an increase in demand for on street parking. In this case the close on which the property is located is extremely tight and provides access to 8 dwellings with a further dwelling fronting onto the main part of Sotherton Road also taking vehicular access from the close. This limits scope for on-street parking within the close and parking on the main part of Sotherton Road appears to be in high demand from site visits. With the above in mind and given the above mentioned appeal decision, members may wish to give greater weight to the matter of parking provision and impact on on-street parking in their decision, policy DM13c) requires proposals for HMO's to provide for satisfactory parking facilities.

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**Application: 18/00648/U**

**Item: 5(g) Page: 133**

**Address: 6 St Matthews Road**

### **Implications of above mentioned appeal**

The property in question is currently a 6 bed HMO and is proposed to be changed to an 8 bed HMO albeit with 4 double rooms (rather than 8 individual rooms). This case is considered to be materially different to the two HMO's mentioned above in that the character of the area is more mixed in terms of sizes and uses of properties. The co-habitation of two rooms is also likely to limit the scope for separate comings and goings compared to eight unrelated/un-associated individuals. In this case the likelihood of increased disturbance/noise is considered to be more limited when considered against the existing use of the property.

With regard to on-street car parking, again this particular case is different to the two cases mentioned above in that it is located within a 24hour CPZ and no off-street parking is proposed. The site is also located in an extremely sustainable location where car free development is acceptable. As such the development is considered to be in accordance with the local plan in terms of parking provision.

### **Letters of Representation**

A late objection letter was submitted after the sign-off of the Committee Report. This letter raises issues around bins, anti-social behaviour and illegal activity which are already covered within the Report.

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**Application: 18/00437/F**

**Item: 5(a) Page: 19**

**Address: Car Park adjacent to Sentinel House, 37-43 Surrey Street, Norwich**

One additional letter of representation has been received from a resident of Carlton Gardens. They had already made representation on the application. The issues raised can be summarised as follows:

- 1) No letters were sent to any residents from the developers and the first some residents knew about the scheme was from the press.
- 2) The works to Sentinel House are causing a disturbance to residents . This new build development would be even closer.
- 3) The buildings on Surrey Street are listed. This modern structure will not blend in.
- 4) The size of the building will dwarf the area. The proposal will block light and create noise to residents of Carlton Terrace.
- 5) How would the students be absorbed into the surrounding area? They will create additional traffic.
- 6) Additional buses will be needed to get the students to the UEA. Why can't more student accommodation be built at the UEA?
- 7) The proposal will increase noise.
- 8) Many people now want to leave Carlton Terrace despite living here for 20 years. There is a huge need for social housing and it make take up to two years to find another property.

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**Enforcement Case: 18/00087/ENF**

**Item: 5(i) Page: 149**

**Address: 114 Trinity Street**

Since publication of the agenda the home owner has been in touch with officers to explain that when the wall to the neighbouring property was removed at 113 Trinity Street the wall to no. 114, which was supported by the neighbouring wall, became unstable and had to be removed. It has always been the home owner's intention to replace the wall.

A specification for the replacement wall has been agreed with officers and the home owner intends to construct it towards the end of the month.

**Officer comment:** Based on the recent contact with the home owner, it is extremely unlikely that a formal notice will need to be served. However, Committee is still asked to authorise service of a notice so that officers can act swiftly in the event that progress stalls in the future.

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