

Report to Planning applications committee

Item

13 October 2022

Report of Head of Planning & Regulatory Services

Subject Application nos 22/00701/F - 37 Brian Avenue, Norwich,
NR1 2PH

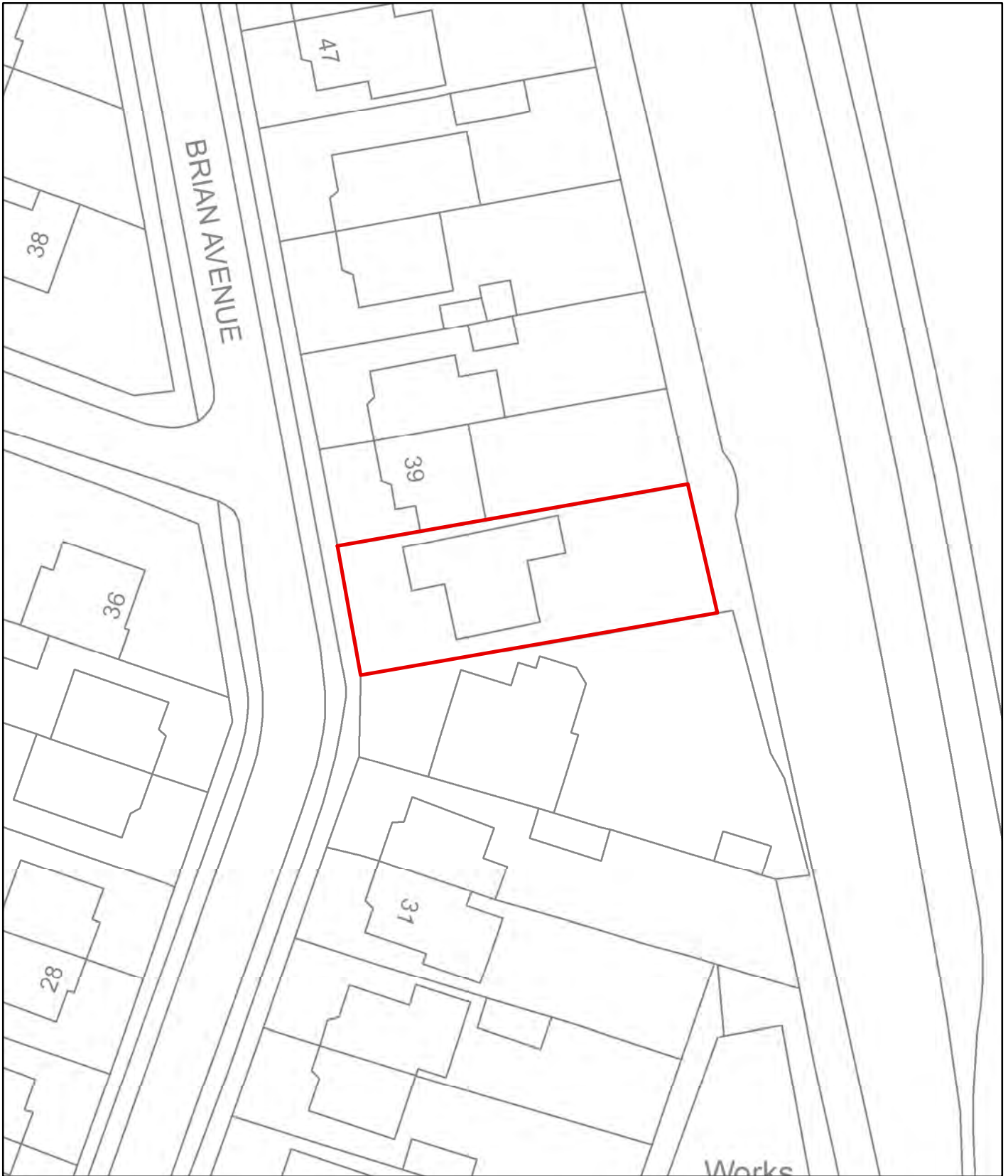
4c

Reason for referral Councillor Call in

Ward:	Eaton
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk

Development proposal		
Single storey side and rear extension, addition of first floor and loft conversion.		
Representations		
Original consultation		
Object	Comment	Support
6 (5 households and 1 councillor call in)	0	0
Re-consultation on revised plans		
8 (7 households and 1 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.
Expiry date	17 November 2022
Recommendation	Approve



