

**Report to** Planning applications committee

12 October 2017

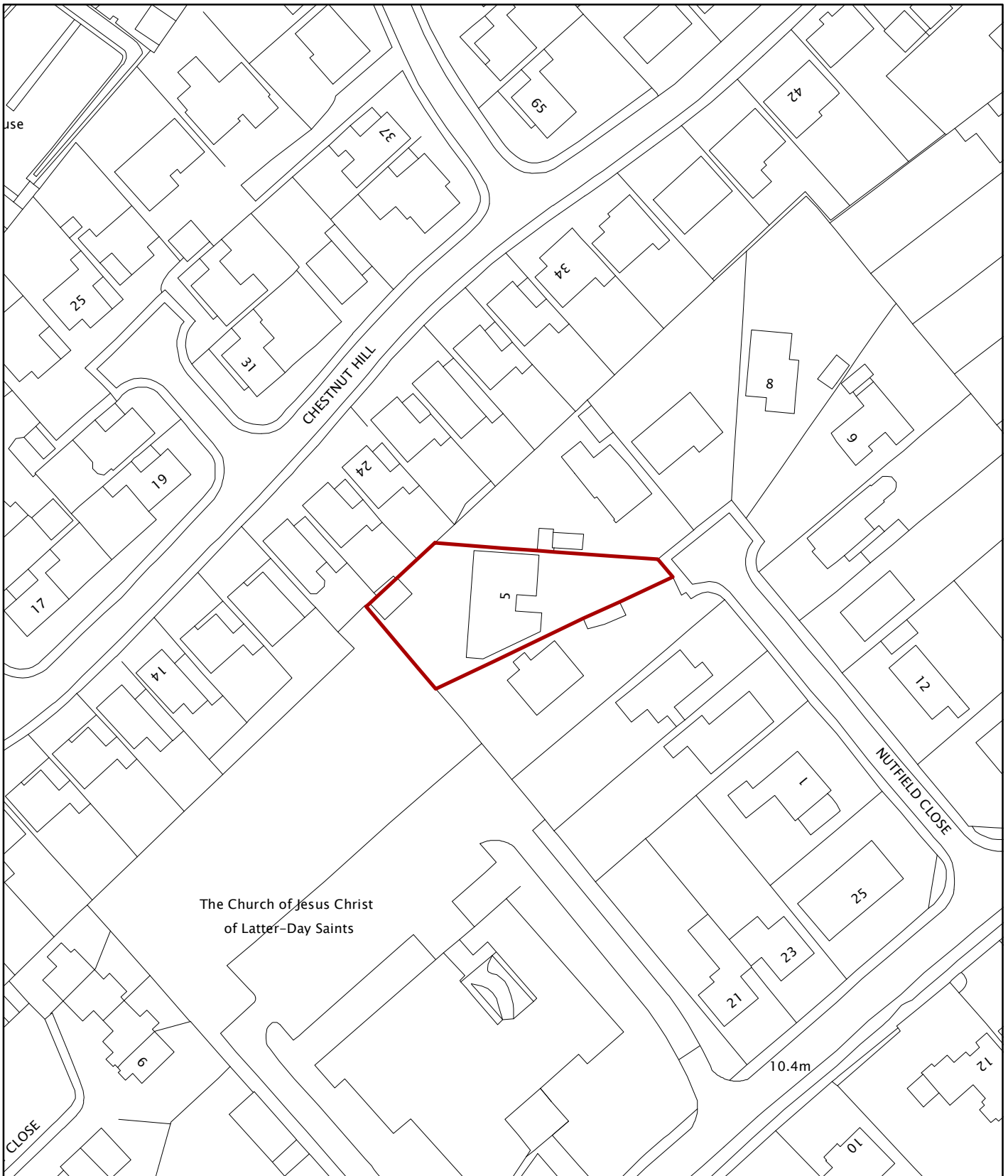
**Report of** Head of planning services

**Subject** Enforcement Case – 5 Nutfield Close, Norwich, NR4 6PF

Item

4(d)

