

Report to Planning applications committee
Date 14 March 2013
Report of Head of planning services
Subject 13/00049/F 2 Clabon Road Norwich NR3 4HF

Item
5(8)

SUMMARY

Description:	Subdivision of curtilage and erection of 1 No. single storey three bedroom house.	
Reason for consideration at Committee:	Objection	
Recommendation:	Approval	
Ward:	Catton Grove	
Contact Officer:	Mr John Dougan	Planner 01603 212504
Valid Date:	1st February 2013	
Applicant:	Mr Vernon Alden	
Agent:	Mr Benjamin Frith	

INTRODUCTION

The Site

Location and Context

1. The area is residential with most of the properties on this street being two-storey semi-detached, having front gardens with prominent spaces between each of the pairs of houses. As a consequence Clabon Road has a regular and planned appearance enhanced by mature street trees and varied planting in many of the gardens.
2. Whilst 2 Clabon Road is a detached dwelling it does not stand out as being at odds with the semi-detached housing on the remainder of Clabon Road because it is situated next to a road junction and faces onto both Clabon Road and Wall Road, thereby having a different visual relationship with Clabon Road.
3. A key characteristic of no.2 Clabon Road is that the site forms an L shape making it rather unique in this particular street in terms of the relationship between the occupant's private amenity space and the dwelling. Boundary treatment to the northern part of the site is generally of 1.8 metre high close boarded fence construction, with the southern end of the site having sporadic hedging to Clabon Road and Wall Road.
4. The existing site has been partially cleared with no significant vegetation. It is therefore not likely to be a significant habitat for any protected species.

Constraints

5. There are no specific constraints associated with this site except the mature street tree next to the entrance of the site

Topography

6. This is a flat site

Planning History

- **08/00106/F** – Sub-division of curtilage and erection of 1 no. detached dwelling and garage (Refused 05.08.08). Appeal dismissed on 18.03.09.
- **07/01250/F** – Sub-division of cartilage and erection of detached dwelling and garage (Refused 07.12.07)

Key conclusions of the appeal decision are as follows:

- The two-storey dwelling would appear cramped in comparison to the prevailing development elsewhere on Clabon Road. New development should be of a high quality design that would reinforce and complement the character and townscape of the city. The development would therefore be out of keeping with the character and appearance of the area
- Following implementation of the scheme, no.2 would have limited private garden to the side and rear of the house. The resulting garden space would be primarily to the front of the property. Although these gardens are screened from view in the summer, the garden would be open to public view in winter and bearing in mind the proximity to the public pavement this would not provide quality private amenity space for the occupants. Whilst the existing amenity space to the north is overgrown, its loss would not maintain or enhance the amenity for the occupants of no.2.
- The new house would stand close to the south facing elevation of no.4 which has a number of windows and a glazed door to the side of the house. Whilst it is not clear that these windows serve as primary sources of daylight to habitable rooms, the new house would restrict the amount of natural daylight and sunlight that reaches those windows and it was concluded that as a result, this loss of light would not maintain or enhance the living conditions of no.4.
- The development could be implemented without harm to the roadside tree

Equality and Diversity Issues

7. No disabled access is provided to the front of the property, instead disabled access is achieved via a ramp to the side with access into the rear communal living area, from this point the rest of the property is accessible with the exception of the front door.
8. The applicant submitted revised plans agreeing to reduce the distance required for this access.
9. Whilst the revised arrangement is not considered to be ideal, on balance this is not

considered sufficient to warrant refusal of the application in itself. However a condition for provision of level access to the rear is recommended.

The Proposal

10. Erection of a flat roof (sedum) three bedroom dwelling within the garden of no.2 Clabon Road being finished in white render. The dwelling is 2.4 metres at its highest point (above ground level) stepping down to 1.2 metres at its lowest point at Clabon Road. The ground floor of the dwelling is set 0.7 metres below ground, having the effect of reducing its profile in the street.
11. The northern elevation of the dwelling will run along the boundary with no.4 in effect becoming part of the northern boundary. The remainder of the northern boundary of the garden will comprise a 1.8 metre close boarded fence. The proposed south elevation of the dwelling is set back a distance of 1.2 metres from the notional boundary accommodating a side access with no.2 Clabon Road and a minimum of 1.4 metres from the south boundary with no. 44 Wall Road. The plans submitted indicate that the existing or south boundary would be a 1.8 metres high close boarded fence.
12. The resulting dwelling will have a shared drive with no. 2 Clabon Road, parking area to the front for two cars and garden to the rear. 2 Clabon Road would have its principle amenity spaces fronting Clabon Road and Wall Road.
13. The key difference in current proposal and the previously refused applications is that it is a very low profile single-storey dwelling and not a two-storey dwelling.

Representations Received

14. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received citing the issues as summarised in the table below.
- 15.

Issues Raised	Response
Not inkeeping with the character of the area	1-3, 33-40
The development would be cramped	1-3, 33-40
Poor design	36-39
As the hedging to the front of the property has been partially removed, the resulting private amenity space for no.2 would be inadequate.	26-27
Insufficient amenity space for no.2 Clabon Road and the application site.	24-29
The lack of available extendable area to all four sides of the existing property would restrict future owners from extending it also devaluing the property	28
Insufficient parking leading to encroachment of the neighbours drive	45-47

Para 53 of the NPPF requires that local authorities to consider the case for setting out policies to resist inappropriate development of residential gardens especially when such development would cause harm to the area. In our opinion this is inappropriate development of a residential garden which would cause harm to the surrounding areas	17-18, 33-36, 39
The applicant refers to the land as vacant brownfield land. This is mis-interpretation of the site i.e. it is a sub-division	The description of the application is 'sub-division of cartilage and erection of 1 no. single storey three bedroom house.
The dimensions and physical features on the plan have been misinterpreted e.g. the single storey garage on no.4's property is shown as overlapping his dwelling which is in fact not the case and is much closer to the boundary to the proposed development site than the plan purports to show. The proposed dwelling being so close to the boundary line will indicate that the footings would have to encroach onto our client's property.	41-44
The position of existing trees on Clabon Road on plan 0050/002/A02 do not accurately show the correct position of the trees as they actually sit on the road.	51-54

