

**Report to** Planning applications committee

**Item**

8 December 2022

**Report of** Head of Planning & Regulatory Services

**Subject** Application no 22/01374/F - 3 Gateley Gardens, Norwich,  
NR3 3TU

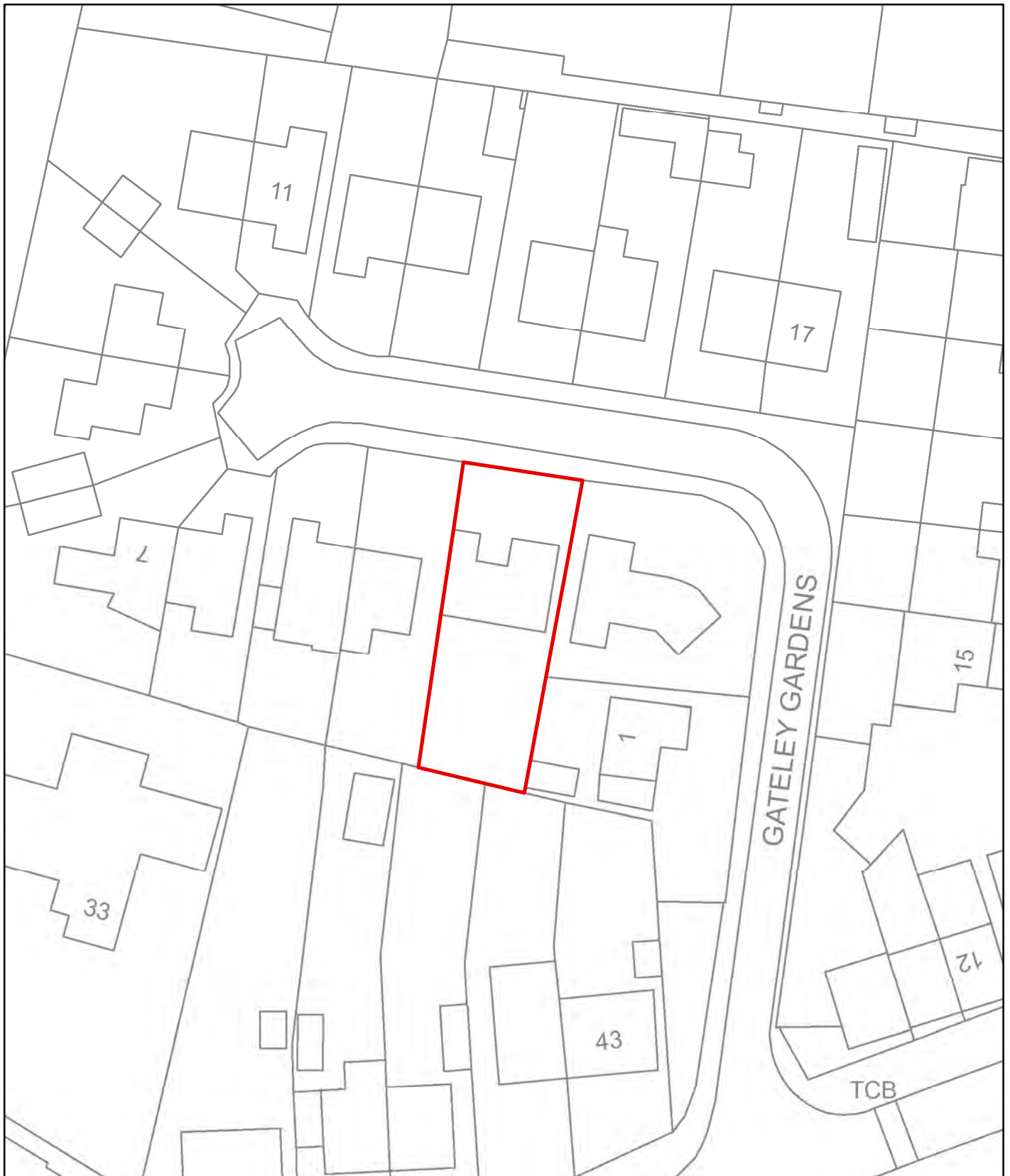
**4B**

**Reason  
for referral** Councillor Call in (Councillors Kendrick, Stonard & Harris)

<b>Ward:</b>	Eaton
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>
<b>Applicant</b>	Mr Matthew England

