

Report to Planning applications committee

Item

13 December 2018

Report of Head of planning services

Subject Application no 18/00014/F - 183 Newmarket Road,
Norwich, NR4 6AP

**Reason for
referral** Objection

4(b)

| | |
|---------------------|---|
| Ward: | Eaton |
| Case officer | Charlotte Hounsell - charlottehounsell@norwich.gov.uk |

| | | |
|--|---------|---------|
| Development proposal | | |
| New dwelling, garage, access drive and entrance gates. | | |
| Representations | | |
| Object | Comment | Support |
| 2 | 0 | 0 |

| | |
|-----------------------|---------------------------|
| Main issues | Key considerations |
| 1 | Principle of development |
| 2 | Design and Heritage |
| 3 | Amenity |
| 4 | Trees |
| 5 | Highways |
| Expiry date | 27 February 2018 |
| Recommendation | Approve |



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Planning Application No 18/00014/F
183 Newmarket Road

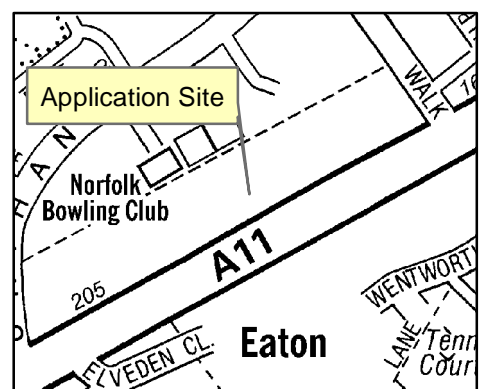
Site Address

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The subject site is located on the North side of Newmarket Road, South West of the City Centre. The existing property is a large detached dwelling constructed circa 1900 and is constructed of rough cast render to the upper floor and red brick to the ground floor. The property is set within large grounds and there is a significant side and rear garden with a number of mature trees and hedging along the boundaries. The ground level at the very rear of the site steps up by approximately 1.00m. The property also has a large front garden with a driveway and vehicular access onto Newmarket Road. The property has previously been extended to the rear to provide additional living accommodation. The surrounding area is residential in character. It should be noted that a number of other plots in the surrounding area have been sub-divided and new dwellings constructed within the rear gardens.

Constraints

2. The property is located within the Newmarket Road Conservation Area
3. The main dwelling is locally listed

Relevant planning history

- 4.

| Ref | Proposal | Decision | Date |
|-------------|---|----------------------------|------------|
| 4/2002/1143 | Erection of single storey rear extension. | Approved | 04/04/2003 |
| 4/2003/0222 | Erection of single dwelling & associated access. | Refused – appeal dismissed | 19/09/2003 |
| 05/00554/F | Subdivision of curtilage and erection of one dwelling house. | Refused – appeal dismissed | 12/08/2005 |
| 17/00813/F | Demolition of existing garage and erection of new garage with studio above and ground floor utility room. | Approved | 28/07/2017 |

The proposal

5. The proposal is for the subdivision of the plot and the construction of a 1.5 storey dwelling with associated driveway access, parking and entrance gates.
6. It should be noted that the original proposal has been revised significantly since its submission in order to address officer's concerns.

7. These revisions have included an altered location and orientation of the property, revised design, revised access and parking arrangements and revised tree considerations. The assessment below is based upon the revised proposal only.

Summary information

| Proposal | Key facts |
|--------------------------|--|
| Scale | |
| Total no. of dwellings | 1 additional dwelling |
| Total floorspace | 306m² |
| No. of storeys | 1.5 |
| Max. dimensions | Approx. 29.00 x 19.00 6.20m maximum height |
| Appearance | |
| Materials | Red facing brick, cedar boarding, ply membrane and sedum/green roof. |
| Transport matters | |
| Vehicular access | New driveway proposed to join with existing access to Newmarket Road. |
| No of car parking spaces | 2 spaces within garage. Additional external parking on driveway |