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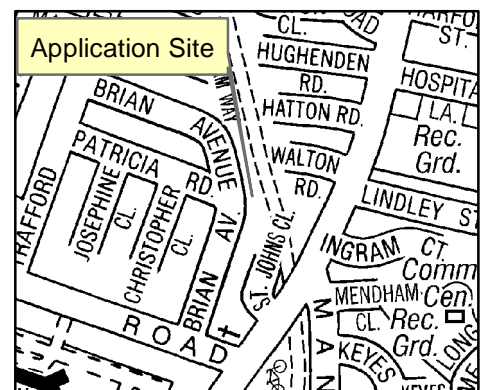
Planning Application No 22/00701/F
Site Address 37 Brian Avenue

Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is located to the east side of Brian Avenue, to the south of the city. The prevailing character of the area is residential comprising a mixture of predominantly detached and semi-detached dwellings constructed during the middle part of the C20, in a variety of designs, the majority of which are of two storeys. Properties have typically been arranged on plots with front garden / parking areas and larger mature rear gardens.
2. The subject property is a single storey detached bungalow style dwelling constructed during the first half of the C20 using red bricks, painted render, clay coloured pantiles and white coloured windows and doors. The site features a front parking area, access to the side and a garden to the rear. The property was originally arranged over an 'L' shape footprint with a projecting gable section to the front and a rectangular main section with dual pitched roof design. The property has previously been extended by way of a flat roof extension to the rear.
3. The site is bordered by nos. 35 and 39 Brian Avenue to the south and north respectively. No. 35 is a two-storey detached dwelling and no. 39 is a two-storey semi-detached dwelling. The site boundaries are marked by close boarded fencing and some sections of mature planting. The site is located on a slight bend in the road resulting in no. 35 being orientated at a different angle. Beyond the site to the rear is Lakenham Way, a former railway line now serving as a pedestrian and cycle route situated on lower ground.

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-storey rear extension the removal of the existing roof structure.
7. A first-floor extension is then to be constructed over the original footprint, covering the main section and projecting front gable sections of the dwelling. The roof is designed with a dual-pitched roof of the same form as the original, 8.45m tall to the ridge, and 5.2m tall to the eaves. The projecting gable section to the front is also topped with a dual-pitched roof of the same form as the existing, 6.8m tall to the ridge and 5.2m tall to the eaves.
8. The rear roof slope includes the construction of a 7.2m wide dormer that includes three sets of windows, facilitating the creation of a new principle en-suite bedroom within the roof space.
9. A single-storey wraparound side and rear extension is also to be constructed. The side extension extends 1.9m to the side, 1.3m back from the front elevation. It extends 10.4m to the rear and then across the entirety of the rear, with a total width of 11.2m. It extends 3.6m to the rear and is designed with a 3.2m tall flat roof.

10. The proposal has been revised during the determination of the application. The originally submitted plans included a two-storey rear extension that was not acceptable for amenity reasons. Following negotiations with the applicant, the two-storey rear section has been removed, the height of the single-storey section reduced and the dormer added to the rear roof slope.

Representations

11. Adjacent and neighbouring properties have been notified in writing. A re-consultation process was undertaken following the receipt of the revised plans. Five households submitted letters of representation during the initial process and seven households submitted letters during the second consultation period citing the issues as summarised in the table below.