Development proposal		
Removal of existing garage. Two storey side and single storey front extension to form a 5 bed HMO.		
Representations		
Original consultation		
Object	Comment	Support
19 (16 households and 3 councillor call in)	0	0

Main issues	Key considerations
1 Scale and Design	The impact of the proposed development within the context of the original design / surrounding area
2 Residential Amenity	The impact of the proposed development on the neighbouring properties; loss of light; outlook; privacy.
<b>Expiry date</b>	20 December 2022
<b>Recommendation</b>	Approve



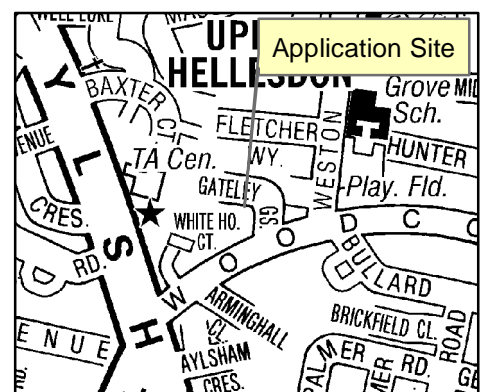
© Crown Copyright and database right 2022. Ordnance Survey 100019747.

Planning Application No 22/01374/F  
Site Address 3 Gateley Gardens

Scale 1:500



**NORWICH**  
City Council  
PLANNING SERVICES



## **The site and surroundings**

1. The site is located to the south side of Gateley Gardens, a residential cul-de-sac to the northwest of the city. The prevailing character of the area is residential comprising a mixture of semi-detached and detached dwellings constructed during the middle part of the C20. There are two designs of property present, simple two-storey semi-detached dwellings, and three two-storey detached dwellings designed with gable sections projecting from the front elevation. Plots are typically arranged with front gardens / parking areas and mature rear gardens.
2. The subject property is a two storey detached dwelling arranged over an 'L' shape footprint with a projecting gable section to the front constructed during the mid C20 using red bricks, sand coloured bricks, pantiles and white coloured windows and doors. The site features a front parking area and driveway to the front, which leads to a single flat roof attached garage to the side. There is a garden located to the rear accessible via the side of the property.
3. The site is bordered by no. 2 to the east, a dwelling of the same detached design and no. 4 to the west, a semi-detached dwelling. The site boundaries are marked by close boarded fencing and some sections of mature planting.

## **Constraints**

4. There are no particular constraints.

## **Relevant planning history**

5. There is no relevant planning history.

## **The proposal**

6. The proposal first involves the demolition of the existing single flat roof garage attached to the side of the dwelling.
7. A two-storey side extension is to then be constructed in its place. The 4.25m x 7.9m extension is designed with a projecting gable section to the front, that matches the existing in terms of both scale and design. The gable section is 4.9m tall to the eaves and 7.2m tall to the ridge. The rear roof slope is hipped, to match the existing. A 1.5m x 1.7m single-storey extension is also to be constructed within the central, recessed section of the front elevation creating a new entrance lobby. The single-storey section is topped with an extension of the main roof. The proposal requires the removal of the existing chimney and the re-siting of a window to the first-floor rear elevation.
8. The proposed extension facilitates the creation of a five bedroom small scale House of Multiple Occupancy (HMO). The proposed change of use from a C3 dwellinghouse to a C4 small scale HMO is a form of permitted development as set out in Class L(b), Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and this element of the proposal therefore does not require planning permission. Large HMOs of seven or more occupants are classed as being a sui-generis use class, and planning permission would be required for the creation of a large HMO. Any of the issues

raised relating solely to the use of the site as a small-scale HMO cannot be considered as part of the assessment of this planning application.

## Representations

9. Adjacent and neighbouring properties have been notified in writing. 16 households submitted letters of representation citing the issues as summarised in the table below.