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation were received to the first consultation. As a revised scheme was submitted a second consultation was undertaken. The previous representations were not withdrawn and additional comments were 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 |
|---------------------------------|------------------|
| 'Filling in' of garden areas | See Main Issue 1 |
| Overbearing and overdevelopment | See Main Issue 2 |
| Inappropriate design | See Main Issue 2 |

| Issues raised | Response |
|--|-------------------|
| Loss of residential amenity through overlooking/loss of privacy | See Main Issue 3 |
| Concerns for tree protection | See Main Issue 4 |
| Additional access to Newmarket Road could result in a collision area combined with access to dental practice | See Main Issue 5 |
| Ownership query over access in deed | See Other Matters |
| Concerns regarding potential changes to design in future | See Other Matters |

Consultation responses

9. 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

Original Scheme

10. No comments received.

Revised Scheme

11. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

Highways (local)

Original Scheme

12. No objection in principle on highway grounds subject to consideration of following matters. The proposed dwelling is accessed via an extant/shared vehicle access to the highway, this is acceptable in principle. What is more problematic are:

- (a) Emergency access; as it is more than 45 metres from the highway the Fire Service need to be consulted. They will have a view about the following:
- (a) Can a fire truck access the site? – the access arrangements appear tight
 - (b) Is the surface of the track suitable for a heavy vehicle like a fire truck?
 - (c) Can the fire truck turn around and exit the site in a forward gear?
(tracking needed)

- (d) If not, how will the fire truck reverse to enable it to exit in a forward gear?
 - (e) Will a sprinkler system be necessary for the building?
- (b) Refuse collection:
- (a) The occupiers will need to drag their bins to a collection point.
 - (b) Will this be practical given the length of the drive?
 - (c) Will the surface be suitable for dragging bins? (e.g. gravel will make it tiresome)
 - (d) Where will bins be stored on site?
 - (e) Presume that bikes can be stored with the garage, but ideally the garage would be bigger to accommodate a family's number of bikes – or a separate bike store provided.

Revised Scheme

13. No objection in highway terms, it is making use of an extant vehicle access to Newmarket Road. I trust that Norfolk Fire and Rescue are content with the proposals? They will be interested in the turning head.

Tree protection officer

Original Scheme

14. I visited the above property on 21 Feb 2018 met with the owner. She expressed concerns about retaining the oak tree (T2) and asked if we would object to its removal. I said with adequate replacement planting it would be acceptable. The trees at the entrance that need removing, again, I don't object to their removal but I do have concerns about the level changes and the no-dig road construction details. We require more information on how it will be constructed. A profile detail would be useful.

Revised Scheme

15. I have reviewed the revised tree protection plan and the submitted cross sections of the driveway construction details. I can confirm this is all satisfactory and clarifies the no-dig method that will be used and sets out the tree protection measures. Please could you condition; TR7 Works on site in accordance with AIA, AMS and TPP: 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 ref OAS 17-111-TS01 and OAS 17-111-TS02]. 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. TR10 No-dig methods: Any new footpaths/ driveways within the root protection areas of existing trees, as shown on [drawing ref OAS 17-111-TS01 and OAS 17-111-TS02] shall be of a no-dig

construction and constructed in accordance with the submitted Arboricultural Method Statement.

Norfolk Fire Service

Original Scheme

16. The proposal must meet the necessary requirements of the current Building Regulations 2010 – Approved Document B (volume 1 – 2006 edition, amended 2010, 2013) as administered by the Building Control Authority. It appears from the submitted plans that the premises will extend beyond 45mtrs from the public road access point. If this is the case then access for a fire appliance will be required, over the private land, to within a distance of 45mtrs of all points in the building and of minimum width 3.7mtrs. The access must comply with Section 11 of the above guidance document, including a turning head if the distance travelled from the public road is in excess of 20mtrs.

Revised Scheme

17. I acknowledge receipt of the above application and I do not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2000 – Approved Document B (volume 2 – 2006 edition amended 2007, 2010, 2013) as administered by the Building Control Authority.

