

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 20 September 2012  
**Report of** Head of Planning Services  
**Subject** 12/00744/U 10 West Parade Norwich NR2 3DW

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**Item**  
**5 (5)**

### SUMMARY

<b>Description:</b>	Retrospective change of use of existing dwelling to 2 No. residential units, comprising of 1 No. dwelling at ground and first floor and 1 No. self contained flat in the basement.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approved
<b>Ward:</b>	Nelson
<b>Contact Officer:</b>	Jo Hobbs Planner 01603 212526
<b>Valid Date:</b>	11th July 2012
<b>Applicant:</b>	Mr Philip Hume
<b>Agent:</b>	Mr Philip Hume

### INTRODUCTION

#### Background to report

1. This application was brought before Members at the last planning committee meeting on 23 August 2012. Members voted to defer the application on the basis that further information on the nature of the planning use was presented to Members. This information related to when in planning terms a use was a residential dwellinghouse and when it was a hotel or guesthouse.
2. The requested information will have been circulated to Members in advance of the committee meeting and there will be a briefing to Members before committee where any queries or questions can be raised to officers.

#### Purpose of report

3. This report is brought before Members for determination. The recommendation is as previously reported to approve the sub-division of the existing dwelling to 2 no. residential units, comprising of 1 no. dwelling at ground and first floor and 1 no. self contained flat in the basement as recommended in the previous committee report (Appendix A).
4. A condition was requested to be added to the recommendations at the last committee meeting relating to agreeing noise insulation details. This is still requested to be added to the recommendations from the previous committee report.

**Appendix A – Planning Applications Committee report for application  
12/00744/U, 23<sup>rd</sup> August 2012**

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### INTRODUCTION

#### The Site

##### Location and Context

1. The site is located on West Parade which is a no-through road accessed off Earlham Road to the west of the city. The street is formed of a number of detached and semi-detached residential dwellings.
2. The site is within the Heigham Grove conservation area and subject to an Article 4 Direction in June 2011, which removed permitted development rights relating to works to dwellings facing the highway. The building is also locally listed.
3. The existing dwelling is three storeys in height including a basement level. The dwelling is a double bayed detached building constructed of buff brick weathered gray with a slate roof. The dwelling is set in a fairly large plot with a gravelled front garden used for parking and refuse storage and a private rear garden. There is a change in level from the front garden to the rear garden with the rear garden being lower.
4. As the application is for the retrospective change of use the flat is already in place. A separate access to the flat has been created via the basement level which is accessed by some steps down on the south side of the building. An enclosed courtyard area has been created with an external seating area.

5. The basement flat has been created by blocking up the stairs down to the basement and installing a kitchen and living area, bathroom and bedroom.

### **Planning History**

6. There is no planning history on this site.

### **Equality and Diversity Issues**

7. There are some equality and diversity issues. See paragraph 49 of report.

### **The Proposal**

8. The application is for the retrospective application of conversion of the existing dwelling into two residential units, comprising of a flat within the basement and remaining residential unit at ground and first floor.
9. No external alterations have been made to the building, only internal alterations to subdivide the flat and create living accommodation.

### **Representations Received**

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 16 letters of representation have been received citing the issues as summarised in the table below.
- 11.

<b>Issues Raised</b>	<b>Response</b>
Over-intensive use of site	See paragraphs 15-18
Commercial use in a residential area	See paragraph 17
Adverse impact on conservation area	See paragraphs 37-40
Increased traffic	See paragraphs 30-31
Reduction in road safety	As above
Increased parking	See paragraphs 32-33
Precedent for further subdivision	See paragraph 23
Change of use of whole building away from a family home to a home of multiple occupation with a more transient population	See paragraph 21
Noise issue between floors through poor insulation	See paragraph 29
Conversions often lead to visually intrusive refuse areas, extra pipework on exterior of building, loss of garden walls and hedges from parking.	See paragraph 40
Restrictive covenant when dwelling built preventing commercial use from 1859.	See paragraphs 45
Works may not have received Building Regulations or other Conservation Area Consents.	See paragraphs 46-47

Concern over retrospective nature of application, intentions of applicant and fact they live off site.	The circumstances of the applicant are not a material planning consideration. Neither is the fact the application is retrospective. Only the nature of the development and the planning implications can be taken into account.
Concern over emergency access and pavement parking policy of resident's committee	See paragraphs 33
Support application as provides increased living accommodation in existing large dwellings, on a quiet street that has capacity for additional traffic.	No comments

## Consultation Responses

12. Local Highway Authority – No objection in principle.
13. Environmental Health – No comments.
14. Building Control – Noise insulation and fire safety measures will be required under Building Regulations for the new unit of accommodation created.