Issues raised	Response
The proposed development would result in an over-dominant building within the street scene.	See main issue 1
Design is out of keeping with the character of the surrounding area	See main issue 1
The impact of the extensions of the amenity of no. 39 by way of overshadowing, outlook, by being overbearing and loss of privacy.	See main issue 2
The impact of the extensions of the amenity of no. 35 by way of overshadowing, outlook, by being overbearing and loss of privacy.	See main issue 2
Overlooking of other neighbouring dwellings	See main issue 2
The property could be used as an HMO in the future.	See main issue 2
Trees close to site boundary	See other matters
Access for construction	See other matters
Digging of foundations etc.	See other matters
Loss of bungalow within the city housing stock	See other matters

Consultation responses

12. No consultations have been undertaken.

Assessment of planning considerations

Relevant development plan policies

13. **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
14. **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

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

Case Assessment

16. 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

17. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12.
18. The proposed development will significantly alter the overall appearance of the subject property, to the extent that the property will appear as a new dwelling. The proposed extensions however will have a limited impact on the character of the surrounding area. The increase in the size of the subject property will not result in it appearing as an overly-dominant dwelling within the street scene. The immediate neighbours to the site, nos. 39 and 35 are both two-storey dwellings. It is noted that most dwellings on Brian Avenue and within the surrounding area are also two-storey dwellings. The first-floor extension will result in a new roof that is of broadly the same height as the immediate neighbours. It is noted that a change in the ground level results in there being a minor inconsistency in the ridge heights. Consequently, the ridge of the extended dwelling will be broadly the same height as no. 39 to the north and only 0.3m taller than no. 35 to the south, which is on lower ground. As such, the subject property will not appear as an overly large or out of scale dwelling within the context of the street scene, nor will it be out of keeping with the prevailing character of the surrounding area in terms of scale.

19. The proposed extensions largely follow the form of the existing dwelling by utilising the existing footprint and being designed with dual-pitched roofs of a similar pitch. The bay windows located on the front elevation are also to be extended. Materially, the extended dwelling will be of largely the same appearance through the use of a white coloured render finish to the walls and clay-coloured pantiles that match the existing. The form, design and material appearance of the extended dwelling is therefore in keeping with the prevailing character of the site and wider area.
20. The proposed single-storey side extension is to be set back from the front elevation by 1.3m, ensuring that it appears subservient to the main elevation. The single-storey rear extension is to be constructed to the same depth as the existing single-storey extension. As such, the scale and appearance of the single-storey extensions are appropriate for the site.
21. The proposed dormer to the rear will occupy much of the roof slope. Gaps on either side of 1.2m to the edge of the roof and a gap of 0.9m to the eaves are to remain, ensuring that the dormer does not appear overly dominant. It is also noted that several neighbouring dwellings within the area already have rear dormers in situ.
22. The proposed extensions would create a five-bedroom dwellinghouse from a three-bedroom dwellinghouse. The increase in the number of bedrooms does not represent a significant change in the intensification of the use of the site, it would remain as a family home. It is noted that it would be possible for many of the existing two storey dwellings to convert their loft spaces without the need for planning permission. As such, the proposed development is of an appropriate scale for the area.

Main issue 2: Amenity

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 178-182.
24. 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 properties noticing the changes are no. 39 to the north and no. 35 to the south of the site.

Impacts on no. 39 Brian Avenue

25. Regarding overshadowing and light, the rear building line of the subject property is sited further to the rear than that of no. 39, resulting in a section of the side elevation of no. 37 being visible above the shared boundary. The first-floor extension will therefore result in the enlarged side elevation becoming a more prominent feature than the existing situation. The ridge of the subject property is however sited in line with the side elevation of no. 39, resulting in only a relatively small section of the proposed extension being constructed beyond the rear elevation of no. 39. There will therefore be a limited amount of overshadowing of the rear amenity space during the later hours of the day.

