Report to	Planning applications committee	**Item**
Date	2 October 2014	4D
Report of	Head of planning services	
Subject	Application no 14/01134/F 1 The Moorings Norwich NR3 3AX	

SUMMARY

Description:	Erection of single storey extension at first floor level to side elevation with balcony [revised description and elevational treatment].
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Mancroft
Contact Officer:	Mr James Bonner Planner 01603 212542
Valid Date:	13th August 2014
Applicant:	Mr Michael Innes
Agent:	N/A

INTRODUCTION

The Site

Location and Context

1. 1 The Moorings is the end terrace in a modern row of eight properties along the east side of the river. Including No.1, seven of the eight properties are almost identical in design: three storeys with steeply pitched gables facing the river, intended to reflect the character of the warehouse development that previously overlooked the river. No.8 – the other end terrace – is set back from this building line and is finished in render rather than the white brick of the others. It also has a slate roof but with a shallower pitch orientated at 90 degrees to the main row.

Constraints

2. The site is within the City Centre conservation area, within the Northern Riverside area, described in the CA appraisal as of 'significant' significance. The nearest building of interest is the grade II listed New Mills Yard Pumping Station, which at 100m away is not affected by the proposals.

3. Adjacent to the site, running underneath the proposed extension, is a footway which provides access to bin and bike stores as well as to Unicorn Yard, which includes flats above garages. It is not adopted and is within the ownership of 1 The Moorings with shared access to be provided to certain residents.

4. The site is within Flood Zone 2 but flooding is not considered an issue at this height.

5. There are mature trees nearby but they are not a direct constraint on this development.

Planning History

04/2000/0732/F - Redevelopment of car park site with 62 residential units with associated garages and parking spaces – Approved.

04/01367/D – Condition 2: Materials; Condition 3: Details; and Condition 4: Elevations for previous permission 4/2000/0732/F "Redevelopment of car park site with 62 residential units" – Approved

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

6. A first floor extension to the south side of the property, overhanging a footpath. It will be supported by two columns and will feature a balcony facing out onto the river. The design has been amended to change the external cladding from metal to Thermowood (heat treated softwood cladding) and to introduce a side window.

7. The flat roofed extension is 7.9m long and wider at the front (3.9m) than the rear (1.9m), following the line of the adjacent path it overhangs. From the ground it is 6m to its roof and 2.9m to its underside. Two columns support the structure and are placed to the south of the path next to the boundary fence.

Representations Received

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Nine letters of representation have been received citing the issues as summarised in the table below.

9.

Issues Raised	Response
Amenity • Affects sensitively designed gap, creating feeling of being shut-in. • Closing in of light and space between buildings • Outlook negatively impacted from side windows of 19 Indigo Yard and further so by balcony • The so-called 'bland gable' is infinitely preferable to the extension and therefore dispute that it will 'add some	• Outlook assessment takes account of two windows (paragraph 16). Amenity impact assessed from the perspective of this being a full balcony

interest'. • Unsightly extension will block the open view through the gap to mature trees and the river. • This ill-conceived proposal will reduce light for 10, 11, 12 and 13 Indigo Yard. The river view from south east facing windows will be either considerably reduced or completely obstructed. • Blocked view/restricted sunlight will impact on gardens and residents (more so in winter). • Will overshadow and reduce light to properties along The Moorings (balconies and living rooms) • Will reduce light to side path **Design** • Hideous and completely out of context with the rest of the (sensitively and sympathetically designed) riverside development • Will compromise well-proportioned row • Will negatively impact riverside, street scene and conservation area. **Other** • Affected path has history of antisocial behaviour, drug and noise issues – the extension will exacerbate these issues. • Support column will impede members of public using path. • Extension comes up to boundary fence of Indigo Yard – construction/maintenance needs co-operation of neighbours who are all vehemently opposed to proposal. • Questioning need for extension. • Will set a precedent for similar developments. • Glazing on NE elevation needs clarifying	(paragraphs 12-13). For the avoidance of doubt the word Juliette has been removed from the description. • Amenity – see paragraphs 12-18. • Loss of light to side path not a significant amenity concern • Design – see paragraphs 24-34. • Crime and antisocial behaviour issues addressed in paragraphs 19-23. • They do not appear to impede access any more than the streetlamp. • Not a material planning consideration • Not a material planning consideration – the application is assessed on its merits rather than whether it is necessary • Precedent – see paragraph 28 • No glazing is proposed on NE elevation (the smaller end of the wedge).