Consultation Responses

16. Transportation: No objection

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework (NPPF):

- Presumption in favour of sustainable development;
- Statement 6 – Delivering a wide choice of high quality homes
- Statement 7 – Requiring good design

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

- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery

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

- HOU13 – New housing development
- HBE12 – High quality of design, with special attention to height, scale, massing and form of development

- EP22 – High standard of amenity for residential occupiers
- NE3 – Tree protection
- NE9 – Comprehensive landscaping scheme and tree planting
- TRA5 – Approach to design for vehicle movement
- TRA6 – Parking standards (maximum)
- TRA7 – Cycle parking standards
- TRA8 – Servicing provision

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

Principle of Development

Policy Considerations

17. Since the previous refusals, new national policy in the form of the NPPF is in place stating that there is a presumption in favour of sustainable development. The primary focus of this legislation is therefore material to the assessment of this application. There is no specific policy in the local plan relating to inappropriate development in residential gardens. Instead policies HOU13, HBE12, EP22 are used to assess the appropriateness of such development and whether or not it would cause significant harm to the area.
18. The principle of erecting a new dwelling in a residential area is considered to be acceptable under saved local plan policy HOU13 subject to the criteria listed within the policy and subject to it being inkeeping with the character of the area, providing sufficient on site amenity provision, parking and access provision for the site and 2 Clabon Road, not having a significant impact on the residential amenity of neighbouring properties and not having a detrimental impact on the health of nearby trees.
19. The site in this case is located within an existing residential area and is in close proximity to existing local shops and services.
20. Much of the debate for the appropriateness of this site for an additional dwelling is set out within the previous two refusals and the appeal decision. The key question is whether or not the current proposal addresses those reasons or makes it broadly acceptable to warrant approval.

Impact on Living Conditions

Surrounding properties

21. Any additional noise linked with the activities associated with a dwelling house reflects the existing activities evident in this residential area.
22. Given that the highest part of the dwelling is only 2.4 metres and either having no side windows or being set behind an existing or new 1.8 metre high fence, no significant overlooking to adjoining properties to the north or south will result.
23. The previous appeal decision stated that the two-storey dwelling could result in loss of daylight or sunlight reaching windows of the property to the north. This matter has been addressed as the current application is only 2.4 metres at its highest point. Any additional impact is considered to be significant.

No.2 Clabon Road

24. The previous appeal decision did indeed state that following implementation; this property would have limited private and rear gardens to the side and rear of the house with most of it being to the front. The inspector also concluded that whilst the garden on which the new house would stand is overgrown and not maintained as a formal garden, it does provide the occupiers of no.2 to use it as a private garden and general outdoor amenity space.
25. The applicant's supporting statement does however argue that such a space is rather disjointed, in that it has no physical connection with the house itself compared with a conventional garden which would normally be directly to the rear of the property.
26. It is acknowledged that the revised layout of no.2 Clabon Road will mean that much of its amenity space will face Clabon Road and Wall Road. Currently there is some sporadic hedging which may well lose its foliage in winter, a matter cited in the previous appeal decision.
27. The applicant agreed to enhance the privacy of this amenity space by adding laurel hedging to both boundaries. Suitable planting can be secured by condition. Such a measure will address one of the concerns raised by the inspector.
28. The revised site boundary would reduce the scope for future extensions to the property, although the site is still considered large enough to accommodate some extension works that could be classed as permitted development. Any other extensions or alterations would be assessed as part of a formal planning application.
29. The resulting amount and quality of amenity space available in the context of the rather unconventional garden layout, proposed privacy enhancement measures is considered to be broadly acceptable.

The application site

30. The applicant has confirmed that the amenity space available for the new occupants amounts to approximately 48% of the total site. Such proportions will provide the occupants with ample private amenity space.
31. The proposed dwelling has limited fenestration i.e. only to the front and rear elevations potentially reducing light access to the interior of the dwelling. This issue has been overcome by the addition of rooflights within the sedum roof, ensuring that its occupants will have adequate access to light and reducing the need for using artificial lighting.
32. The proposed dwelling and site is still considered large enough to accommodate some extension works that could be classed as permitted development. Any other extensions or alterations would be assessed as part of a formal planning application.

Design (layout, form and scale)

33. It is true that the proposal would appear slightly cramped when examining the proposal in plan form, but the impact on the street scene should be assessed in

the context of what is there at the moment and its profile relative to the dwellings on no.2 and no. 4 Clabon Road.

34. The appeal decision concluded that a two-storey dwelling would disrupt the spatial characteristics between the adjoining properties being contrary to the relatively uniform spacing evident on the rest of Clabon Road.
35. Currently the street scene is presented with a flat roof garage of 2.4 metres meaning that it does not significantly reduce the spatial characteristics between the adjoining properties. The change to the street scene would come in the form of a 2.4 metre high structure at 6.5 metres wide. Such a profile will mean that its scale is similar to the existing garage and more importantly retaining the spatial characteristics between no.2 and no.4. Such an outcome would therefore not have a significant impact on the relatively uniform spacing evident along Clabon Road.
36. The footprint of the proposed dwelling is also considered to be proportionate to the size of the site leaving sufficient rear amenity space, parking and circulation within the site. The revised layout will still ensure that the existing dwelling is proportionate to the size of the revised plot of no.2 Clabon Road also leaving sufficient amenity space and parking.
37. The low profile design and scale of the development will ensure that it does not result in any significant overlooking, loss of daylight or sunlight of any adjoining properties.
38. A reference was made that the proposal resembled a 'white bunker'. Planning policy does not always require replication of appearance, but also encourages contemporary designs which respect and respond to their surroundings. The white render used is not brick, but the amount visible in the street scene will be of a relatively small scale meaning its impact will not be overly significant in the wider street scene.
39. Another mitigating design feature is the use of a sedum roof. Its effect will be more evident when the site is viewed from first floor windows of nearby properties, the roofscape providing the illusion of a garden area running through a large part of the site. Such a design feature will help soften the impact on building, helping retain the spatial characteristics and appearance of the property.
40. The site plan demonstrates that the front of the proposed dwelling is in line with the front facades of the dwellings to the no.2 and no.4 Clabon Road. Therefore, such an arrangement respects the 'building line' when viewed from the north or south.
41. An adjoining property owner raised concerns about the accuracy of the plans and the possible encroachment of footings to their property.
42. These concerns were raised with the applicant whom confirmed that the plans are accurate and all landowners within the site boundary have been notified. The applicant also confirmed that the site plan was generated by Ordnance Survey and the position of the neighbouring single storey garage is shown as being 600mm off the boundary line.