Issues raised	Response
Inappropriate location for an HMO / family area / close knit community.	The proposed use as a small scale HMO is a form of permitted development
Out of scale development.	See main issue 2
Design is out of keeping with the character of the area.	See main issue 2
Extension will cause harm to neighbouring amenity / loss of light	See main issue 3
Use as HMO would result in parking problems / access for emergency vehicles.	The proposed use as a small scale HMO is a form of permitted development
Lack of housing for families / loss of a family home.	The proposed use as a small scale HMO is a form of permitted development
Proposal goes against the Human Rights act, article 8 the 'right to respect for private family life' & article 1 of the first protocol, 'the right to peaceful enjoyment of possessions'.	The local authority is required to act in accordance with the Human Rights Act. In this case we do not consider that the proposals impinge on the rights contained within the Act.
The proposal will devalue neighbouring dwellings.	The value of neighbouring properties is not a material planning consideration

## Consultation responses

10. Transportation – Norwich City Council

I don't wish to object in principle to a HMO use in a residential area, but there needs to be adequate parking provision.

Our guidelines indicate:

- i) 3 car spaces (EV chargepoint(s) recommended)
- ii) 5 cycle spaces

It will therefore require a crossover improvement, and the front garden relandscaped.

Please can the applicant be asked to provide plans that demonstrate these requirements can and will be made.

Once this has been confirmed I will be able to comment formally.

The proposed change of use is a form of permitted development not requiring planning permission. The advice given above has therefore not been acted upon.

## **Assessment of planning considerations**

### **Relevant development plan policies**

11. **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
12. **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

### **Other material considerations**

13. **Relevant sections of the National Planning Policy Framework 2018 (NPPF)**
  - NPPF7 Requiring good design

### **Case Assessment**

14. 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 Policy Framework (NPPF), the Council's 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: Design**

15. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12.
16. The proposed development will significantly alter the overall appearance of the subject property, with the extension being clearly visible from the public realm. The design matches the scale and form of the existing projecting gable section to the front, resulting in a near symmetrical appearance. The rear section also closely matches the original, with the hipped roof similarly creating a near symmetrical appearance.

17. The site is located close to a bend in the road marking the entrance to the main section of the cul-de-sac. The cul-de-sac contains seven pairs of two-storey semi-detached dwellings of a similar design. A group of three dwellings have been added at the bend in the road at the entrance to the cul-de-sac, which includes the subject property and no. 2 which faces onto the cul-de-sac, as well as no. 1 which faces onto the entrance road. The group of three are all the same 'L' shape gable fronted detached dwellings. The proposed extension is therefore not considered to be out of keeping with the prevailing character of the cul-de-sac. The additional gable will create a section at the bend in the road where there will be three gables of the same design in a row.
18. The scale of the proposed development is not considered to be out of keeping with the prevailing character of the area. It is noted that neighbouring dwellings are typically arranged with three bedrooms. It would be possible for most of these properties to construct extensions, in some cases without the need for planning permission, to create additional bedrooms.
19. The proposed extension is to be constructed using matching materials including red bricks, concrete roof tiles and white coloured windows and doors. The design includes a store within the ground floor of the proposed gable, accessed via a door on the front elevation. The plans originally included a door design that matched the main entrance door. This has been revised to a door designed without any sections of glazing, to distinguish it from the main entrance door and so as to not give the impression of there being a second entrance or dwelling.

## **Main issue 2: Amenity**

20. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 178-182.
21. Policy DM2 seeks to protect the amenities of the neighbouring occupiers with particular regard given to overlooking, overshadowing, loss of light/outlook and the prevention of disturbance from noise, odour, vibration, air or artificial light pollution. In this case there will be some noticeable changes to the current situation, however they will not result in significant harm being caused to the amenity of the neighbouring residential occupiers. The property noticing changes to the current situation is no. 4 to the west of the site.
22. The proposed two-storey side extension is to be constructed along the boundary shared with no. 4. It is noted that the building line of no. 3 is noticeably forward of that of no. 4. Consequently, the side extension will be visible from the front garden and driveway of the neighbouring dwelling. The distance between the two will ensure that the outlook from no. 4 is not significantly harmed by the extension.
23. There will be some overshadowing caused by the proposed side extension, however it will primarily impact the area to the side of no. 4, currently occupied by a driveway and shed. It is noted that there are three windows on the side elevation of no.4 serving a first-floor landing, and ground floor kitchen and hallway. The landing is classed as a secondary living space and the hallway and kitchen are both served by other sources of light from the front and rear elevations respectively. As such, the overshadowing caused by the proposed side extension will not result in significant harm being caused to the neighbouring residential amenity by way of overshadowing or loss of light.