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### National Planning Policy Framework:

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 12 - Conserving and enhancing the historic environment

#### Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008

T14 - Parking

ENV6 - The Historic Environment

#### Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 3 – Energy and water

Policy 4 – Housing delivery

Policy 6 – Access and transportation

Policy 9 – Strategy for growth in the Norwich Policy Area

Policy 12 – Remainder of Norwich area

#### Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

HBE8 – Development in conservation areas

EP10 – Noise protection between different uses

EP16 – Water resource conservation

EP17 – Water quality re. treatment of runoff from car parks

EP22 – Protection of residential amenity

HOU18 – Criteria for conversion or construction of multi-occupied dwellings  
TRA6 – Parking standards  
TRA7 – Cycle parking provision  
TRA8 – Provision in development for servicing

## **Supplementary Planning Documents and Guidance**

Heigham Grove Conservation Area Appraisal (2011)

## **Other Material considerations**

The Localism Act 2011 – s143 Local Finance Considerations

Written Ministerial Statement: Planning for Growth March 2011

## **Principle of Development**

### **Policy Considerations**

15. The new flat would be located in an existing residential area that has good public transport links to the city centre and local shops and services. The location of the new dwelling is therefore considered to be acceptable.
16. The principle of a new unit of residential accommodation however raises the following key considerations of residential density, residential amenity for future residents and existing surrounding residents, parking and highway implications, provision of refuse and cycle storage, impact on the conservation area and water efficiency.
17. In letters of representation the proposed use has been described as commercial as the unit can be rented per night or for short periods of time. As this unit is fully self-contained with kitchen, bathroom and washing machine the use is not a serviced apartment. The unit can operate completely independently from the owner. Therefore the use in planning terms is a residential unit for 1 to 2 people (use class C3).
18. The use of the remainder of the building has also been raised in letters of representation. The house has permission to be occupied provided there is either a family living in the unit (use class C3), 1 to 2 unrelated people (use class C3) or 3 to 6 unrelated people (use class C4). Dwellings can change between use classes C3 and C4 without the need for planning permission. Should 7 or more unrelated people live in the house then the use would be a Home of Multiple Occupation which has no defined use class and is known as a 'sui generis' use. Permission is always required to change to a 'sui generis'. An informative note is recommended to identify when change of uses will be required.

### **Residential density**

19. The two dwellings created from the subdivision would be located within a good size dwelling that is within a fairly spacious plot. The dwellings along West Parade are typically detached plots, some semi-detached, set in good size gardens.
20. When looking through the Council Tax records for West Parade it appears that 6 of the 30 dwellings are to some extent subdivided into more than one residential unit. The residential density however requires consideration in relation to provision of amenity space, refuse storage and cycle storage. Ensuring that there is sufficient space between dwellings for these requirements to be met forms the assessment as to whether the resultant residential density would be acceptable.
21. In letters of representation the loss of a family home to multiple occupants was raised. However in planning terms only the physical requirements for new dwellings such as refuse storage and amenity space can be considered. The social changes to an area in relation to loss of family housing are not a matter that planning can take into account. In any case the way in which a 'family' live in a house can vary

greatly, with family units sometimes including extended family that live more independently from each other. This nature of use can be difficult to distinguish from homes of multiple occupation.

22. In this instance the size of the dwellings on West Parade, the provision of adequate spacing in between the properties and good size gardens leads to there being an acceptable increase in residential density in relation to this additional one flat.

### **Setting a precedent**

23. The issue of setting a precedent for further dwellings to be converted to flats has been raised. Each planning application must be assessed on its own merits. The issue of precedent cannot work in favour of an application being approved. This is because each proposal must be considered for its impacts on planning considerations. It may be that a similar proposal was previously acceptable, but in permitting the last proposal a level has been reached where no further subdivision can be accepted for certain planning reasons. Each case must therefore be considered on its own merits and against the current planning situation in an area.