43. The applicant also stated that any construction this close to an existing structure would require a strip foundation cast in 1 metre lengths and casting them gradually so as not to disturb existing structures near the boundary.
44. Officers are satisfied that the applicant has gone to reasonable lengths to determine the exact boundary of the site and ensure that all necessary owners have been notified. The responsibility and subsequent liability for safe development of the site next to neighbouring structures rests with the developer and or landowner. Site investigations may need to be carried out prior to commencement in order to satisfy Building Regulations requirements. Similarly, the applicant is reminded of the requirements of the Party Wall Act. It is recommended that this matter be drawn to the attention of the applicant by way of an informative.

Transport and Access

45. A shared access with no.2 is proposed including refuse provision and cycle storage. No.2 Clabon Road will also have adequate space for two cars, each space being at least 5 metres long and 2.5 metres wide.
46. The Highways Authority have confirmed that the proposal meets all parking, servicing and access requirements.
47. However, in the interests of ensuring no conflict between the shared access path running along the south elevation of the proposed dwelling the applicant agreed to erect a low level 1.2 metre high wall to resolve this.

Environmental Issues

Energy Efficiency and Renewable Energy

48. The use of roof lights and fenestration to the front and rear of the dwelling will reduce the need for artificial light sources.

Sustainable Construction

49. Use of a sedum roof is considered to be a modern approach to insulating the property and making it sit more sensitively in its surroundings.

Water Conservation

50. A condition can be added to any approval requiring that the new development meet Code for Sustainable Homes level 4.

Trees and Landscaping

Impact on Trees

51. The Council's tree officer has confirmed that the submitted Arboricultural Method Statement (AMS) and site layout plan were broadly sufficient for the purposes of assessing any impacts on the street tree.
52. However, further investigations concluded a slight abnormality between the site plan and AMS, in that the site plan indicated the street tree as being closer to the extended access. This meant that the access could encroach into the root protection area of the street tree.

53. Further discussions with the Tree Officer concluded that whilst the above may be the case, the protection of the street tree was still achievable subject to a supplementary AMS which would include more detailed investigations (inc air spade protection) of the root zone prior to altering the access.

54. All of the above are sufficient to ensure the protection of the street tree.

New planting

55. The previous appeal decision concluded that the removal of the northern amenity for no.2 Clabon Road would mean that its principle amenity areas would front Wall Road and Clabon Road – reducing the level of privacy for its occupants due to existing boundary treatment losing its vegetation during winter months.

56. The privacy of this area can be improved by imposing a condition requiring the planting of ever green species to both boundaries.

Local Finance Considerations

57. 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 the new dwelling would lead to grant income for the council. This is a material consideration but in the instance of this application the development plan and other material planning considerations detailed above are considered to be of greater weight.

Conclusions

58. Whilst the proposal is different to the uniform style evident on Clabon Road, its low profile sympathetic design will ensure that it will not appear overly cramped or have a significant impact on the visual amenities of the street scene.

59. The footprint of the proposed dwelling is also considered to be proportionate to the size of the site leaving sufficient rear amenity space, parking and circulation within the site. The revised layout will still ensure that the existing dwelling is proportionate to the size of the revised plot of no.2 Clabon Road also leaving sufficient private amenity space and parking.

60. The low profile design and scale of the development will ensure that it not result in any significant overlooking, loss of daylight or sunlight of any adjoining properties.

61. It is acknowledged that no. 2 Clabon Road will lose a large proportion of its amenity space and result in much of its private space being located to the front of the property. Such an arrangement an arrangement is not ideal, but given that this property already had an unconventional L shaped amenity space the proposed arrangement is considered broadly acceptable. This arrangement can be improved by further planting to enhance the privacy for the occupants.

51. Sufficient provision has been made for parking and safe access within the application site and no. 2 Clabon Road.

52. The health of the street tree can be assured by the adherence to the submitted Arboricultural Method Statement (AMS) and an additional condition requiring a

supplementary AMS.

RECOMMENDATIONS

To approve Application No (13/00049/F 2 Clabon Road) and grant planning permission, subject to the following conditions:-

1. Time limit
2. In accordance with the plans
3. In accordance with the AMS
4. Submission of a supplementary AMS to ensure protection of the street tree
5. Submissions of details of boundary treatment and planting to north, south and east
6. Details of landscaping of the remaining amenity areas of no. 2 Clabon Road;
7. Construction to meet Code for Sustainable Homes Level 4 for water efficiency;
8. Details of cycle storage to be submitted and approved.
9. Provision of wheelchair access to the side in accordance with the submitted plans and for no ramped access to exceed a 1:12 gradient.

Informative:

The responsibility and subsequent liability for safe development of the site next to neighbouring structures rests with the developer and or the landowner. Site investigations may need to be carried out prior to commencement in order to satisfy building regulation requirements. Similarly, the applicant is reminded of the requirements of the Part Wall Act.

Reasons for approval

Whilst the proposal is different to the uniform style evident on Clabon Road, its low profile sympathetic design will ensure that it will not appear overly cramped or have a significant impact on the visual amenities of the street scene.