26. A first-floor window serving the landing is located on the side elevation of no. 39. The proposed first-floor extension will result in some overshadowing of this window, reducing the amount of sunlight reaching this space. The window will however continue to benefit from a good amount of daylight and the stairway is also served by a second window. The proposed extension will primarily overshadow the single-storey roof of the attached garage located to the side of no. 39, rather than any primary living spaces.
27. A small side facing window serving the hallway of no. 39 will experience some of overshadowing caused by the first-floor extension to the projecting gable at the front of the subject property. The amount of overshadowing and the level of impact will however be limited. It is noted that a hallway is not classified as a primary living space and as such, is not afforded the same level of protection as a main habitable room such as a living room. The level of impact in this instance is therefore not considered to result in significant harm being caused to the residential amenity of the occupier of no. 39.
28. The proposed single-storey rear extension is to be constructed parallel to the shared boundary between the two properties. The proposed extension is to be constructed over part of the footprint of the existing extension, however it will be approximately 0.7m taller than the existing. Mature planting located within the rear of no. 39 currently provides screening along the affected section of the shared boundary. The planting is currently taller than the proposed extension will be. As such, the amount of overshadowing caused by the proposed single-storey extension will not significantly differ from the current situation as the existing screening causes a similar level of overshadowing of the rear amenity space serving no. 39.
29. Regarding outlook and being overbearing in scale, the side elevation of the extended dwelling will be visible from the rear of no. 39. The majority of the bulk of the extended dwelling will however be constructed parallel to the side elevation of no. 39, with only a relatively small section projecting beyond the rear building line. The single-storey rear extension will project beyond the height of the boundary fence, however it will largely be obscured from view by the existing planting. As such, the extended dwelling will not be significantly overbearing, and the occupant of no. 39 will continue to benefit from a good outlook from the rear of the property.
30. The outlook from the small side facing window serving the hallway of no. 39 will be altered by the proposed front section of the extension, with the two-storey gable section being visible from this location. The outlook will however not significantly change, with the longer views looking south along Brian Avenue remaining. As above, a hallway is not considered to be a main habitable room worthy of the same protection as, say, a living room.
31. Regarding overlooking, the proposed windows in the dormer serving the principal bedroom will allow for some views across the rear garden of no. 39. Such views are already possible from existing first floor windows and are considered typical of this type of location. As such, they do not constitute a significant loss of privacy.
32. The plans include the insertion of a new window serving the first-floor landing within the side elevation facing no. 39. It is reasonable to add a condition requiring that the window is obscure glazed and non-opening to a level 1.7m above ground floor level to prevent overlooking of the neighbouring dwelling from occurring.

Impacts on no. 35 Brian Avenue

33. Regarding overshadowing and light, the application site is located directly to the north of no. 35, ensuring that the extension will not result in any direct overshadowing of the neighbouring property. The proposed extensions may have some limited impact on the amount of light reaching some of the secondary living spaces serving the ground floor of no. 35. The use of a white coloured render to the elevation of the side and first floor extensions will help to ensure that the neighbouring living spaces continue to benefit from a good amount of indirect light.
34. Regarding outlook and being overbearing in scale, the change in the orientation of the sites ensures that the outlook from the rear of no. 35 will not be affected by the proposed extensions. The proposed single-storey side and rear extension is to be constructed parallel to the shared boundary. It will be visible above the fencing marking the boundary. It will however impact predominantly on the side access and small portion of the rear garden of no. 35 only.
35. Regarding overlooking, the proposed windows in the dormer serving the principal bedroom will allow for some views across the rear garden of no. 35. Such views are already possible from existing first floor windows and are considered typical of this type of location. As such, they do not constitute a significant loss of privacy.

Other impacts

36. The proposed extensions are to be constructed sufficient distance from other neighbouring dwellings to ensure that significant harm is not caused by way of overshadowing, outlook or by being overbearing. It is noted that the proposed dormer windows will allow for some partial views of neighbouring gardens. Such views are already possible from existing neighbouring windows and are considered typical of this type of location. As such, they do not constitute a significant loss of privacy.
37. The proposal will result in an enlarged dwelling which enhances the residential amenities of the occupiers. The proposed layout indicates five bedrooms, an open plan kitchen / living / dining space, a living room, bathroom and utility room. Concern has been raised that the property could be used as a house of multiple occupancy (HMO). It is noted that it would be possible for the property to be used as a small-scale HMO of up to six bedrooms without the need for planning permission. The proposed does not suggest that there is any likelihood of the extended dwelling being used as a large-scale HMO of seven or more bedrooms. As such, it is not considered reasonable to add a condition in relation to the use of the dwelling as an HMO.

Other matters

38. There is mature planting sited along the side boundary of no. 39, parallel to the proposed rear extension. The side wall of the existing extension, the closest part of the subject property to the planting, is to remain in situ. As such, it is not anticipated that the construction of the extensions will cause harm to the neighbouring planting and trees.
39. The issue of access to the site for construction purposes is civil matter and as such does not form part of the assessment of this application.