Consultation Responses

10. **Norfolk Constabulary** – There have been seven incidences of ASB reported to police within the last twelve months in relation to The Moorings and Indigo Yard. This does not take into account incidents not reported to the police. The proposal would create a covered area that would exacerbate ASB - the existing gate would not adequately protect against this. Two gates should be provided [*annotated plan provided within comments*] alongside lighting.

    Norwich Society – This extension may tend to unbalance the visual aspect of the front façade but we have no other comment on the design proposal. We note the objections and agree that the underside of the extension must be well lit for security. We note that the route is in the ownership of No 1 and acts only as access to cycle stores for numbers 1-4 The Moorings. This route will be gated and kept locked.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 7 – Requiring good design
Statement 12 – Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

Policy 1 – Addressing climate change and protecting environmental assets
Policy 2 – Promoting good design

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

HBE8 – Development affecting conservation areas
HBE12 – High standard of design in new development
EP22 – High standard of amenity for residential occupiers

Supplementary Planning Documents and Guidance

Northern Area Action Plan (March 2010)

Other Material Considerations

DM1 – Achieving and delivering sustainable development
*DM2 – Ensuring satisfactory living and working conditions
*DM3 – Delivering high quality design
DM9 – Safeguarding Norwich's heritage

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has

also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

* – only very limited weight has been applied to these policies (DM2 and DM3) because there are objections to their submission, but their objectives are still broadly supported by existing Local Plan policies EP22 and HBE12

Principle of Development

Policy Considerations

11. The principle of a residential extension is acceptable. With the identified constraints the main concerns relate to design and amenity (including the material consideration of crime and antisocial behaviour which is intrinsic to both design and amenity in this case).

Impact on Living Conditions

Overlooking

12. The proposed side window does not offer any serious opportunities for overlooking into the north east facing habitable (front) windows of 19 Indigo Yard given the oblique view. The side window and the balcony do not present significant issues for the two north west facing (side) windows of No.19 as they serve a stairwell rather than habitable rooms. Accordingly there is no appreciable loss of privacy.

Noise

13. Given its size, the balcony does not give rise to any serious issues for increase in noise compared to the existing balcony on the property.

Overshadowing / Loss of light

14. Because of the way the properties are orientated, there is no significant overshadowing (including those along The Moorings). During winter when shadows are longer it would only affect 24 Indigo Yard to the north east towards the end of the day when the sun is almost set. The neighbour(s) are more likely to be affected by 18 and 19 Indigo Yard than the proposed development.

15. Despite the extension being closer to the property, the loss of light to 19 Indigo Yard will not be substantial as the amount of visible sky (see paragraph 17) lost compared to the effect of the host dwelling is relatively low. The loss of light to the 10, 11, 12 and 13 Indigo Yard cannot be considered to be a significant issue given the distance (over 17m), the scale of the proposal and the open nature of the yard.

Overbearing Nature of Development

16. The first floor extension brings the property closer to the boundary and the impact on the outlook for the occupiers of 19 Indigo Yard is an important factor in assessing the acceptability of the proposal. The north west elevation facing out onto Indigo Yard is the property's front elevation. In views out of the first floor window the structure will be around 4 to 6.5m away, but affecting only oblique views. Its presence would have an effect on the occupier's outlook, but the extent of this is not considered to be significantly detrimental as there would remain a good

135° of relatively uninterrupted field of vision.

17. The addition of the 3.1m tall first floor structure closer to their boundary has the potential to be an imposing mass in views from the ground floor windows and front door of 19 Indigo Yard. As above, while there is an impact, given the scale of the extension and the otherwise fairly open nature of the space, it is not considered to cause an unacceptable impact on the quality of life the neighbour could expect to have. Aside from the rest of the yard there will still be an element of openness in views over to the north west (between 10 Indigo Yard and 24/25 Unicorn Yard) which also helps in reaching a conclusion that the extension will not be an overly dominant feature. While in some oblique views the outlook will be worse it is considered that the difference is marginal given the scale and mass of the large blank elevation, albeit further away than the proposed structure.

18. The development will result in some loss of view through to the river from 10 Indigo Yard being blocked. Limited weight can be attached to this due to the private view not being identified through policy as of public interest. Additionally the current view in itself is somewhat blocked (except in winter) by the dense mass of existing trees both inside Indigo Yard and on the Riverside Walk. As such fairly limited weight is attached to this particular amenity concern.