Assessment of planning considerations

Relevant development plan policies

18. **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
 - JCS4 Housing delivery
19. **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
 - 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
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

20. **Relevant sections of the National Planning Policy Framework 2018 (NPPF):**
- NPPF2 Achieving sustainable development

- NPPF5 Delivering a sufficient supply of homes
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

Case Assessment

21. 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

22. Key policies and NPPF paragraphs – DM12 and NPPF5.
23. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 70 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.
24. 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:
- (a) The site is not designated for other purposes;
 - (b) The site is not in a hazardous installation notification zone;
 - (c) The site is not in the late night activity zone;
 - (d) It does not involve the conversion of high quality office space; and
 - (e) It is not in the primary or secondary retail area or in a district or local centre.
25. Furthermore, this proposal does not compromise the delivery of wider regeneration proposals, does not have a detrimental impact upon the character and amenity of the surrounding area which cannot be resolved by the imposition of conditions (subject to more detailed assessment below), contributes to achieving a diverse mix of uses within the locality and contributes to providing a mix of dwellings within the area. The proposal would make a small contribution to housing supply in Norwich.

26. Therefore the proposal is considered to accord with policy DM12 (subject to assessment below) and is acceptable in principle.

Main issue 2: Design and Heritage

27. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF 12 and 16
28. Concerns were raised that the proposal would represent overdevelopment of the site. The properties in the surrounding area benefit from large gardens with well-screened boundaries. It is acknowledged that the proposed dwelling would be of a significant size and would result in the development of part of the garden area. However, the significant size of the plot is considered to be able to comfortably accommodate the new dwelling whilst still maintaining large gardens for both properties. The sub-divided plot would be similar in size to other sub-divided plots in the surrounding area. Therefore, the proposal is not considered to be an over-intense form of development or incongruous to the surroundings that would significantly alter the prevailing character of the area.
29. Concerns were also raised that the proposed development would be unattractive and out of keeping with the style of properties in the surrounding area. The property is of a contemporary design that contrasts with the more traditional properties on Newmarket Road. Given that this is a new dwelling, this approach is considered to be acceptable and would clearly show that this property is a newer addition to the area. The property would be low-rise and has been designed to break up the massing and scale of the building. In addition, the indicative materials take reference from the surrounding area and include red brick, timber cladding and the use of a green roof to fit in with the natural character of the surroundings. The property would also be located to the rear of a very large plot and is unlikely to be visible from Newmarket Road. Therefore the proposal is considered to preserve the character of the conservation area.
30. This section of the Newmarket Road Conservation Area is characterised by large properties within substantial plots which were created during the late C19th. Construction of dwellings on the plots has taken place over a prolonged period of time from the late C19th with some plots not being built on until the late C20th. 183 Newmarket Road is one of the earlier properties along Newmarket Road and of greater architectural quality, it is in part for this reason that previous appeals have been dismissed. It should be noted that a number of plots along Newmarket road have been subdivided in recent years. Most have related to more modern host dwellings. The inspector in previous decisions on this site has given greater weight to the fact that this is one of the original villas constructed within the conservation area.
31. The revised proposals have sought to configure a design which is low in profile and maintains boundary trees supported by new planting. This is with the intention that the new dwelling would not be visible within the public realm of the Conservation Area and in particular from Newmarket Road. Visibility of the dwelling is likely to be minimal to non-existent. The main sign of a new dwelling and the division of the historic plot boundary will result from the revisions to the point of access and driveway leading to the rear. With this specific design proposal therefore, less than substantial harm to the conservation area would be minimal and would principally result from the new driveway signifying the division of the plot.