40. The digging of foundations and other elements of the construction will be considered under a separate application of the building regulations. Such matters do not form part of the assessment of this application.
41. The loss of a bungalow within the city's housing stock is not a material planning consideration within the context of a householder planning application.
42. **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

43. There are no significant equality or diversity issues.

Local finance considerations

44. 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.

45. 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.

46. In this case local finance considerations are not considered to be material to the case.

Conclusion

47. 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.

48. 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.

49. 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.

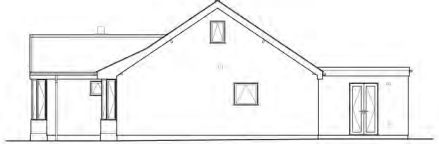
Recommendation

To approve application no. 22/00701/F - 37 Brian Avenue Norwich NR1 2PH and grant planning permission subject to the following conditions:

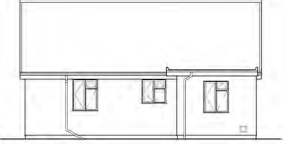
1. Standard time limit;
2. In accordance with plans;
3. Obscure glazing to first floor landing window.



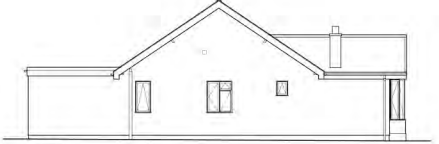
WEST
EXISTING ELEVATIONS 1:100



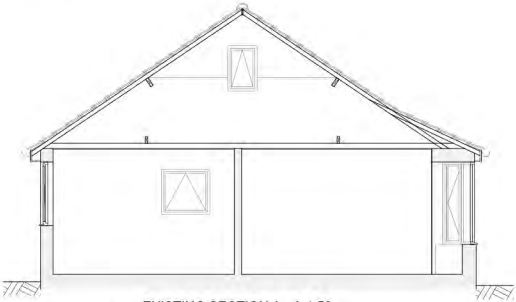
SOUTH



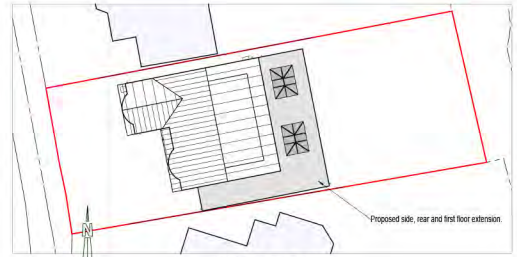
EAST



NORTH



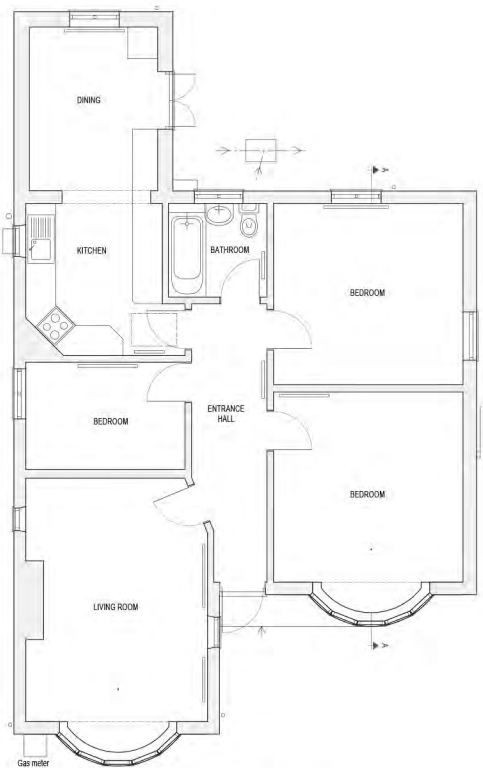
EXISTING SECTION A - A 1:50



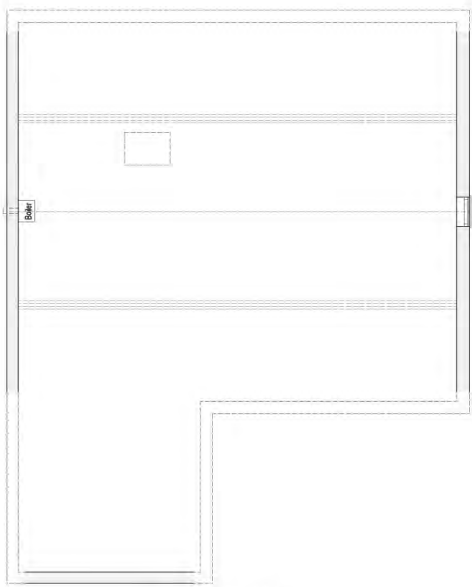
SITE PLAN 1:200



LOCATION PLAN 1:1250



EXISTING GROUND FLOOR 1:50



EXISTING LOFT 1:50

General Notes

- This drawing must not be scaled and if in doubt ask.
- All Contractors are to check all dimensions & levels on site prior to commencing any construction or fabrication.
- This drawing to be checked and read in conjunction with all Engineers, Architectural, Service Engineers and any specialist drawings, together with any relevant additional Engineers' specifications.
- Where site information or adjoining building details are contrary to issued details then the Engineer is to be informed immediately.
- No structural members are to be cut, reduced, or altered unless shown on the Engineers details. Unless otherwise noted, all connections of structural members including laps & anchorage of reinforcement shall be capable of mobilising the full structural capacity of the member.
- All load connections to have all connections of ducts.
- The foundations have been designed for allowable ground pressure of 100 kN/m² & shall not be confirmed on site before casting of foundations. Unless informed to the contrary in writing it has been assumed that the sub-soil is a clay soil that has been classified by tests & vegetation & that there is no possibility of heavy or sharp objects.
