



**Planning applications committee**

**10:00 to 12:30**

**10 June 2021**

Present: Councillors Driver (chair), Button (vice chair, following appointment), Bogelein, Everett, Grahame, Lubbock, Maxwell, Peek, Sands (M), Sands (S) (substitute for Councillor Thomas (Va)), Stutely and Youssef

Apologies: Councillors Giles and Thomas (Va)

**1. Appointment of vice chair**

**RESOLVED** to appoint Councillor Button as vice chair for the ensuing civic year.

**2. Declarations of interests**

Councillor Stutely explained that he had called in item 4 (below) Application no 21/00277/F, 1 Fairmile Close, because of the number of objections from local residents and confirmed that he did not have a predetermined view.

Councillor Driver declared an other interest in item 4 (below) Application no 21/00277/F, 1 Fairmile Close, because one to the objectors was known to him.

**3. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 13 May 2021.

**4. Application no 21/00277/F, 1 Fairmile Close**

(Councillor Driver had declared an interest in this item.)

The planner (case officer) presented the report with plans and slides, including images of the daylight and shadow study provided by the applicant. The committee were advised that there had been recent construction works, including the erection of Heras fencing, because of flooding had occurred, caused by a leaking pipe. No construction works had commenced in relation to this application. Members were also referred to the supplementary report of updates to reports which was circulated at the meeting and available on the council's website, which contained the reasons

for calling in the application to committee for a decision because of strong local views and concerns raised about the impact upon a glass house in the adjacent garden.

The area development manager read out the statement on behalf of a resident of Fairmile Close, under the special arrangements whilst numbers attending meetings were limited. The resident's concerns included: impact on conservation area and its "semi-rural" appearance; the design and massing and impact on residential amenity and loss of privacy; concern for risk to the structure of glass house in an adjacent garden and concern about the impact of construction vehicles on the cedar tree in front of the applicant's house. (The statement was reproduced in full in the supplementary report and is published on the website.)

The adjacent neighbour and two other residents of Fairmile Close addressed the committee with their objections to the proposal. The adjacent neighbour objected to the size and mass of the proposed development which he considered was contrary to DM2 and was detrimental to their residential amenity and also impacted on the use of their study, used for home working, and displayed images which were circulated at the meeting. The study was not classed as a primary room in planning terms and therefore not given sufficient weight as the neighbours both worked at home. The neighbours considered that a smaller extension would not have so great an impact and block out the majority of the light to their study. The other neighbours commented on their concerns about the narrowness of the close and damage to property from construction traffic; impact on residential amenity to the residents of the four houses and two houses in Lime Tree Road by changing the character of the mid-century houses on the close, that the massing and size of the extension was too large and that the application would extend the footprint by 70 per cent; that it would cause loss of light in adjacent gardens and concerns about loss of privacy from overlooking, and damage to the cedar tree in the applicant's front garden.

The agent addressed the committee in support of the application. He confirmed that there had been a water leak on the property and that no construction works associated with this application had been commenced as the applicants were waiting for planning consent. The proposed extension was to accommodate the applicants' family. The agent had worked with the case officer and altered plans to a hipped roof style in response to concerns about the loss of light to the neighbour's study. The neighbour had agreed to a 2 metre high fence in front of the building line that would obscure the study window from sunlight because of their concerns about security and privacy. The agent commented on the design which would improve the appearance at the front of the property and confirmed that he agreed with the officer's assessment of heritage and conservation and amenity issues, as contained in the report. Details of surface water mitigation would be provided. There was no proposal to remove any trees from the site.

The planner commented that planning consent was recommended subject to conditions, four of which were related to the trees on the site. The planner, together with the area development manager, referred to the reports and presentation and answered members' questions. This included confirmation that other houses in the close had single storey extensions. Planning permission had been granted for an extension and double garage at no 2 Fairmile Close. Part of the assessment was the increase in the footprint in comparison with other houses in the close and that there was adequate room on the site for the extension. Members were advised that

the glass house, within the curtilage of the Grade II\* listed building adjacent to the application site, would not be affected by the massing of the proposed extension or at risk of damage during construction. Officers advised the committee that there was no distinct building line to the front of the properties in the close. The single storey part of the extension would be in front of the main house but did not infringe the building line. There was no tree preservation order on the Cedar tree. The tree officer had considered that the tree had high amenity value but as there was no risk of its removal did not warrant a tree preservation order. There would be no long-term harm to the tree from this development. Members were also advised that damage to property from contractors was a civil matter but that considerate construction, such as the use of smaller vehicles could be considered. The committee also sought confirmation that in planning terms the use of a room as a study was a habitable room but was not given the same material planning consideration as a room in primary use, such as a lounge or a bedroom. The designated use of the room was determined by the floor plan and its current use. The existence of the planning permission for the neighbouring property for a double garage and extension was a material consideration for this application.

The chair moved and the vice chair seconded the recommendations as set out in the report.

Discussion ensued in which members considered that the size of the proposed two storey extension, with its height and massing, was inappropriate and would have an adverse impact on the residential amenity of no 2 Fairmile Close. Members considered that a home office should be assessed as a primary habitable room and that planning legislation should change to reflect the increase in home working and that such rooms should not be considered as secondary, requiring less sunlight. The outlook from the study would be on to a solid wall. Members considered that it was important that people had good working conditions. Members also expressed concern about the preservation of the Cedar tree at the front of the building and commented that they could not accept that construction would not put the glass house in the adjacent property at risk.

During discussion a member said that she would be abstaining from voting because she considered that she did not have enough information to make a decision without a site visit. In reply, another member commented on the officer's well written report and presentation and said that the committee had sufficient information to make a decision at this committee.