## **Residential amenity**

### **Existing residents**

24. The amenity of existing residential neighbours requires consideration in relation to the noise disturbance from an additional dwelling and the potential for overlooking from the new flat. As there are no external alterations other considerations such as overshadowing and loss of sunlight would not be applicable.
25. An additional flat could give rise to further noise from people using the flat and outdoor amenity space. There is however only one bedroom in the new flat which would reduce the number of people that could be using the outdoor amenity space. Further to this there is some separation between the amenity space and the neighbouring property due to the properties being detached. Whilst there may be some small increase in noise this is not considered to be significant to raise serious concerns.
26. The addition of the additional residential dwelling would not lead to any additional overlooking than currently experienced from the existing dwelling. As there are no new windows or openings proposed on the building and so there would be no additional overlooking that experienced at previously from existing residents using the dwelling.

### **Future residents**

27. The quality of accommodation for future residents of the new flat must also be considered. The one bedroom flat has a private outdoor amenity space provided adjacent to the main entrance. This is sufficient given the size of the unit. The ground and first floors would still have access to the existing rear garden for amenity space.
28. The windows of the basement flat are overlooked from people accessing the dwelling on the ground and first floor. The extent of overlooking however is not considered to be significant enough to merit refusal of the application as there would only be residents of one dwelling passing by the windows. The occupants of the flat in the basement could also use blinds or net curtains to provide further privacy if required.
29. The noise from upper floors to the new residential unit and vice versa would need to be considered. Building Regulations would however be required for the new unit even though it is already in use. This matter will be covered under Building Regulations legislation.

## **Highway safety and parking**

### **Highway safety**

30. The addition of one new residential unit on West Parade is not considered to lead to a significant increase in traffic. The road that forms West Parade is a private road managed by residents. Traffic calming measures have been put in place along with a 5 mph speed limit.
31. The issue of increased traffic movements on the proposed use as a residential short term let has also been raised. The traffic levels however would be no different to a longer term let residential unit in that people would arrive, stay overnight and depart the following day. This would be similar to a typical residential unit with occupants that work away from home each day. Therefore it is not considered there will be a significant increase in traffic from the additional unit.

### **Parking**

32. The front garden was being used as a parking area at the time of the site visit. There was still mature vegetation around part of the front garden screening the parking area to some degree. Provision of parking off-road for the two dwellings is considered to be acceptable. There is sufficient space for the maximum parking standards for the two dwellings to be met.
33. Parking on the road could occur but this is a private matter as the road is not adopted and managed by a private residents association. Should parking occur on the pavement that could restrict emergency vehicle access this would need to be managed by the residents association.

## **Provision of refuse and cycle storage**

34. An area has been provided on the site for refuse storage. This is adjacent to the highway on the gravelled parking area. The bins for the existing dwelling are stored in this area. The addition of a second dwelling unit would require another three wheelie bins to be provided on site. This could lead to an unsightly addition to the streetscene, which is a conservation area. Therefore joint refuse storage is recommended to a level that would be suitable for two dwelling units. A condition should be recommended for this refuse storage to be agreed, along with appropriate screening measures and put in place within 6 months of the retrospective permission being granted.
35. Cycle storage has not been provided for either of the two new residential units created. The existing residential dwelling does not have any covered and secure cycle parking as this dwelling was built before planning permission was required. There is space within the rear garden however for cycle storage. Therefore there is no need to provide cycle storage for the ground and first floor dwelling.
36. Cycle storage could be provided in the external amenity space for the basement dwelling. There is limited space and so fully covered storage may not be feasible. A Sheffield stand could be provided in this space and so a condition is recommended for these details to be agreed.

## **Impact on conservation area**

37. The application does not entail any external alterations to the dwelling. The visual impact to the conservation area is therefore minimal. The impact of an additional residential unit within the conservation area has been considered, but as there are limited external alterations there is not considered to be a significant impact.
38. The additional parking spaces have been considered, but a larger family with adult children living at home could have a larger number of cars parked outside the property. It is not considered reasonable to prevent parking for the additional flat on this basis. The refuse storage has been considered and an appropriate condition



recommended to ensure an improved appearance to the refuse area than previously for the existing dwelling.