- Under the provisions of the Party Wall Act 1996 if the circumstances are within the definition of buildings within agreement for the work from the owner & the tenant (if applicable) of adjacent buildings must be obtained before building works commence & one month's notice must be given before building works commence. If the work applies to the party wall two month's notice must be given. Note: If foundations are deeper than normal a further notice may have to be given & agreement received. Note: If foundations, soffits, gutters, etc encroach across the boundary a written agreement from the owner of the adjoining land/buildings must be obtained & the boundary agreed before building works commence.
- The Construction (Design & Management) Regulations 2015.
The client must make suitable arrangements for managing the project, including the allocation of sufficient time and resources.
a. The construction work can be carried out for as reasonably practicable without risks to the health and safety of any person affected by the project.
b. Consider suitable welfare facilities are provided.
These arrangements must be reviewed and maintained throughout the project.
The client must provide pre-construction information to the designer and contractor.
The client must ensure that a construction phase plan is in place before the construction phase starts.
The client must ensure that the principal designer prepares a health and safety file for the project which is suitable, regularly updated and is available for inspection.
The client must take reasonable steps to ensure that the principal designer and contractor cooperate with their duties.
The client must pass the health and safety file to any new owner(s)/occupier(s) and ensures that the new owner(s)/occupier(s) is aware of the value and purpose of the file.
10 This drawing is Copyright to Building Plans Ltd.

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1 : 50										

B	31/08/2022	Parapet removed from flat roof.	PB
A	30/07/2022	Rear gable removed, rear dormer added	PB
Rev	Date	Amendment	Dwn

Architectural Design,
Building Surveys and
Planning Services

Building Plans Ltd

11 The Street, Honingham, Norwich, NR9 5BL
Telephone: 01603 868377

Client: Mr & Mrs Coombs

Project: Extensions & Additional Floor to Existing Single Storey Dwelling

Site address: 37 Brian Avenue
Norwich
Norfolk
NR1 2PH

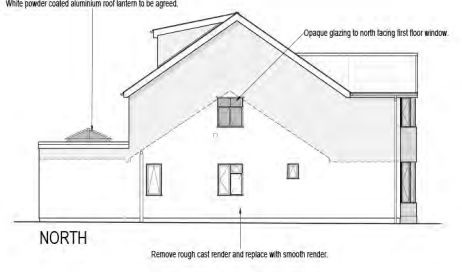
Contents	Existing Elevations Existing Floor Plans Existing Section Site & Location Plans
Scale @ A1:	1:50, 1:100, 1:200, 1:1250
Date:	May 2022
Signoff checked:	PB/JLN
Revision:	B
Project No:	3550.0522N
Sheet No:	1