Main issue 3: Amenity

32. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
33. The proposed dwelling would exceed national space standards for a 4 bedroom property and the future occupiers would benefit from a good standard of amenity.
34. Concerns were raised that the proposal would result in a loss of privacy to neighbouring dwellings. The property to the East has also previously sub-divided the plot and a new dwelling has been built within the rear garden. The originally submitted proposal included a two storey dwelling with a large number of windows at first floor facing the property to the East. The revised scheme has resulted in the majority of the new dwelling being of single storey construction. Although there are still a large number of windows on this Eastern elevation, they are not considered to result in significant overlooking given that they are at ground floor. It is noted that ground level vegetation cover may not be present all year round. However a condition is recommended to secure details of boundary treatments and landscaping which will present an opportunity to include new fencing and/or planting to mitigate any loss of privacy.
35. Furthermore, neighbours were concerned that the balcony at the second floor would result in a significant overlooking. The balcony area would be set back to the very rear of the plot and would be approximately 30m from the closest property. It is acknowledged that there would be some overlooking of adjacent garden areas however, this would be at oblique angles and would be minimised during the months where there is greater vegetation cover on the boundary. Therefore the proposal is not considered to have significant detrimental impact upon neighbouring amenity.
36. The new access driveway has been located a sufficient distance from the host property to ensure that there is no significant impact on their amenities.

Main issue 4: Trees

37. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
38. Concerns were raised by both neighbours and officers regarding the protection of trees. There are many trees on site that make a significant contribution to the character of the area. The trees provide screening in the front garden area and line the boundaries with the neighbouring properties. As well as the construction of the dwelling, the proposal involves the construction of a driveway along the Western side of the plot. The Tree Officer was concerned that the driveway would be detrimental to a number of trees. Additional tree information and in-depth construction details have been provided for the construction of the dwelling and the driveway. The Tree Officer has reviewed this information and considers that the retained trees on site will be adequately protected subject to the conditions included at the end of this report.
39. There are a number of trees that would be removed as part of this proposal. This includes trees that have partially fallen over or are dead or generally low value trees. It is therefore considered necessary to include a condition requiring a full landscaping scheme to secure adequate replacement planting.

40. In addition to the above, it was noted on site that there is sizeable gap in the vegetation along the Western boundary of the site which would mean that the property would likely be visible from Newmarket Road. This is exacerbated by the area of openness at the front of 183A Newmarket Road. A revised site plan has been submitted with indicative planting to screen the property, as well as additional planting along the proposed driveway. This additional planting is considered to provide appropriate landscaping on site and sufficient screening. Full landscaping details will be requested by condition.

Main issue 5: Transport

41. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
42. Concerns were raised that an additional driveway and point of access to Newmarket Road would result in a collision spot. The applicant was previously advised that a new access point onto Newmarket Road would not be deemed acceptable in highway terms. The proposal includes the provision of a new driveway but the existing access point onto Newmarket Road would be shared. In addition, given that vehicles are likely to be travelling at low speeds when entering and exiting each driveway, the proposal is not considered to be significantly detrimental to highway safety. Furthermore the transportation officer did not object to the proposal.
43. The Transportation Officer also queried whether a fire appliance could access the site. It should be noted that emergency access is dealt with under Building Regulations. Norfolk Fire Service were consulted on the application and did not offer any objections to the revised proposal. The scheme presented provides an area for a turning head at the end of the driveway.

Compliance with other relevant development plan policies

44. 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.

| Requirement | Relevant policy | Compliance |
|----------------------------|------------------------|---|
| Cycle storage | DM31 | Yes subject to condition |
| Car parking provision | DM31 | Yes – policy compliant level of parking provided |
| Refuse Storage/servicing | DM31 | Yes subject to condition |
| Water efficiency | JCS 1 & 3 | Yes subject to condition |
| Sustainable urban drainage | DM3/5 | Yes subject to condition |

Other matters

45. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
46. Concerns were raised regarding ownership of the driveway area. Land ownership is not a material planning consideration and has therefore not been considered further.
47. One representation expressed that the revised design was an improvement but they were concerned that the design may be eroded in future alterations of the scheme. It should be noted that any alterations to the design would need to be applied for. In addition, as outlined by paragraph 130 of the NPPF, the local planning authority should ensure that the quality of the proposal materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