39. Therefore there is not considered to be a significant adverse impact on the character and appearance of the conservation area or the locally listed building.
40. In a letter of representation the impact of creating new flats due to the subsequent external alterations to the buildings was raised. The installation of new downpipes to new bathrooms was identified. This can take place without the need for planning permission however. New bathrooms can be installed in dwellings without planning permission. The loss of front garden walls and hedges was also raised. There is an Article 4 Direction in place on West Parade that prevents the loss of further walls facing the highway. As the site is in a conservation area trees are protected to a certain degree as well. Hedges could be removed, but unless these are protected under the Hedgerow Regulations 1997 (as amended) it would be reasonable for this to happen and planning could not prevent this.

## **Water efficiency**

41. All new residential development is required to meet Code for Sustainable Homes Level 4 for water efficiency.
42. As the existing dwelling at ground and first floor did not require any internal alterations or re-fitting it is not considered reasonable to request this for this dwelling unit.
43. The new flat would be required to meet this water resource target, but as this is a retrospective application with all fitting and fixtures already installed the reasonability of doing so needs to be considered.
44. The development only relates to one single bedroom residential unit. Whilst every dwelling counts towards reducing water demand, requiring the new dwelling to retrospectively meet this requirement would involve some expense to the applicant. It would also possibly involve removing relatively new fixtures and fittings and replacing with further new appliances. This would be a waste of new electronic and other fittings. Considering the small amount of water this single bedroom unit would potentially use it is not considered reasonable to request this water efficiency requirement is retrospectively met.

## **Other matters raised**

### **Restrictive covenants**

45. A restrictive covenant from 1859 has been raised in a letter of representation. This restricted the dwellings from being used from certain commercial activities. As explained earlier in this report the application has to be considered as a further residential unit, not a commercial use. In any case this covenant would be a matter outside of the planning process and could not be taken into account under planning. Planning permission can be granted within planning law, but other legal matters can prevent a development from going ahead. This is the case in this instance if this covenant applied, but it appears that in this case it would not as the proposed use is also residential.

### **Other consents required**

46. The need for Building Regulations has been raised. This is a matter outside of planning legislation and so cannot be taken into account in determining the application. CNC Building Control are however aware of the use.
47. Conservation Area Consent would not be required for this application as this type of consent is only required for the demolition of buildings or structures within a conservation area.

## **Local Finance Considerations**

48. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of new dwellings would lead to grant income for the council. The key considerations of amenity for existing neighbours and future residents must be considered however, along with the impact on the conservation area and highway safety in this instance. These are other significant considerations in addition to this financial consideration that must be given due considerations.

## **Equality and Diversity Issues**

49. The flat is not highly accessible as it can only be accessed via a set of stairs. However as this is a private flat, people who chose to access it would have to consider accessibility prior to occupying the flat. Therefore although the poor accessibility of the site would disadvantage disabled people with less mobility this is considered to not be a sufficient enough reason to merit refusal of the application. The nature of the site is such that the land levels change, and given this would not be a public building it would be unreasonable to refuse the application on this basis.

## **Conclusions**

50. It is considered that the conversion of the basement to a separate flat would not lead to an unacceptable level of residential density in the surrounding area by virtue of the spacious nature of the existing dwelling and garden and sufficient distance to the neighbouring dwellings. The proposal is unlikely to have an adverse impact either on the appearance of the street scene, character of the conservation area or amenities of the immediate neighbours by virtue of the small size of the additional flat and limited additional parking, refuse storage and noise disturbance this would have to surrounding neighbours. As such the proposal accords with the criteria set out within policies HBE8, EP22, HOU18, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan and policies 4, 6, 9 and 12 of the Joint Core Strategy.

## **RECOMMENDATIONS**

To approve application no 12/00744/U "Retrospective change of use of existing dwelling to 2 No. residential units, comprising of 1 No. dwelling at ground and first floor and 1 No. self contained flat in the basement" and grant planning permission subject to the following conditions:

- 1) Use of building as two units only
- 2) Joint refuse storage and appropriate screening provided within 6 months of permission