WEST
PROPOSED ELEVATIONS 1:100



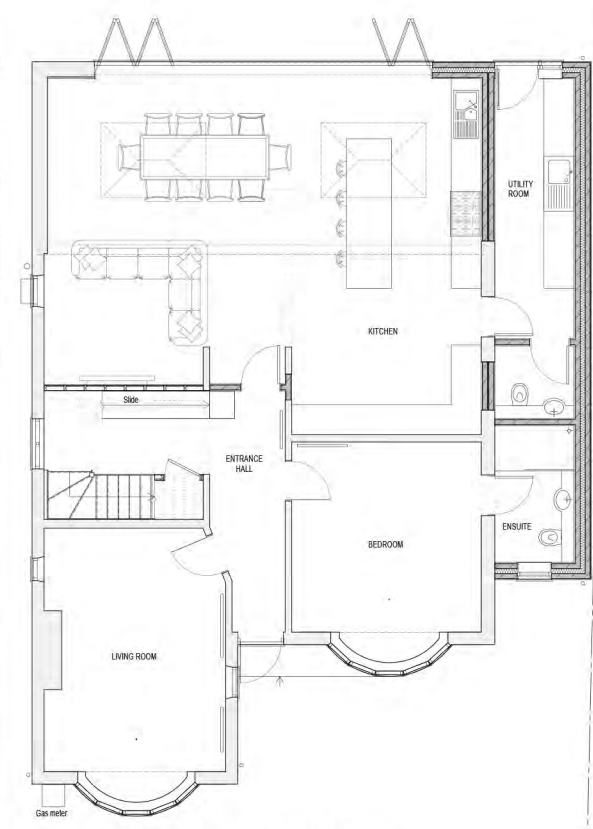
EAST
White powder coated aluminium doors to be agreed



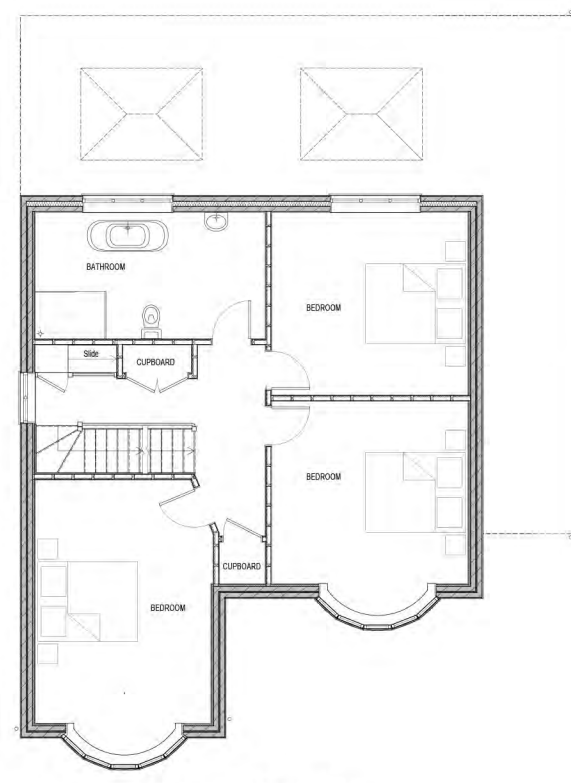
NORTH
Remove rough cast render and replace with smooth render.