<b>SUMMARY</b>	
<b>Description:</b>	Subdivision of dwelling to create four independently accessed units of accommodation
<b>Reason for consideration at committee:</b>	Enforcement action recommended.
<b>Recommendation:</b>	Authorise enforcement action up to and including prosecution in order to: (1) secure the cessation of the use of the three newly created flats; (2) secure the removal of the additional kitchen facilities which facilitate their use; (3) secure the removal of the three new external access doors to the side elevations; (4) secure the opening up of the internal doorways so that all rooms are accessible internally within the dwelling.
<b>Ward:</b>	Eaton
<b>Contact officer:</b>	Stephen Polley <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>



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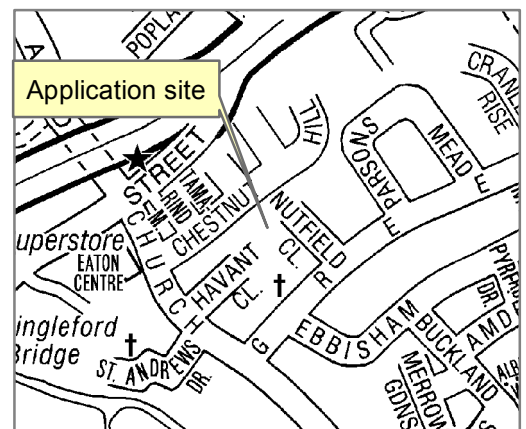
Planning Application No 17/00157/ENF  
 Site Address 5 Nutfield Close

Scale 1:1,000



**NORWICH**  
**City Council**

**PLANNING SERVICES**



## **The site**

1. The site is located at the western end of Nutfield Close, a residential cul-de-sac within Eaton to the south-west of the city. The predominant character of the area is residential, primarily consisting of a mixture of single and two storey detached dwellings built on good sized plots constructed as part of a wider post war housing development circa 1960. Nutfield Close consists of twelve single storey bungalow type dwellings constructed around a cul-de-sac which slopes gently upwards from east to west.
2. The site is bordered by the neighbouring properties located within Nutfield Close with no. 4 being located to the south and no. 6 to the north. Both neighbouring properties are bungalows which have been altered. To the rear of the site is the rear gardens of properties located on Chestnut Close. The site boundaries are marked by close bordered fencing and mature planting at the rear and mature hedgerows to the front.

## **Relevant planning history**

3. 17/00587/F – Single storey extension (retrospective) – Withdrawn

## **The breach**

4. Without planning permission carrying out the following operations without planning permission:
  - a) The erection of a single storey front, side and rear extension with replacement roof;
  - b) The change of use of the dwelling from a single C3 dwelling house into four separate units of accommodation (class C3).

## **Relevant policies**

### National Planning Policy Framework:

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

### Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS):

- JCS2 Promoting good design
- JCS4 Housing delivery
- JCS6 Access and transportation

### 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
- DM12 Principles for all residential development
- DM13 Communal development and multiple occupation

- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Justification for enforcement**

5. The bungalow was partly demolished and rebuilt to include a raised roof, extension to the front, extension to the rear and the infilling of a covered porch. The works commenced without planning consent and were subsequently investigated by the planning enforcement officer which led to the submission of the retrospective planning application. The proposal included the creation of two independently accessed bedrooms with en-suite. The application stated the rooms were to be occupied by a carer and the applicant's elderly mother whom is a dementia sufferer. The application was presented to the planning applications committee in September and was recommended to be approved on the basis that the design, amenity and use were acceptable. Members chose to defer the decision on the basis that the rooms should be incorporated within the main house and not be independently accessed.
6. On further investigation and following a further site visit, the building works have now been largely completed and three independent studio flats have been created. Each has a bedroom, small kitchen and shower room with independent external access. Two of the three units were occupied at the time of the visit and the final unit was being actively marketed. The internal layout varies to that which was provided as part of the recent withdrawn planning application.
7. In considering if it is expedient to take enforcement action it is necessary to consider the acceptability of the operations which have taken place.
8. The principal of new flats and bedsits is assessed under policies DM12 and DM13. These policies allow for such proposals subject to a number of criteria. These criteria in particular require a consideration of:
  - (a) the amenity of future and neighbouring residents in accordance with policy DM2;
  - (b) servicing and access arrangements to ensure appropriate cycle, car parking and refuse arrangements.
  - (c) density and character of the surrounding area;
  - (d) The above are considered further below.