On being moved to the vote, with no members voting in favour of approval, 9 members voting against (Councillors Youssef, Grahame, Bogelein, Lubbock, Button, Sands (S), Sands (M), Everett and Stutely) and 3 members abstaining (Councillors Peek, Maxwell and Driver) the motion to approve was lost and the application not determined.

Members then considered their reasons for refusal. Members considered that whilst they had concerns about the health of the cedar tree, the tree officer's assessment was that there would be no long-term damage to the tree from this development. Also, that there was no evidence to support concerns that the glass house or the adjacent Grade II\* listed building would be harmed by this proposal. However, members considered that the impact on the amenity from the size and mass of the extension on the neighbouring property would result in loss of daylight and outlook to

the ground floor study room. Members also considered that the form and character of the area would be adversely affected by the extensions, with the single storey element of the proposal extending in front of the property and the rear extension being excessively large and visible from the road. The area development manager advised the committee not to use the building line in their reasons for refusal on the grounds of it being detrimental to the form and character of the area because it would not be defensible on those grounds. The size and massing of the extensions being visible over the top of no 2 Fairmile Close and the street scene was defensible.

During discussion members sought further information about the glass house which comprised four glass walls and was built against the brick boundary wall, and whether it should be protected as a heritage asset under DM9. On the advice of the area development manager members considered that this was not a defensible reason for refusal. There was no reason to consider that it would be harmed by this application.

Councillor Bogelein moved and Councillor Lubbock seconded that the planning application be refused on the grounds of the detrimental impact that the extension would have on no 2 resulting in loss of light and lack of outlook to the study, and that the massing and height of the extensions would adversely affect the character and form of the area.

**RESOLVED**, with 9 members voting in favour (Councillors Youssef, Grahame, Bogelein, Lubbock, Button, Stutely, Everett, Sands (S) and Sands (M)), 1 member voting against (Councillor Driver) and 2 members abstaining from voting (Councillors Maxwell and Peek) to refuse Application no 21/00277/F, 1 Fairmile Close on the grounds that the massing and size of the extension is detrimental to the amenity of no 2 Fairmile Close and loss of light and outlook to the window its study; and, the massing and height of the extension adversely affects the character and form of the area; and to ask the head of planning and regulatory services to provide reasons for refusal in policy terms.

(Reasons for refusal as subsequently provided by the head of planning and regulatory services:

1. As a result of loss of light, overshadowing and an over-bearing relationship, the proposed two storey rear extension would result in an unacceptable impact upon the amenity of the adjacent neighbour, number 2 Fairmile Close, and in particular to windows serving a ground floor study. The proposal would therefore conflict with Policy DM2 of the Development Management Policies Local Plan 2014.
2. The proposed extensions fail to respect the character and local distinctiveness of the area by virtue of their scale, form and siting. The single storey front and side extension would protrude significantly forward of the host dwelling forming an incongruous feature in the streetscene. The impact of this extension would be exacerbated by the height of the roof, which serves to increase its mass. The rear extension would be visible in the streetscene and partially obscure an existing visual gap between no. 1 Fairmile Close and no. 2 Fairmile Close, which provides views to the south west. Both extensions together would significantly increase the footprint and mass of the dwelling, and result in a development which would be overly dominant and fail to

respect either the character or local distinctiveness of the local area, conflicting with DM3 of the Norwich Development Management Policies Local Plan 2014 and policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amendments adopted 2014).)

(Councillor Stutely left the meeting at this point.)

#### **5. Application no 20/01238/F at 6 Music House Lane**

The planner (case officer) presented the report with the aid of plans and slides. The reason for the application to install a shepherd's hut was for a space to provide therapy for children. She referred to the supplementary report of updates to reports (circulated at the meeting and available on the council's website) and recommended two additional conditions relating to requiring the details of paving slab to level the site and to ensure that the hut was static and could not be moved around the site.

The area development manager read out a statement on behalf of a local resident whose property adjoined the site. The resident commented that the new location for the hut was directly behind his garden; would be visible over the fence; and, spoil the view of the Sue Lambert building. (The statement was reproduced in full in the supplementary report and is published on the website.)

The planner referred to the report and presentation and answered members' questions. She confirmed the location of the hut and that it had double doors which were glazed at the top. The hut would be in a secure area managed by the Trust.

The chair moved and the vice chair seconded the recommendations as set out in the report, with the additional conditions as set out in the supplementary report.

Discussion ensued in which a member expressed some concern about safeguarding of visitors to the facility. Members were reassured that the Trust was experienced with safeguarding issues and there was a fence surrounding the area. It was also noted that the Trust had agreed to the limitation on the hours of use for the hut.

**RESOLVED**, unanimously, to approve application 20/01238/F at 6 Music House Lane and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Hours of use limited to between 09.00-17.00 Monday to Friday only;
4. Standard condition requesting slab level details;
5. The Shepherds Hut is retained in the site shown on the location plan and not moved.

(Councillor Everett left the meeting at this point.)

#### **6. Application no 21/00247/F, New Ferry Yard, King Street, Norwich**

The planner (case officer) presented the report with the aid of plans and slides.

In reply to a question, the planner said that the allocation of the electric charging points would be the responsibility of the management company of the development

to address. There was potential for further charging points to be installed. The area development manager said that some of these could come under permitted development rights in the future or subject to planning permission.

**RESOLVED**, unanimously, to approve application 21/00247/F at New Ferry Yard, King Street, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Protection of trees in line with arb report;
4. Retention of electric charging point;
5. Detail of appearance of electric charging point (CP14).

Informative:

- Considerate construction hours.

CHAIR