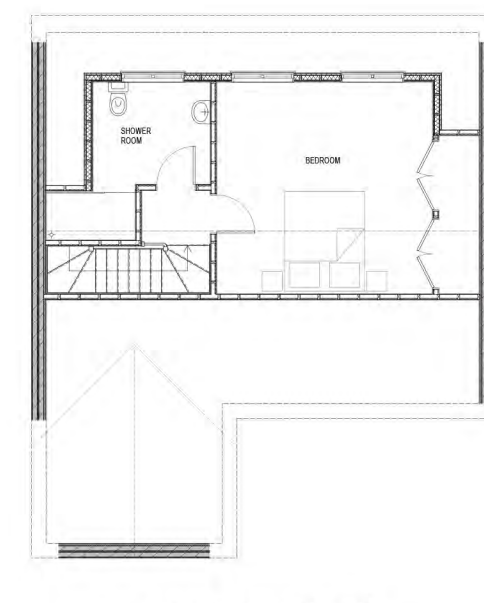
PROPOSED STREET SCENE 1:100



PROPOSED GROUND FLOOR 1:50



PROPOSED FIRST FLOOR 1:50



PROPOSED SECOND FLOOR 1:50

General Notes

- This drawing must not be scaled and if in doubt ask.
- All Contractors are to check all dimensions & levels on site prior to commencing any construction or fabrication.
- This drawing to be checked and used in conjunction with all Engineers, Architectural, Services Engineers and any specialist drawings, together with any relevant additional Engineers specifications.
- Where site information or adjoining building details are contrary to issued details then the Engineer is to be informed immediately.
- No structural members are to be cut, reduced, or joined unless shown on the Engineers details. Unless otherwise noted all connections of structural members including laps & anchorage of reinforcement shall be capable of mobilising the full structural capacity of the member.
- All foot connections to have a minimum of 200mm.
- The foundations have been designed for ultimate ground pressure of 100 kN/m² & shall meet but confirmed on site before casting of foundations. Unless informed to the contrary in writing it has been assumed that the sub-soil is a clay soil that has been consolidated by trees & vegetation & that there is no possibility of heave or shrinkage.
- Under the provisions of the Party Wall Act 1996, if the excavations are within 3m of adjacent buildings written agreement for the works from the owner & the tenant (if applicable) of adjacent buildings must be obtained before building works commence & one month's notice must be given before building works commence. If the work applies to the party wall two month's notice must be given. Note: If foundations are deeper than normal a further notice may have to be given & agreement received. Note: If foundations, soffits, gutters, etc. encroach across the boundary a written agreement from the owner of the adjoining land/buildings must be obtained & the boundary agreed before building works commence.
- The Construction (Design & Management) Regulations 2015. The client must make suitable arrangements for managing the project, including the allocation of sufficient time and resources.
- The construction work can be carried out for as reasonably practicable without risks to the health and safety of any person affected by the project.
- These arrangements must be reviewed and maintained throughout the project.
- The client must provide pre-construction information to the designer and contractor.
- The client must ensure that a construction phase plan is in place before the construction phase starts.
- The client must ensure that the principal designer prepares a health and safety file for the project which is suitable, regularly updated and is available to the recipient.
- The client must take reasonable steps to ensure that the principal designer and contractor comply with their duties.
- The client must pass the health and safety file to any new owner(s)/occupier(s) and ensure that the new owner(s)/occupier(s) is aware of the nature and purpose of the file.
- This drawing is Copyright to Building Plans Ltd.

1:100	0	1m	2m	3m	4m	5m	6m	7m	8m	9m	10m
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1:50	0	1m	2m	3m	4m	5m					
	0	3'	6'	9'	12'	15'					

C	31/08/2022	Parapet removed from flat roof	PB
B	28/08/2022	Proposed street scene added	PB
A	30/07/2022	Rear gable removed, rear dormer added	PB
Rev	Date	Amendment	Dwn

**Architectural Design,
Building Surveys and
Planning Services**
Building Plans Ltd
 11 The Street, Honingham, Norwich, NR9 5BL
 Telephone: 01603 868377

Client:	Mr & Mrs Coombs
Project:	Extensions & Additional Floor to Existing Single Storey Dwelling
Site address:	37 Brian Avenue Norwich Norfolk NR1 2PH
Contents:	Proposed Elevations Proposed Floor Plans Proposed Street Scene

Scale @ A1:	1:50, 1:100	Date:	May 2022
Signoff checked:	PB/JLN	Revision:	C
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