Crime and antisocial behaviour

19. Numerous letters have raised an existing issue in the area relating to crime and antisocial behaviour including drug use/dealing and urination in the footpath. The police have been consulted who have confirmed there is an issue in the immediate area. It is accepted that introducing an overhanging structure (effectively a shelter) into an alleyway that is not well overlooked would exacerbate the issue.

20. The applicant is looking to live in the property and it is within his interests to reduce the opportunities for crime and antisocial behaviour. A solution is to move the existing (but unlocked) gate to the back of the edge of ownership by the bin store and to introduce a new gate in line with the front wall of No.1 as suggested by the police. This will effectively reduce the opportunities for behaviour that would cause amenity concerns for neighbours and alongside appropriate lighting, will lead to an improvement in this particular location.

21. The property faces onto the Riverside Walk, which although not adopted, is accessible by the public on foot and by bicycle. It is considered that it would be possible to put a gate here (up to 2m) without planning permission given the set back from the highway. It should also be noted that the originally approved landscape scheme for the housing development shows a 1.8m high railing and lockable gate along the front elevation in the proposed position.

22. Given the potential negative impacts on crime, permission should not be granted without a condition requiring details of gates and lighting prior to commencement. However given that a gate could be installed without permission, no significant weight should be attached to the security benefits the extension will bring to the area.

23. For the purposes of understanding the ownership of the adjacent alleyway the

applicant has provided a conveyance plan [*included at end of report*], and a letter from the management agent which shows support for the gates which fall within the boundary of 1 The Moorings. The status of the path is understood to be a 'private drive and pedestrian access with right of access (shared access)', with right of access likely to be provided (as a civil matter) to other residents listed on the deeds. It will be necessary to provide key or code access for those that need it. The details of this as well as any lighting is recommended to be included within the list of conditions.

Design

24. This is an unusual design that has drawn some criticism, particularly from those within Indigo Yard to the east. 1 to 8 The Moorings makes a positive contribution to the street scene and character of the wider conservation area and the most important design question is whether the introduction of this extension causes harm to this.

25. A point is made that the proposed extension spoils the architectural composition of the row. Actual public views are somewhat limited, but if the row could be appreciated in its entirety in a wider context, such as from across the river, the presence of the contrasted design and step back of No.8 would be more significant. While the buildings are well designed and provide for an attractive streetscape, it would be disingenuous to suggest the immediate area has a dominant architectural character or style that should be protected. This and the impact on the conservation area is discussed further in paragraphs 33 and 34. Various architectural features (e.g. balconies) and building line irregularities have been purposefully included within the design of the original development and an argument could be had that this proposal is an appropriate feature as the built environment evolves and changes.

26. When walking along the Riverside Walk, views of the proposed extension are blocked by the trees (when the trees are in leaf) when approaching from the north and by 16 to 19 Indigo Yard from the south. It only really becomes visible when approaching the last tree or the rear gate of 16 Indigo Yard . When pedestrians reach this point (~10m window of visibility, which is partially obscured by trees in parts), they would have to purposefully look to the east to see the extension. In this sense the addition would be visible, but its size and mass is not considered excessive for the host dwelling. The choice of Thermowood cladding should soften its impact somewhat from the side and the balcony to the front will not look dissimilar to the adjacent balconies. As such the impact is fairly limited in its harm to the street scene.

27. The extension will be very noticeable from Indigo Yard to the east and although less weight is attached to this private view, it could be argued that the extension brings some 'interest' to this otherwise predominantly blank elevation. This is a highly subjective judgement as to whether the bland and largely blank wall is an unattractive and dull feature to the view from Indigo Yard and whether the proposal will provide variety and interest that would improve the appearance in this view. While it could be seen as an innovative means of extending a property within a

tight-knit urban environment, it would also be possible to conclude that the unfamiliar addition is unacceptable in design terms for its lack of successful integration into the existing locale. As set out in saved policy HBE12, consideration must be given to the setting and spatial quality of new development in relation to both public and private spaces, which members may feel this extension falls short of. 3-D visualisations have been produced to help in this judgement, which should be made with both local and national policy in mind, for instance paragraph 58 of the NPPF:

> *[development should] respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*

28. The potential for the approval in setting a precedent carries fairly limited weight given the unique nature of the development. If other similar extensions were applied for they would be assessed on their own merits and the impact on their entirely different context. An example could be on the south side of 9 The Moorings – the elevation is much more prominent and therefore it does not hold that a similar extension would be approved in a different location.