### **Amenity**

9. Whilst we do not have accurate as built plans the new flats are estimated to measure between 17-25m<sup>2</sup> in size. The nationally described space standards as well as the space standards in policy DM2 seek a minimum gross internal area of 37m<sup>2</sup> for a 1 person 1 bed property. The largest flat is centrally located and has a single window facing west and less than a metres from the boundary fence. The other two flats which have been created also have a single aspect one with an outlook to the frontage parking area and another with an outlook to the rear garden.

10. The sites rear garden has not at this point been subdivided and no separate defensible external amenity space exists for any of the newly created flats. Whilst the rear garden could be subdivided to provide amenity space to the flat at the rear of the property, it is not considered that external amenity space could be readily created for the other two flats in a manner which relates well to those properties.
11. Given the size of the dwellings, their poor outlook and lack of defensible amenity space the flats would fail to provide a high standard of amenity to future occupants as required by policies DM2 and DM13.
12. With regard to the impact on the amenity of neighbouring occupiers the extensions are not considered to result in amenity impacts such as overlooking or overshadowing which would conflict with policy.

### **Access, parking and servicing**

13. The frontage of the property consists of a drive way with shingle parking areas. This is bordered by boundary hedging and trees. No formal refuse storage or cycle parking has been provided, albeit it is possible that such provision could be made. Car parking standards would require at least 4 car parking spaces for the four properties on the site and whilst the frontage of the property is a reasonable size it's shape may prohibit the provision of car parking whilst allowing sufficient turning and servicing space and retaining existing boundary vegetation.

### **Character and density of the area**

14. The site is located in an area characterised by single and two storey detached properties in reasonable sized plots. Densities in the area are around 13 dwellings per hectare. The extension and subdivision of the property to four units of accommodation would be inconsistent with this character and would result in a far higher density and intensity of use of the site.
15. Whilst the extensions themselves would not be harmful in design terms due to the relatively concealed nature of the site, the use as four units of accommodation would be inconsistent with the character of the surrounding area.

### **Equality and diversity Issues**

16. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:
  - (a) Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised building works in the interests of amenity is proportionate to the breach in question.
  - (b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party

ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

## **Conclusion**

17. For the reasons outlined above the extension and subdivision of the property into four separate units of accommodation represents an overdevelopment of the site resulting in a poor standard of amenity for future occupiers, insufficient parking and servicing facilities and inconsistent with the character of the surrounding area. As such it is recommended that enforcement action be pursued to secure the cessation of the use of the three newly created flats, removal of the kitchens facilitating their use, the blocking of external access doors and opening up of interior doorways to ensure all rooms can be accessed internally within the remaining single dwelling.
18. Whilst the extensions do not benefit from planning permission, subject to securing the above and ensuring that the extensions are ancillary to the main use of the dwelling, the extensions would not result in harm to the surrounding area. As such the recommendation does not seek to secure the removal of the extensions themselves.

## **Recommendation**

Authorise enforcement action up to and including prosecution in order to:

- (1) secure the cessation of the use of the three newly created flats;
- (2) secure the removal of the additional kitchen facilities which facilitate their use;
- (3) secure the removal of the three new external access doors to the side elevations;
- (4) secure the opening up of the internal doorways so that all rooms are accessible internally within the dwelling.