Equalities and diversity issues

48. There are no significant equality or diversity issues.

Local finance considerations

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

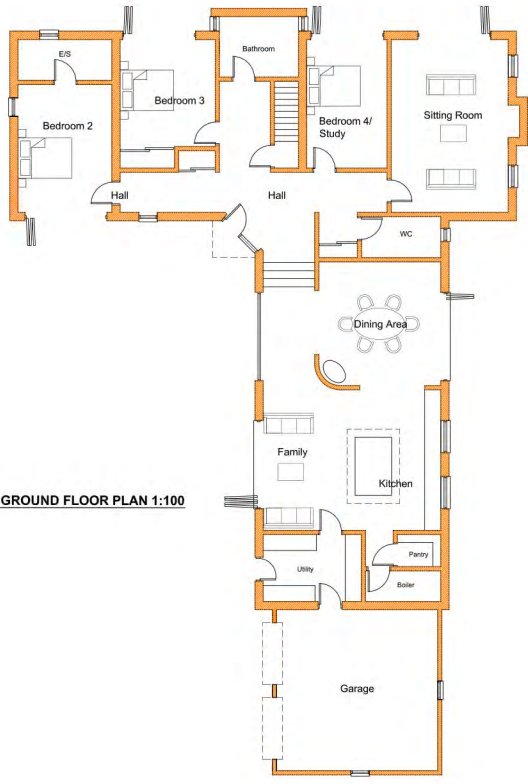
Conclusion

52. The application seeks the subdivision of the plot to provide a new dwelling to the rear of the site. The main issues in this case are the ability to retain trees on site, particularly in the provision of the new access and the impact on the conservation area. In relation to trees subject to compliance with the arboricultural method statement and replacement tree planting the proposals are considered to be acceptable and the dwelling to the rear will be screened and largely not visible in from the wider Conservation Area. The main sign of a new dwelling and the division of the historic plot boundary will result from the revisions to the point of access and driveway leading to the rear. With this specific design proposal therefore, less than substantial harm to the conservation area would be minimal and would principally result from the new driveway signifying the division of the plot. On balance the benefits of the delivery of a new dwelling on the site are considered to marginally outweigh the harm to the conservation area and therefore the recommendation is to approve subject to conditions.

Recommendation

To approve application no. 18/00014/F - 183 Newmarket Road Norwich NR4 6AP and grant planning permission subject to the following conditions:

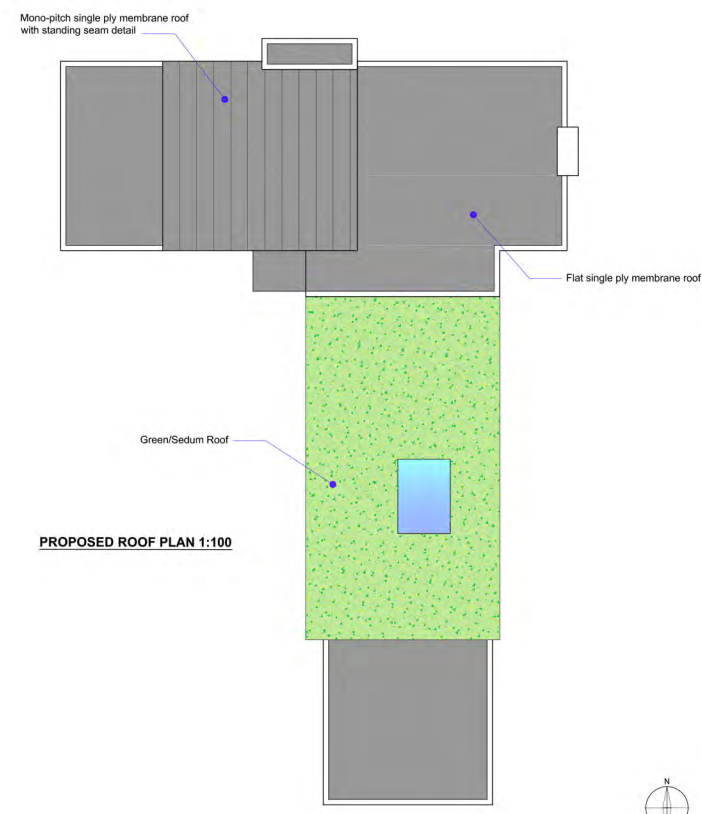
1. Standard time limit;
2. In accordance with plans;
3. In accordance with AIA/AMS/TPP;
4. No dig methods;
5. Arboricultural supervision;
6. Details of materials;
7. Landscaping;
8. SUDS;
9. Water efficiency;
10. Bin and bike storage
11. No development in bird nesting season