The footprint of the proposed dwelling is also considered to be proportionate to the size of the site leaving sufficient rear amenity space, parking and circulation within the site. The revised layout will still ensure that the existing dwelling is proportionate to the size of the revised plot of no.2 Clabon Road also leaving sufficient amenity space and parking.

The low profile design and scale of the development will ensure that it not result in any significant overlooking, loss of daylight or sunlight of any adjoining properties.

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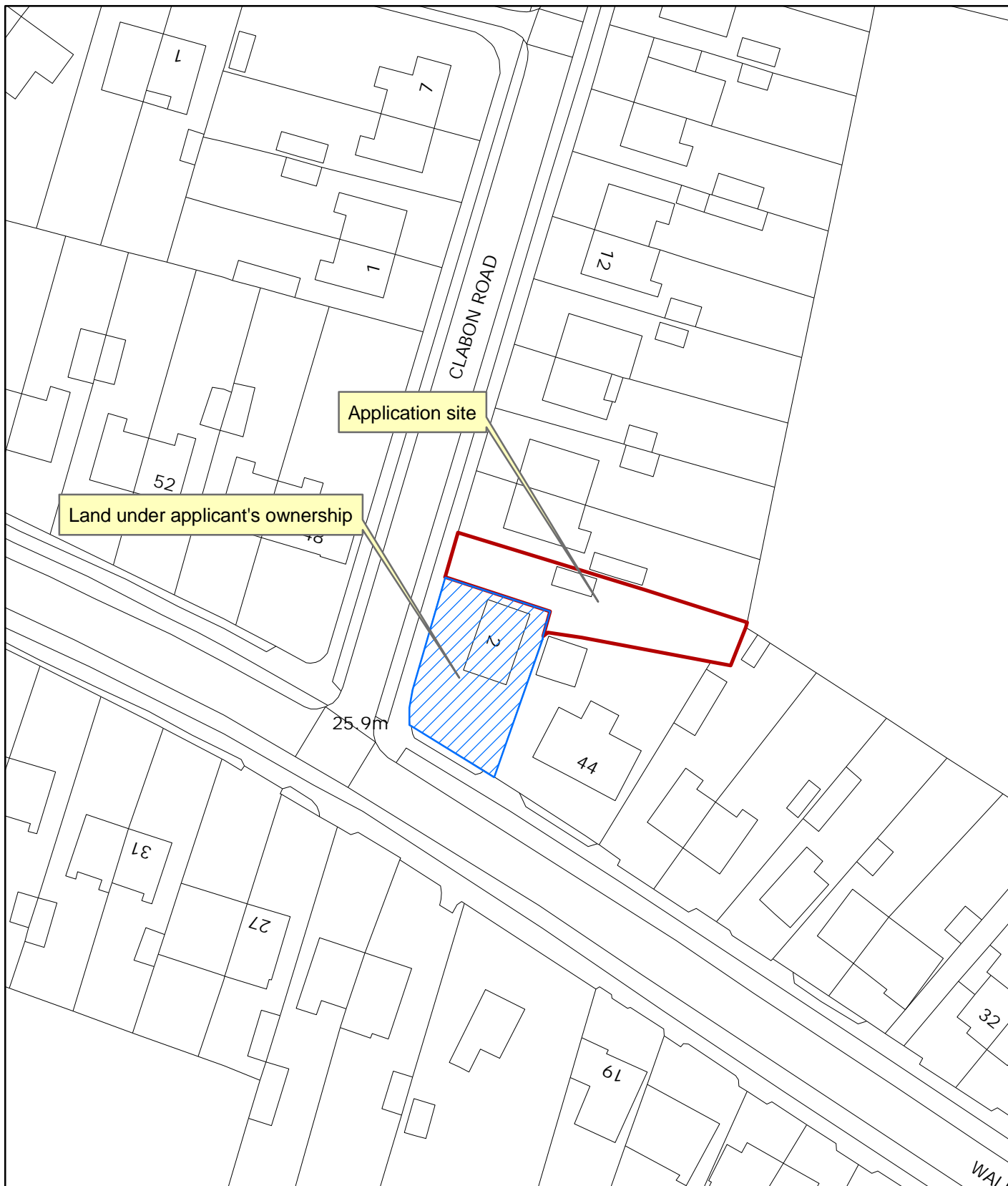
Sufficient provision has been made for parking and safe access within the application site and no. 2 Clabon Road.

The health of the street tree can be assured by the adherence to the submitted

Aboriginal Method Statement (AMS) and a condition requiring a supplementary AMS.

Article 31 (1)(cc) Statement

The Local Planning authority in making this decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.