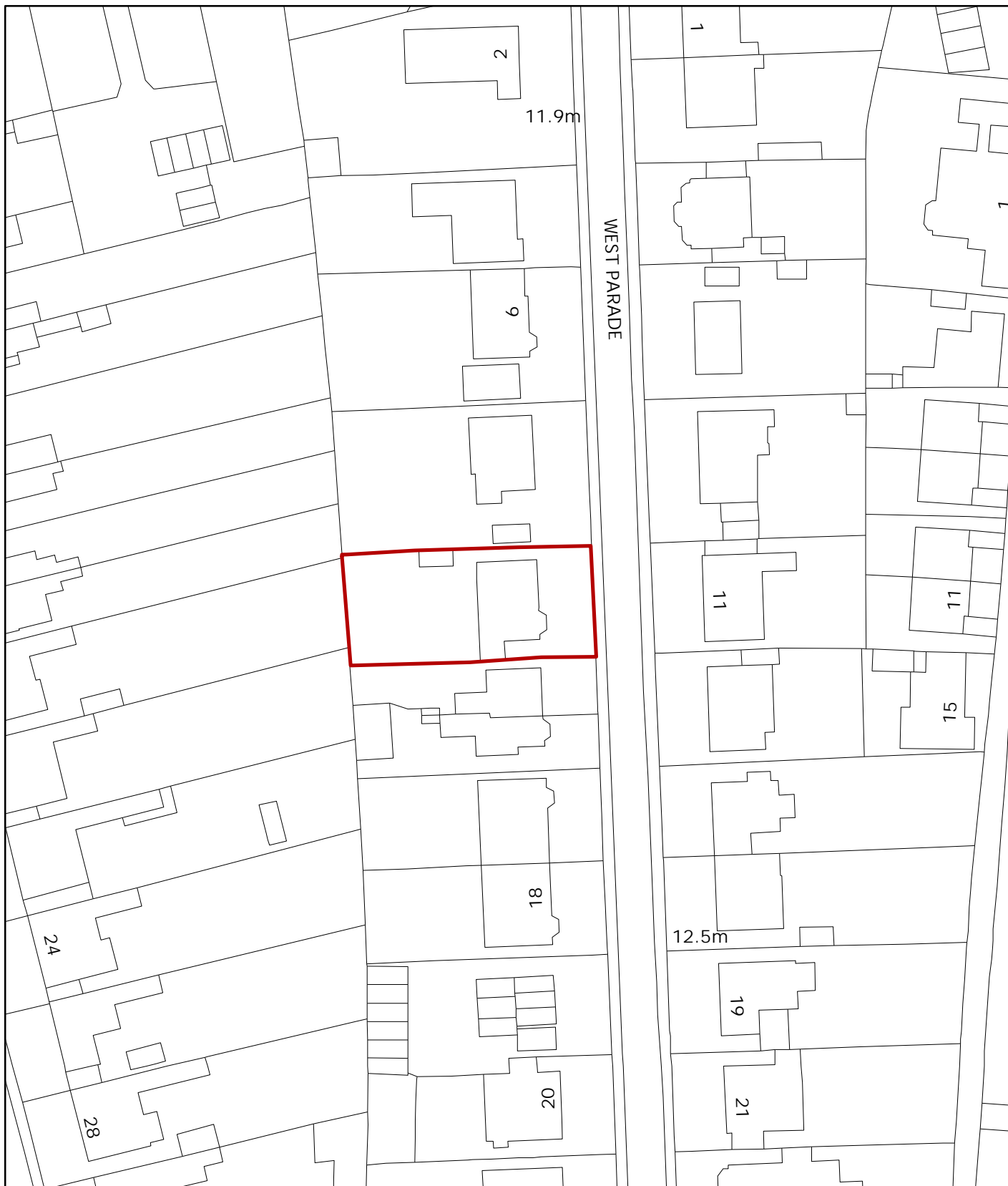
Reasons for approval:

The decision is made with regard to policies HBE8, EP22, HOU18, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan, policies 4, 6, 9 and 12 of the adopted Joint Core Strategy March 2011 and all material considerations. The conversion of the basement to a separate flat would not lead to any adverse impacts to the appearance of the street scene, character of the conservation area or amenities of the immediate neighbours by virtue of the small size of the additional flat and limited additional parking, refuse storage and noise disturbance this would have to

surrounding neighbours and the spacious nature of the building and garden, and sufficient distance to the neighbouring dwellings.

Informative Notes:

- 1) Subsequent division of building would require permission, or if 7 or more unrelated individuals occupied the first and second floors.
- 2) Bins to be purchased from Council



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Planning Application No 12/00744/U

Site Address 10 West Parade

Scale 1:750



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Planning Application No 12/00744/U

Site Address 10 West Parade

Scale 1:1,250



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