24. The siting of the proposed side extensions, parallel to the side of the neighbouring dwelling, will ensure that it does not cause significant harm by being overbearing.
25. The design includes new windows to the first floor of the front and rear elevations that will allow for some views over neighbouring gardens. Such views are already possible from existing windows and do not constitute a significant loss of privacy.
26. The proposed use of the site represent an intensification in the level of activity on site. The proposed use of the site as a small scale HMO is however is a form of permitted development.

### **Other matters**

27. The development represents an opportunity to enhance biodiversity on the site. It is therefore considered reasonable to add a condition requiring the submission of a scheme of biodiversity enhancement to be approved by the Council prior to the occupation of the property.
28. The comments made by the transportation officer are noted, however the use of the site as a small-scale HMO is permitted and as such changes to the parking provision on site are not required by this application.
29. Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Site Affected:           (a)     Broads SAC/Broadland Ramsar  
                                     (b)     River Wensum SAC

Potential effect:       (a)     Increased nitrogen and phosphorus loading  
                                     (b)     Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must undertake an appropriate assessment to determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads SAC, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

(a)     Broads SAC/Broadland Ramsar

- i.     Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii.    Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer:       NO

The proposal is for works to an existing dwelling and will not impact upon the average occupancy figures for dwellings across the catchment and will therefore not impact upon water quality in the SAC.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

(b) River Wensum SAC

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal is for works to an existing dwelling and will not impact upon the average occupancy figures for dwellings across the catchment and will therefore not impact upon water quality in the SAC. In addition, the discharge for WwTW is downstream of the SAC.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

### **Equalities and diversity issues**

30. There are no significant equality or diversity issues.

### **Local finance considerations**

31. 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.
32. 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.
33. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

34. The proposal will result in an enlarged dwelling which is considered to be of an appropriate scale, which does not cause significant harm to the character and appearance of the subject property or surrounding area.
35. The proposed development will have a limited impact upon the residential amenities of neighbouring properties with significant harm not being caused by way of overshadowing, overlooking, loss of outlook or by being overbearing.