PROPOSED GROUND FLOOR PLAN 1:100



PROPOSED FIRST FLOOR PLAN 1:100



PROPOSED ROOF PLAN 1:100

Notes

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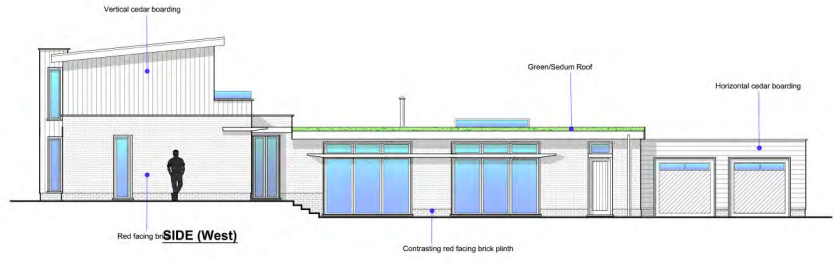
| No. | Revisions | By | Date |
|-----|---|-----|----------|
| A | Revised scheme | mja | 06.07.18 |
| B | Scheme revised. Footprint reduced by 7% materials amended: green roof shown and roof plan added | mja | 27.07.18 |



LOCATION PLAN 1:1250



FRONT (South)



Red facing to SIDE (West)

Contrasting red facing brick plinth

ELEVATIONS 1:100



REAR (North)



SIDE (East)

A SQUARED ARCHITECTS

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Client **Mr and Mrs Cook**

Job **New dwelling at 183 Newmarket Road Norwich**

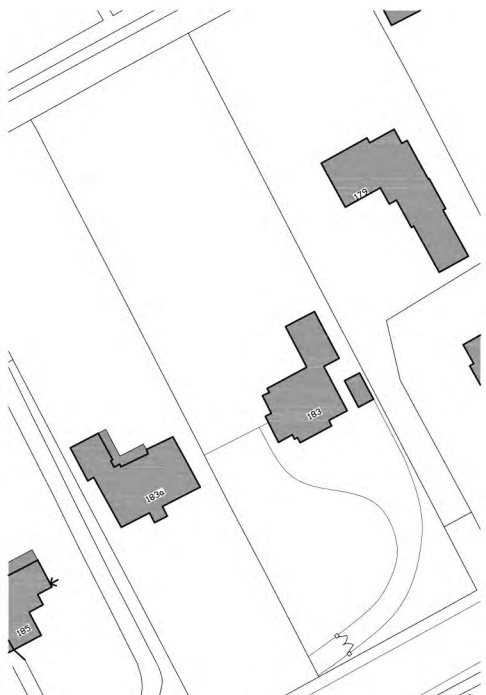
Drawing Title **Proposed floor plans, site plans and location plan**

Scale **1:100/500/1250@A1** Date **October 2017**

Drawn By **mja** Status PRELIMINARY

Drawing No. **17** Rev. **36** BUILDING REGS TENDERS CONSTRUCTION AS BUILT

17 36 10 B



EXISTING SITE PLAN 1:500



PROPOSED SITE PLAN 1:250



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| No. | Revisions | By | Date |
|-----|--|-----|----------|
| A | Footprint of new dwelling reduced in size by 3%. Existing site plan moved to this drawing. | mja | 27.07.18 |

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Client
Mr and Mrs Cook

Job
**New dwelling at
183 Newmarket Road
Norwich**

Drawing Title
Existing and Proposed Site Plan

Scale
1:250/500@A1

Date
June 2018

Drawn By
mja

Status
 PRELIMINARY
 PLANNING
 BUILDING REGS
 TENDERS
 CONSTRUCTION
 AS BUILT

Drawing No. **17 36 13 A**