29. In terms of materials, the columns and balconies are to match those of the adjacent balconies along The Moorings and Thermowood will be used to clad the exterior. Including the windows, a condition is recommended so that details (and samples where necessary) are provided to ensure the visual impact is minimised.

30. The design of the gates would be dealt with by condition. Given the objections however it is worth assessing its effect on the closing off of the path. The alleyway has fairly limited prominence from the Riverside Walk, is not inviting to use and gives the appearance of a private alley way leading to bins. In comparison the other pedestrian access to Unicorn Yard (between 8 and 9 The Moorings) is wider and gated but undoubtedly more inviting. This particular gate is identified on the conveyance plan by the developer as 'public access point'.

31. The endpoint of the view down the alleyway is a gate and for the casual visitor on the Riverside Walk there is little to indicate that this is any more than access for residents to the rear of gardens, bins and the rear of the properties. The path does not offer a legible route and one can be better provided through alternatives (e.g. between 8 and 9 The Moorings, New Mills Yard or Coslany Street).

32. It is important to note that this is private land that currently could be gated at any time. Access for the residents is a civil matter.

Conservation Area – Impact on Setting

33. As with all development affecting a conservation area, "special attention shall be made to the desirability of preserving or enhancing the character or appearance of that area". In assessing this impact reference is made to the character area (Northern Riverside) in the City Centre conservation area appraisal. This document was completed before much of the development in the immediate area was, and reference is made to its rapidly changing character. It is acknowledged that the modern housing developments tend to respond better to their context and exhibit

traditional detailing. Reference is made to New Mills Yard using white brick. From visits to the site it can be seen that The Moorings exhibit a traditional form that reflects the site's industrial past but with a number of modern details such as balconies and windows . As made clear in the appraisal and in assessment of the site, a key element of the character area is the Riverside Walk.

34. Given the relative lack of prominence from many views it is not clear that the development would cause harm to the Riverside Walk nor have a significant effect on the character of the conservation area. However it will be visible to pedestrians (albeit for a short period of time) and because of the relative infancy of the development site on this side of the river, there have been little if any inappropriate developments that have eroded its character since the houses were built. In this respect the introduction of an extension could be argued to not preserve the character, but on balance it is considered that the opportunity for public views of the structure would be so limited that it would be unreasonable to suggest it causes harm to the character of the wider area, particularly as you do not view the east side of the river in isolation from some of the more inappropriate developments opposite it.

Local Finance Considerations

35. Although technically liable for Community Infrastructure Levy (CIL), the extension is below the threshold of minor development (100sq.m) and is exempt from payment.

Conclusions

36. The proposed extension is certainly an atypical and contentious design that has raised a number of comments relating to design and amenity. There are also significant crime and antisocial behaviour concerns that overlap with both of these issues. Whilst on its own the extension would exacerbate antisocial behaviour in the area, a condition requiring details of gates and lighting prior to commencement is considered to adequately mitigate against this. As the gates may well be erected without permission it is inadvisable to frame the improvements to security as a benefit that can be weighed against the potential design and amenity shortcomings.

37. The proposal brings the extension closer to the boundary with the neighbours at Indigo Yard and while there are some amenity concerns for loss of outlook, the tangible harm is fairly limited due to scale of the structure, the otherwise open nature of the courtyard and the comparison being made to a largely blank existing elevation. Less of a concern is overlooking and overshadowing/loss of light due to the positioning of windows and the orientation and scale of the surrounding buildings.

38. Its visual prominence is most apparent from the private Indigo Yard and there will be limited views of the extension from the public Riverside Walk. The scale of the structure is not excessive for the host dwelling and the use of materials, subject to condition, should adequately soften its impact on the street scene and character of the wider conservation area. That being said, this is a finely balanced judgement, and if a differing level of weight is given to some of the negative aspects explained in the report above then a different decision could easily be justified.

39. On balance, given the surrounding development, the scale of the proposal and its relative inconspicuousness from public views, the recommendation is for approval as it is considered to accord with the policy objectives of the National Planning Policy Framework (March 2012), policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan (2004) and all other material considerations.

RECOMMENDATIONS

To approve Application No (14/01134/F) and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years)
2. In accordance with the plans
3. Details of materials (to include columns, windows and doors, external cladding, balcony, eaves)
4. Detail of gates and locking/access scheme
5. Detail of lighting

Article 31(1)(cc) Statement

The local planning authority in making its 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, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

Informative:

1. Considerate construction