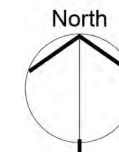
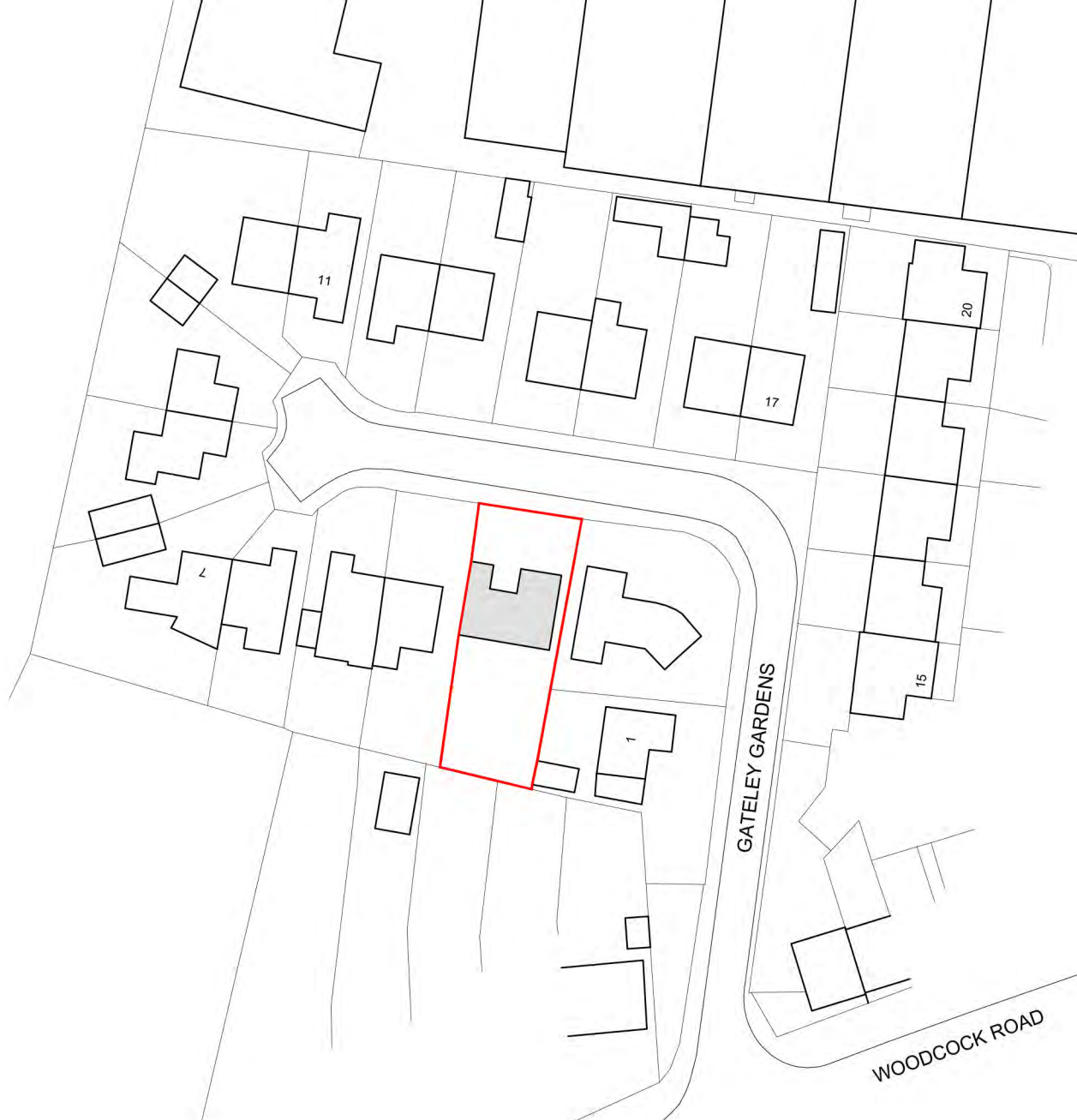


36. The proposed use of the site as a small-scale HMO is permitted and as such does not require planning permission.
37. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

To approve application no. 22/01374/F – 3 Gateley Gardens Norwich NR3 3TU and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Biodiversity enhancement.



DATE SEPT 22

PROJECT ALTERATIONS & EXTENSIONS TO:  
3 GATELEY GARDENS, NORWICH

THIS DRAWING IS THE COPYRIGHT OF  
HARMAN DESIGN SERVICES AND MAY  
NOT BE REPRODUCED IN ANY WAY  
WITHOUT PRIOR AGREEMENT.