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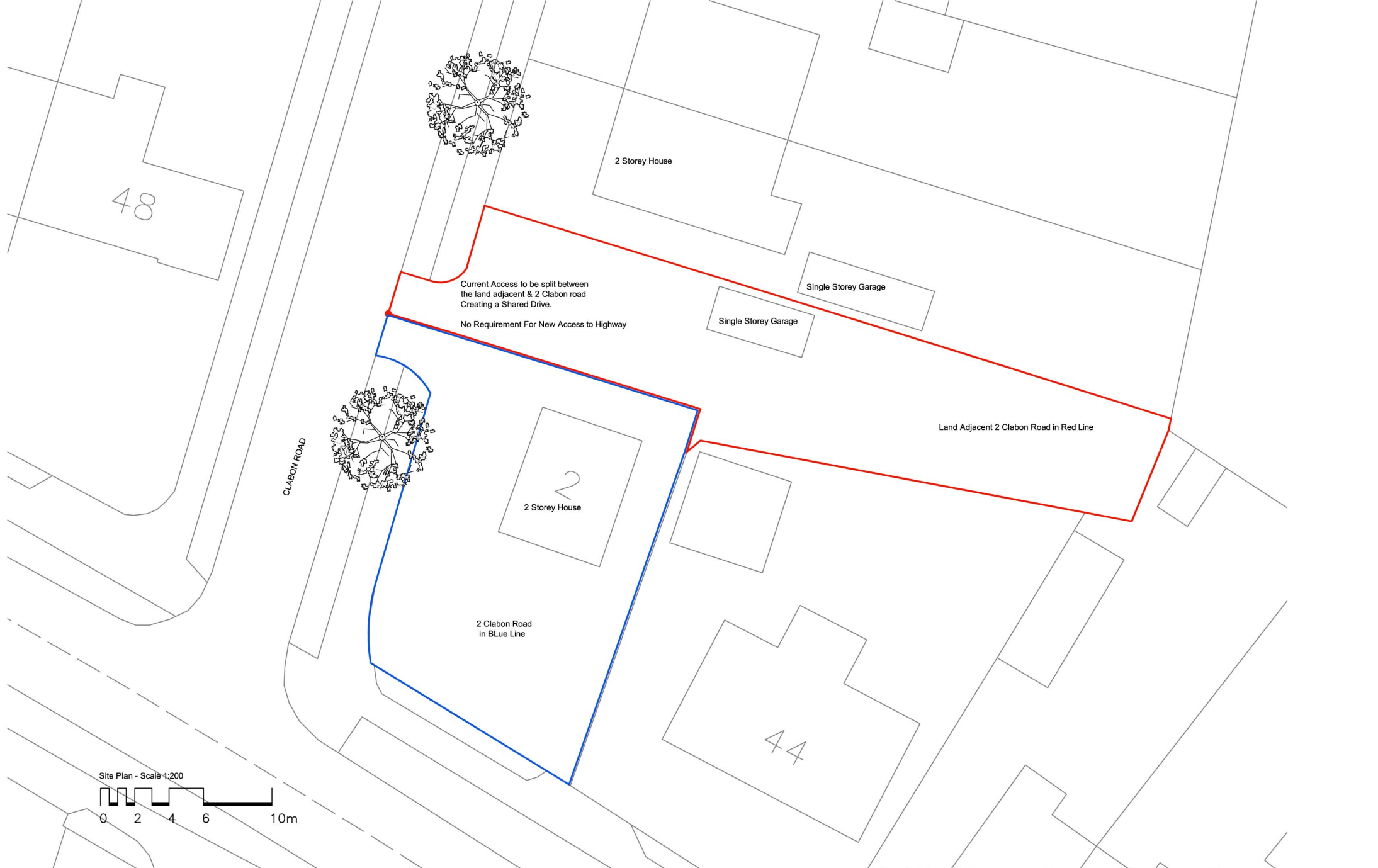
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Site Address 2 Clabon Road
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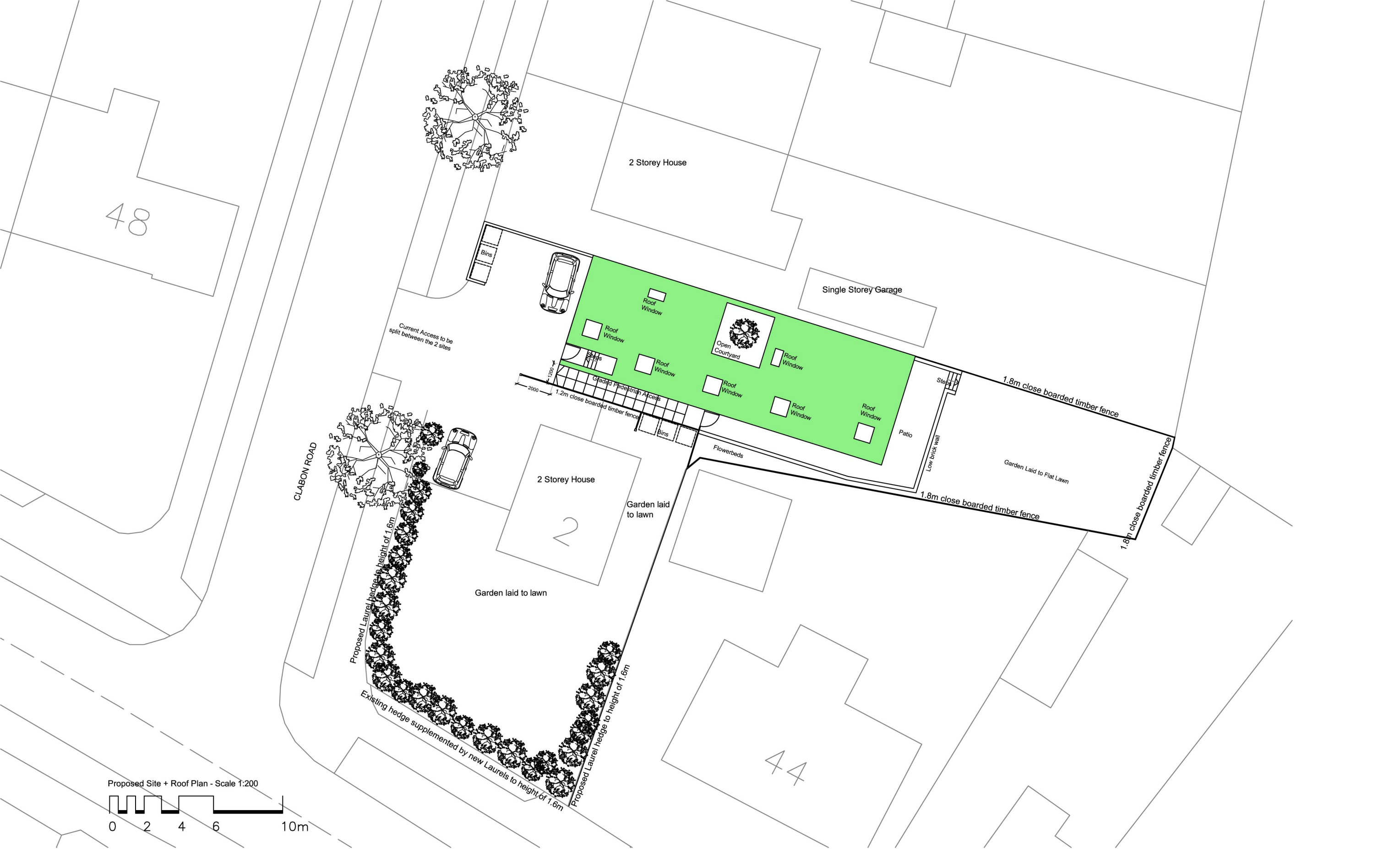
NORWICH
City Council