REVISIONS

DATE

SCALE 1:500 @ A3

SUBJECT LOCATION PLAN

DRAWING NOT TO BE SCALED

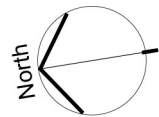
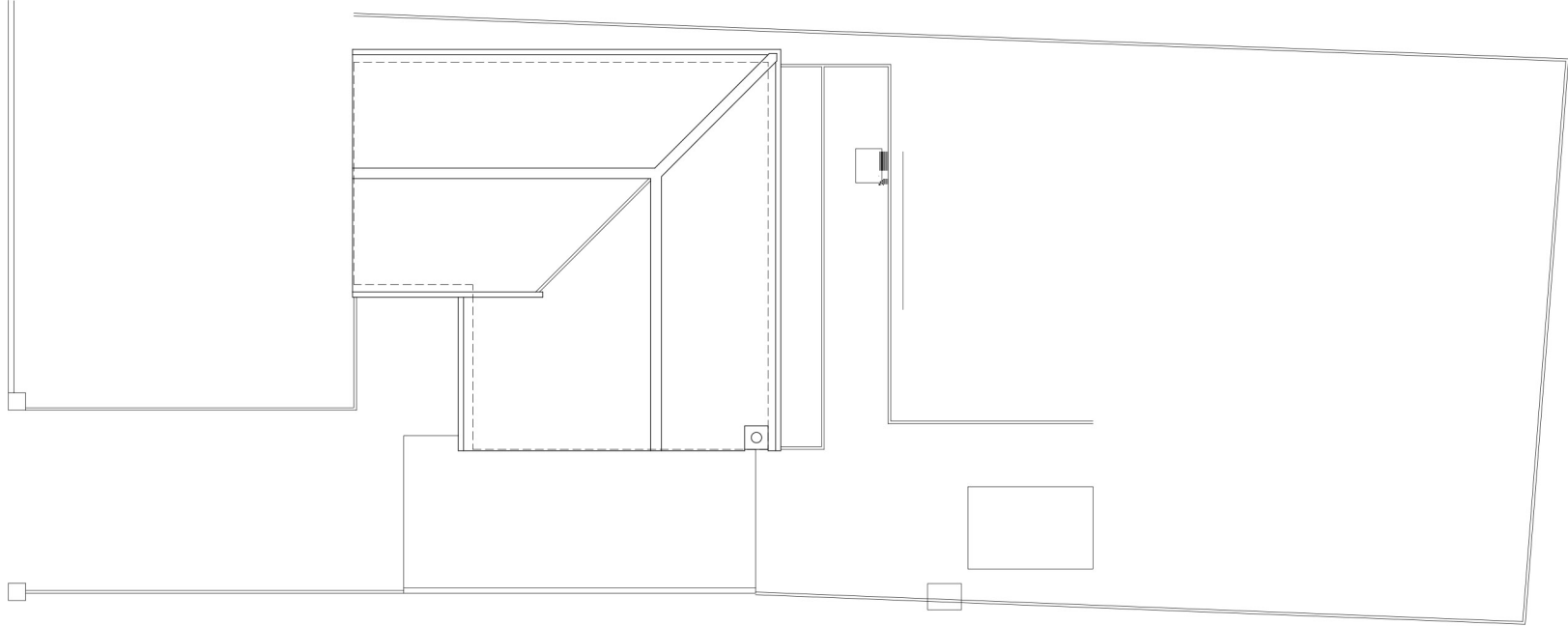
**harman design services**

203 UNTHANK ROAD, NORWICH, NORFOLK NR2 2PQ  
Tel / Fax: 01603 502685 Mobile: 07808 207806  
email: kevinhaman@btinternet.com

PROJECT  
3 GATELEY GARDENS, NORWICH

NUMBER  
961-01

REV



DATE SEPT 22

PROJECT ALTERATIONS & EXTENSIONS TO:  
3 GATELEY GARDENS, NORWICH

THIS DRAWING IS THE COPYRIGHT OF  
HARMAN DESIGN SERVICES AND MAY  
NOT BE REPRODUCED IN ANY WAY  
WITHOUT PRIOR AGREEMENT.

DRAWING NOT TO BE SCALED

REVISIONS

DATE

SCALE 1:100 @ A3

SUBJECT EXISTING BLOCK PLAN

**harman design services**

203 UNTHANK ROAD, NORWICH, NORFOLK NR2 2PQ  
Tel / Fax: 01603 502685 Mobile: 07808 207806  
email: kevinhaman@btinternet.com