PLANNING SERVICES

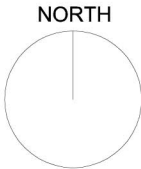




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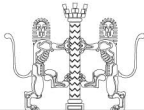
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PROPOSED SITE / ROOF PLAN

no.	date	revision & issue
A01	13.11.12	BJF Issued to Client + Planning
A02	24.12.12	BJF Issued to Client + Planning
A03	21.02.13	BJF Issued to Client + Planning
A04	22.02.13	BJF Revised & Issued to Client + Planning

FOR PLANNING



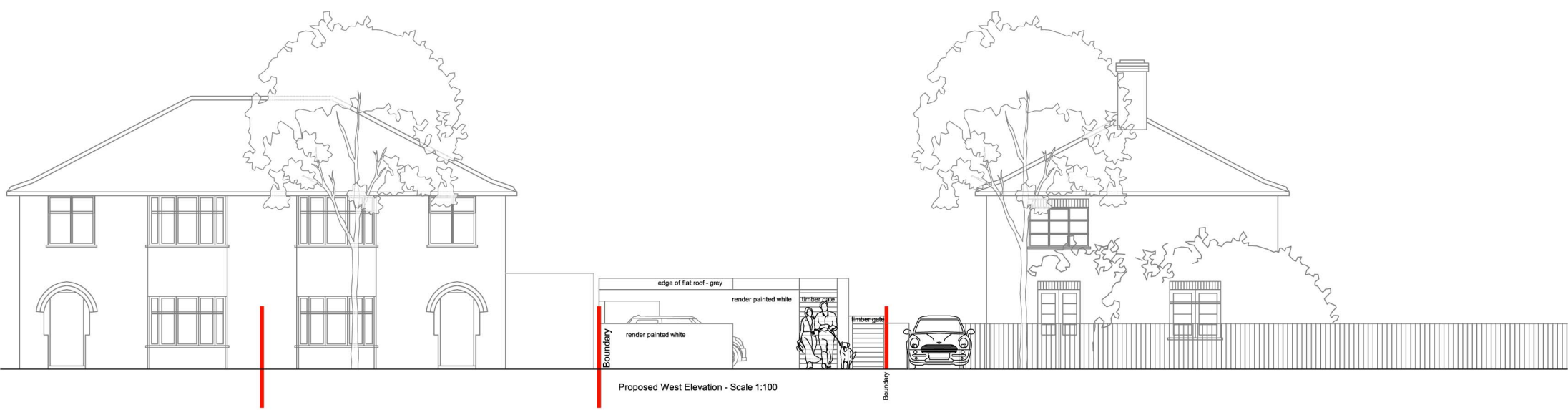
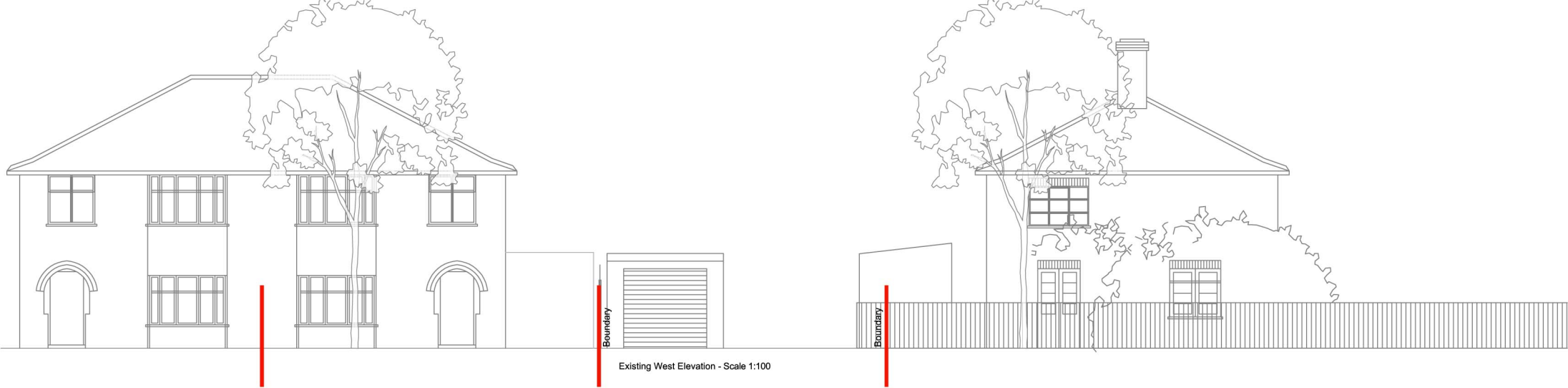
frithassociates
33 Quebec Rd, Dereham, Norfolk, NR19 2DR.
t:01362 697201 m:07989724916 e:frithassociates@yahoo.com

drawing
Proposed Site + Roof Plan

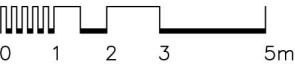
client Alden

job
Proposed House on Land Adjacent
2 Clabon Rd, Norwich

scale	drawn	date
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paper size	checked	CADfile...
A3	BJF	
job no.	dwg no.	rev no.
0050	003	A04

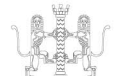


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no.	date	revision & issue
A01	13.11.12	BLF Issued to Client - Planning
A02	13.11.12	BLF Issued to Client - Planning
A03	22.05.13	BLF Revised & issued to Client - Planning

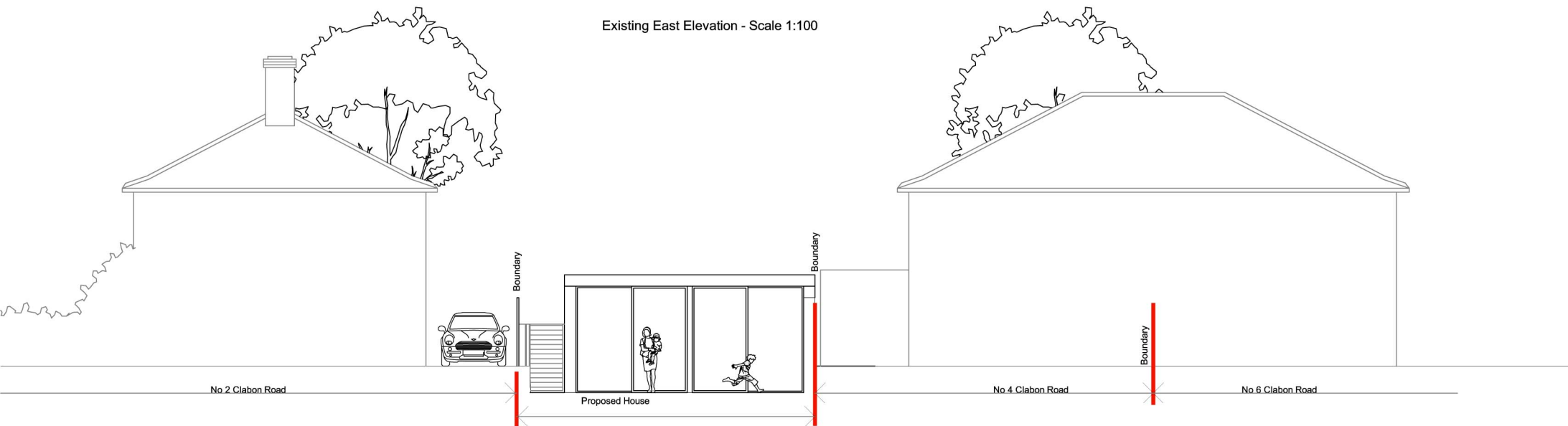
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frithassociates
33 Quebec Rd, Dersham, Norfolk, NR19 2DR.
t:01362 697201 m:07989724916 e:frithassociates@yahoo.com

drawing
Existing & Proposed Elevations
+ Building Section

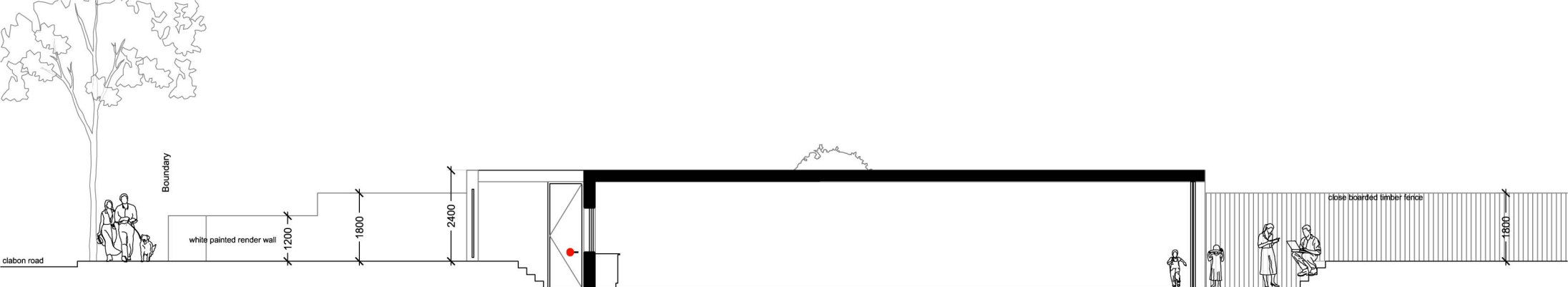
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job	Proposed House on Land Adjacent 2 Clabon Rd, Norwich	
scale	1:200	drawn FL
paper size	A3	checked gbf
job no.	0050	date 15.10.2012
dwg no.	005	CADfile
rev no.	A03	



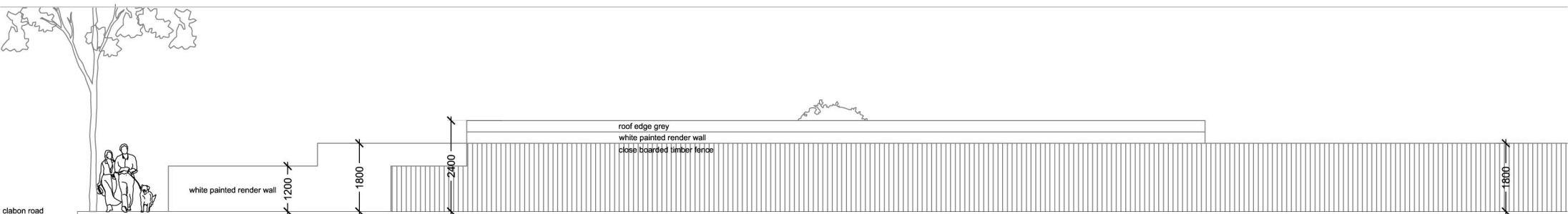
Proposed East Elevation - Scale 1:100

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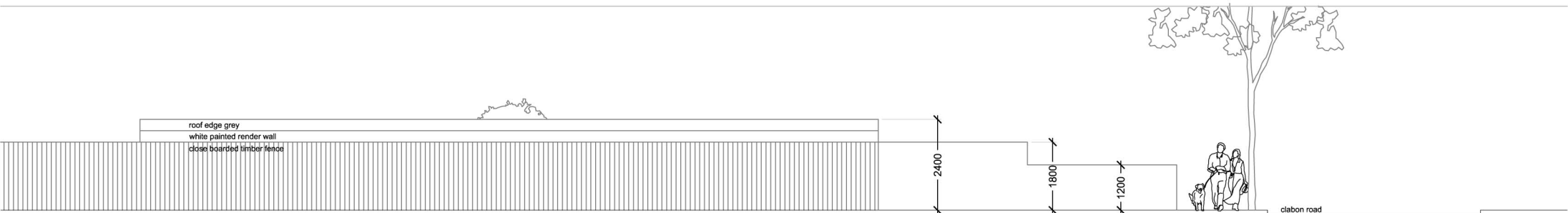
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Proposed Longitudinal Section - Scale 1:100