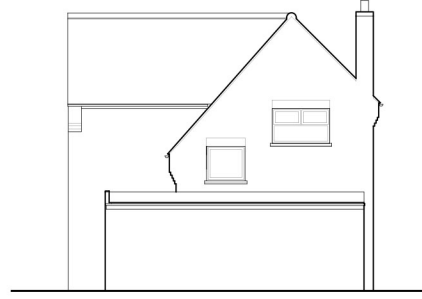
PROJECT  
3 GATELEY GARDENS, NORWICH

NUMBER  
961-02

REV



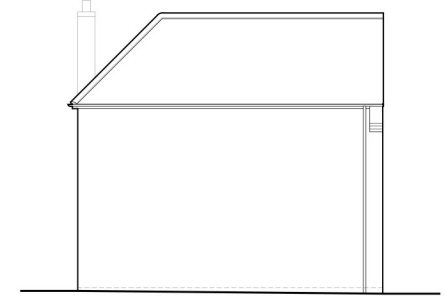
North Elevation



East Elevation



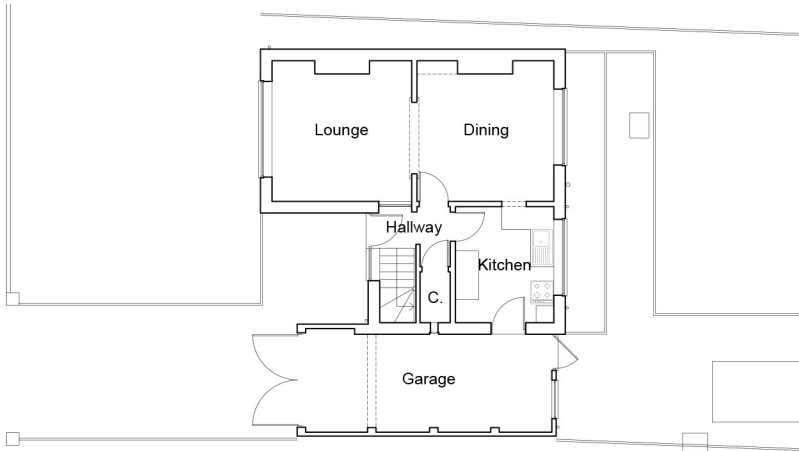
South Elevation



West Elevation



First Floor Plan



Ground Floor Plan

DATE	JULY 2022	PROJECT	ALTERATIONS & EXTENSIONS TO: 3 GATELEY GARDENS, NORWICH
SCALE	1:100 @ A2	SUBJECT	SURVEY

THIS DRAWING IS THE COPYRIGHT OF  
HARMAN DESIGN SERVICES AND MAY  
NOT BE REPRODUCED IN ANY WAY  
WITHOUT PRIOR AGREEMENT.

DRAWING NOT TO BE SCALED

REVISIONS

DATE

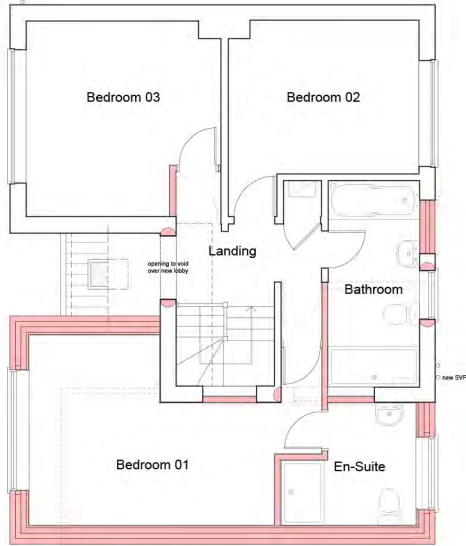
**harman design services**

203 UNTHANK ROAD, NORWICH, NORFOLK NR2 2PQ  
Tel:/ Fax: 01603 502685 Mobile: 07808 207806  
email: kevinharman@btinternet.com

PROJECT  
3 GATELEY GARDENS, NORWICH

NUMBER  
961/05

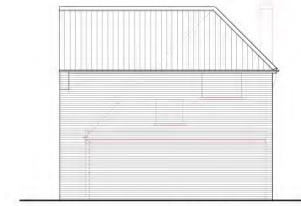
REV



First Floor Plan [1:50]



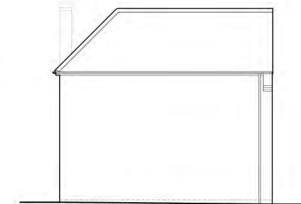
North Elevation [1:100]