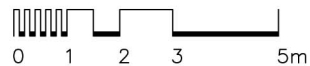


Proposed South Elevation - Scale 1:100



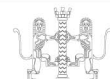
Proposed North Elevation - Scale 1:100

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A02	24.12.12	BUF Issued to Client + Planning
A03	22.02.13	BUF Revised & Issued to Client + Planning

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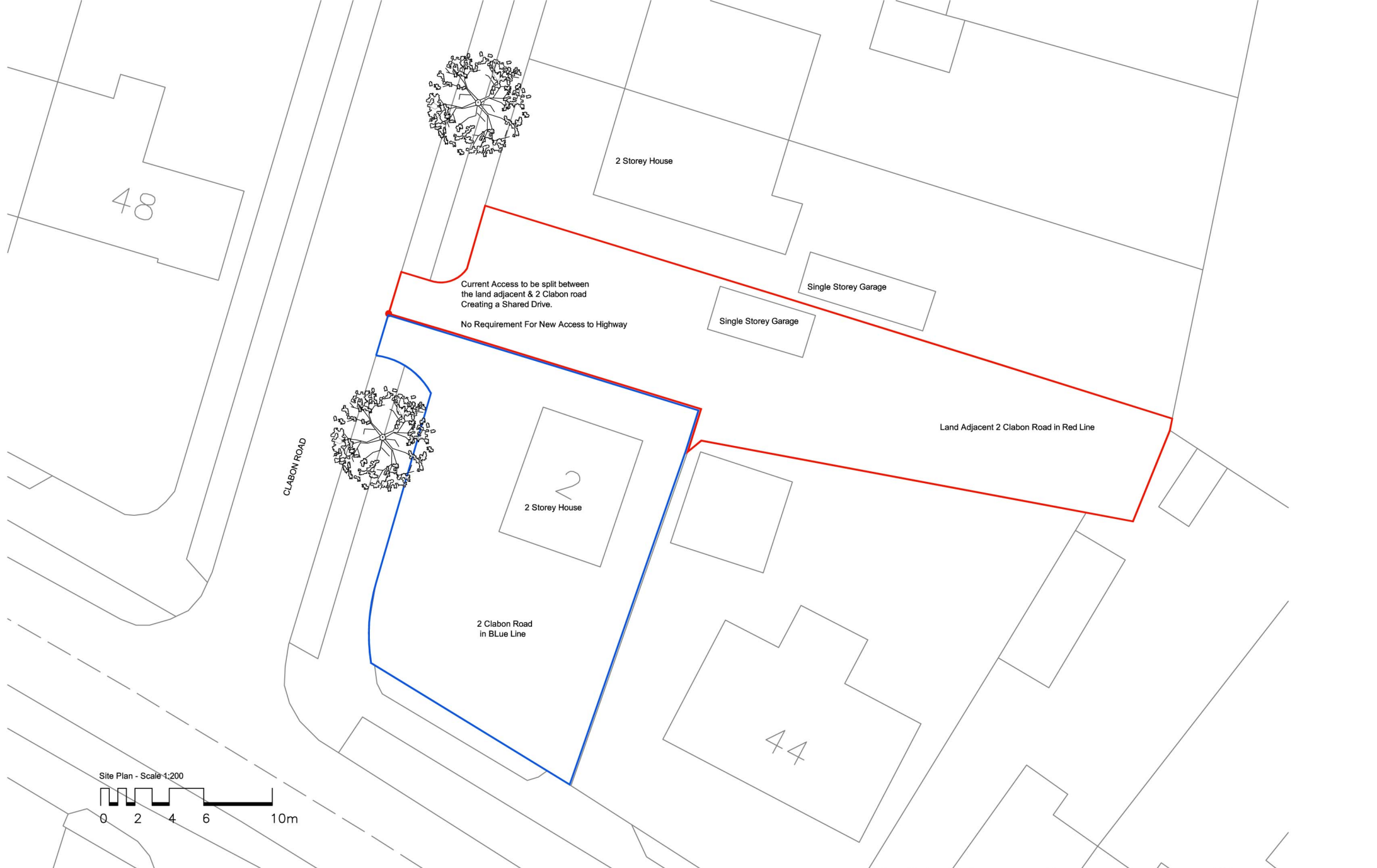
33 Quebec Rd, Dereham, Norfolk, NR19 2DR.
t:01362 697201 m:07989724916 e:frithassociates@yahoo.com

drawing
Proposed Building Section +
Elevations

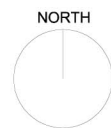
client Alden

job
Proposed House on Land Adjacent
2 Clabon Rd, Norwich

scale 1:100	drawn FL	date 15.10.2012
paper size A3	checked gbf	CADfile
job no. 0050	dwg no. 007	rev no. A03



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SITE PLAN

no.	date	revision & issue
A01	13.11.12	BLF
A02	24.12.12	BLF

FOR PLANNING



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Drawing

Existing Site Plan

client Alden

job
Proposed House on Land Adjacent
2 Clabon Rd, Norwich

scale	drawn	date
1:200	FL	15.10.2012
paper size	checked	CAD file
A3	BLF	
job no.	dwg no.	rev no.
0050	002	A02