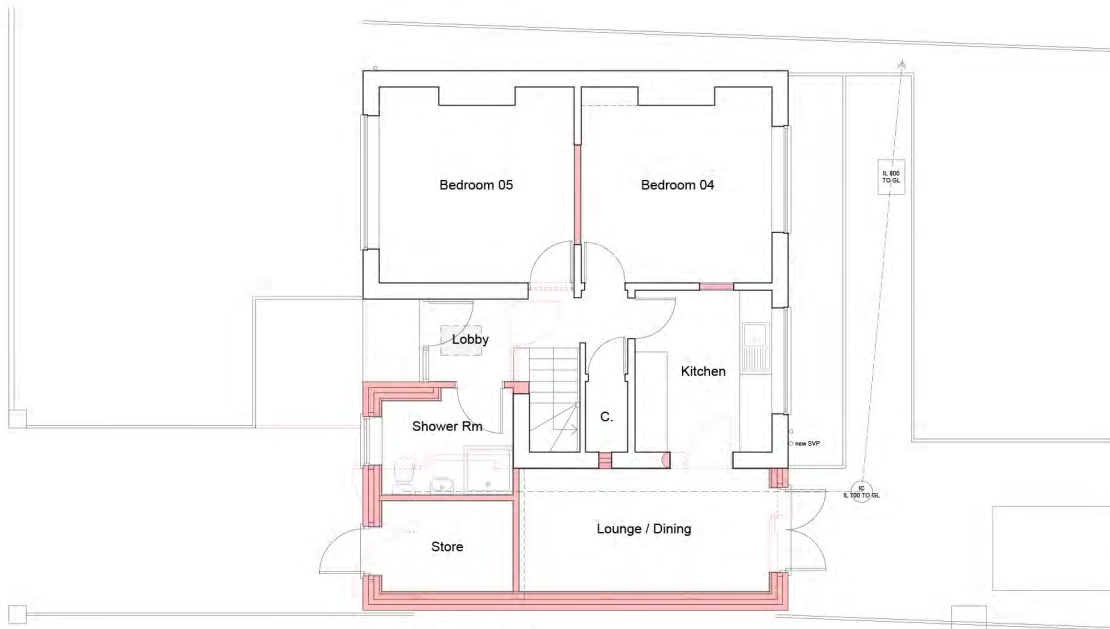
East Elevation [1:100]



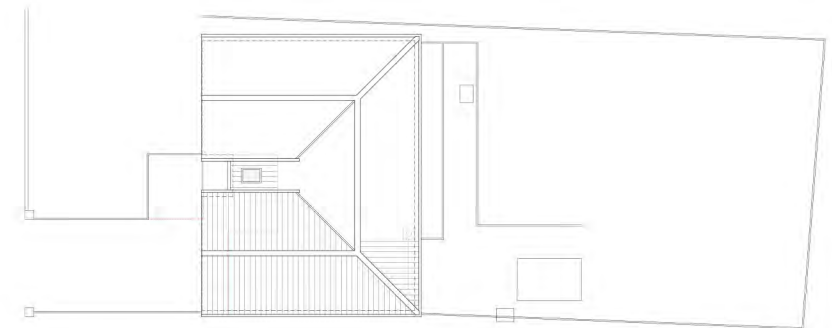
South Elevation [1:100]



West Elevation [1:100]



Ground Floor Plan [1:50]



Block Plan [1:100]



DATE OCT '22

PROJECT

ALTERATIONS & EXTENSIONS TO:  
3 GATELEY GARDENS, NORWICH

THIS DRAWING IS THE COPYRIGHT OF  
HARMAN DESIGN SERVICES AND MAY  
NOT BE REPRODUCED IN ANY WAY  
WITHOUT PRIOR AGREEMENT.

DRAWING NOT TO BE SCALED

REVISIONS

A - DOOR DETAIL REMOVED FROM STORE DOOR

DATE

21.11.22

**harman design services**

203 UNTHANK ROAD, NORWICH, NORFOLK NR2 2PQ  
Tel / Fax: 01603 502685 Mobile: 07808 207806  
email: kevinharman@btinternet.com

PROJECT  
3 GATELEY GARDENS, NORWICH

NUMBER  
961/10

REV  
A

SCALE 1:50 & 1:100 @ A1

SUBJECT PROPOSAL