

Report to Planning applications committee

Item

10 November 2016

Report of Head of planning services

Subject Application no 16/00867/VC - Montpellier House Judges Walk Norwich NR4 7QF

Reason for referral Objection

4(i)

Ward:	Eaton
Case officer	Steve Fraser-Lim - stevefraser-lim@norwich.gov.uk

Development proposal		
Variation of Condition 2 of previous permission 15/00317/F to retain external alterations to the dwelling, including reduced ridge height, increase in height of east facing wall and installation of windows at ground floor level.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1	Impact of changes upon the appearance of the dwelling and surrounding conservation area.
2	Impact upon the amenity of nearby occupiers
Expiry date	2 August 2016
Recommendation	Approve



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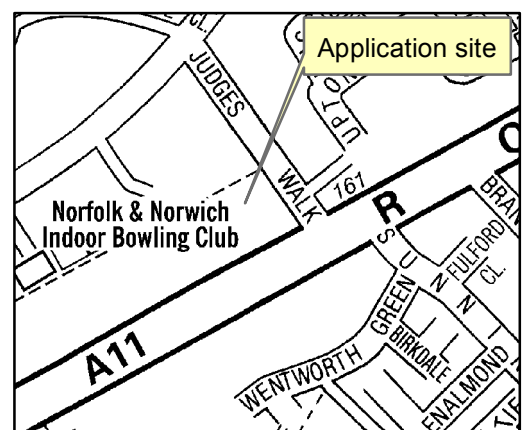
Planning Application No 16/00867/VC
 Site Address Montpellier House
 Judges Walk

Scale 1:1,250



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

1. The site comprises a predominantly single storey dwelling which has been substantially remodelled, accessed from a long private drive on the west side of Judges Walk. The site is adjoined to the north and south east by large detached three and two storey residential dwellings facing Judges Walk. Further detached dwellings surrounded by large gardens adjoin to the west. The dwellings own garden and Newmarket Road adjoins to the south.

Constraints

2. The site is within the Newmarket Road Conservation Area and adjoins the Unthank and Christchurch Conservation Area to the north. A number of surrounding trees are subject of Tree Protection Orders.

Relevant planning history

- 3.

Ref	Proposal	Decision	Date
15/00317/F	Extensions and alterations to dwelling.	APPR	15/06/2015
15/01059/D	Details of Condition 3: materials; Condition 5: supplementary Arboricultural Method Statement; Condition 6: replacement tree planting and Condition 7: details of bat roosts of previous permission 15/00317/F.	APPR	22/09/2015
15/01451/NM A	Non Material Amendment to roof tiles of previous permission 15/00317/F.	APPR	20/10/2015
15/01558/NM A	Amendment to planning permission 15/00317/F: changes and overall reduction to fenestration, change to green roof system and removal of internal staircase.	APPR	18/11/2015
16/00394/NM A	Amendment to planning permission 15/00317/F to allow various external alterations.	REF	19/04/2016
16/00867/VC	Variation of Condition 2 of previous permission 15/00317/F to retain external alterations to the dwelling, including reduced ridge height, increase in height of east facing wall and installation of windows at ground floor level.	PCO	

The proposal

4. Planning permission was granted in June 2015 for substantial extensions and alterations to the existing bungalow, to create a remodelled dwelling (ref: 15/00317/F, see above). Construction has proceeded on site to implement this permission. However following enforcement complaints and further investigations it was noted that the development has been constructed in some areas differently to the approved plans: The overall ridge height of the dwelling has been reduced slightly by 600mm in comparison with the approved scheme; The height of east facing wall has increased by 420mm; and additional windows have been installed at ground floor level to southeast elevation.
5. As such this application has been submitted in order to regularise the situation. It is understood that the changes to roof of the dwelling in comparison to the approved scheme took place in order to comply with separate restrictive covenants on the site.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	1
Total floorspace	371 sq m approx.
No. of storeys	2 (1 st floor storage only)
Appearance	
Materials	Red brick to match, smooth white insulated render, slate roof, black aluminium / timber composite framed windows.
Construction	The original house was constructed in a conventional brick and blockwork construction style.
Energy and resource efficiency measures	Additional insulation and new high performance glazing have been installed as part of the remodelling works, and a green roof incorporated on flat roof areas.

Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation from three neighbouring occupiers have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Stringent conditions that were originally imposed have been ignored.	Concerns are noted. Enforcement action has been taken where appropriate, for instance, the serving of a Temporary Stop Notice in relation to works near to trees. All other conditions will continue to apply to the development and further enforcement action can be taken against breaches of planning control.
Permission is now sought retrospectively which makes a mockery of the planning system.	Concerns are noted. However it is not illegal to carry out works without planning permission, although any works are at the owner's risk. The planning system allows for submission of retrospective planning applications, and these need to be considered in the same way as normal applications.
The original application was controversial and attracted a lot of objections. This additional application has been required after discrepancies have been noted during enforcement site visits.	It is correct that the discrepancies between the as built development and the approved plans were brought to the Council's attention and were verified following an enforcement site visit. The current application attempts to regularise the differences between the approved plans and as built on site.
No clear explanation has been provided as part of the application as to why the ridge has been lowered and the height of the principle elevation increased.	It is understood that the ridge has been lowered and the height of principle elevation has increased following negotiations with neighbouring properties with regard to restrictive covenants on the site.
Proposals will detract from the amenity of neighbouring occupiers as a result of alterations at roof level contrary to planning conditions of the original consent.	This issue is addressed within main issue 2 of the report.
What protections are available to neighbouring residents if further unauthorised works to the roof are carried out.	Any future breaches of planning control, can be subject to enforcement action in the normal manner.

Consultation responses

- No consultation responses have been received in relation to this application.

Assessment of planning considerations

Relevant development plan policies

8. **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
 - JCS3 Energy and water
9. **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
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage

Other material considerations

10. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design
 - NPPF11 Conserving and enhancing the natural environment
 - NPPF12 Conserving and enhancing the historic environment

Case Assessment

11. 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 Framework (NPPF), the Councils 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 / Heritage

12. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56 and 60-66, 128-141.
13. The approved development as part of application 15/00317/F involved a series of extensions to the existing bungalow to east and west elevations and an extension to the projecting gable to the south. The originally approved scheme also included habitable accommodation within the roof space at 1st floor level. During construction the design of the roof of the dwelling was changed in order to comply with separate

restrictive covenants on the site. Habitable accommodation has been omitted from first floor level and only storage is now proposed in this area.

14. As a result the overall ridge height of the dwelling has reduced by approx 600mm, but the east facing elevation of the dwelling has increased by approx. 420mm in order to accommodate sufficient head height for the staircase to access the first floor storage area. A number of other minor changes to the design of the building have also taken place such as: installation of a window at ground floor level in the east elevation; re-ordering of windows and rooflights to the south elevation, and change to roof of the single storey rear extension to the south.
15. The increase in height of the east elevation of the dwelling would change the proportions this section of the building and increase its apparent bulk and prominence to a small extent. However it would still appear as a relatively minor change and the original design ethos of the proposal would be retained.
16. In addition the reduction in the overall ridge height of the dwelling would reduce its visual prominence when viewed from surrounding properties within the conservation area. Overall the changes to the roof of the dwelling are not considered to be significant in nature and would not harm the appearance of the dwelling or detract from the character and appearance of the surrounding conservation area.
17. The further changes to fenestration to the south and east elevation are also considered to be minor in nature and would be largely invisible from outside of the application site. As such all the above changes would not detract from the appearance of the house or conservation area, in accordance with the aforementioned policies.

Main issue 2: Amenity

18. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
19. The increase in the height of the eastern elevation would result in a small increase in glazing facing the neighbouring property to the east. However this section of the building will be substantially screened by the existing garage on the application site. In addition the increased area of glazing will be at high level to a double height space and will not allow overlooking towards adjoining properties.
20. The window installed at ground floor level to the east elevation would not result in any increase in overlooking views as this will be prevented by existing boundary treatments. In addition if installed separately after the main building works this window would not have required planning permission on its own.
21. All other alterations to windows and rooflights are considered to be minor and would not result in any increased overlooking views. As such the proposals are not considered to detract from the amenity of neighbouring occupiers.

Compliance with other relevant development plan policies

22. The proposals are considered to be in all other respects the same as the previously approved scheme and would comply with development plan policies for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes
Energy efficiency	JCS 1 & 3 DM3	Yes
Water efficiency	JCS 1 & 3	Yes
Sustainable urban drainage	DM3/5	Yes

Other matters

23. All planning conditions which have been attached to the previous consent and are considered appropriate are to be reattached to this current application.

Equalities and diversity issues

24. There are significant/There are no significant equality or diversity issues.

Local finance considerations/

25. 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.
26. 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.
27. In this case local finance considerations are not considered to be material to the case.

Conclusion

28. The works the subject of this application would not harm the appearance of the parent building or the character and appearance of the surrounding conservation area. In addition they would not detract from the amenity of any neighbouring occupiers. The development is therefore 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.

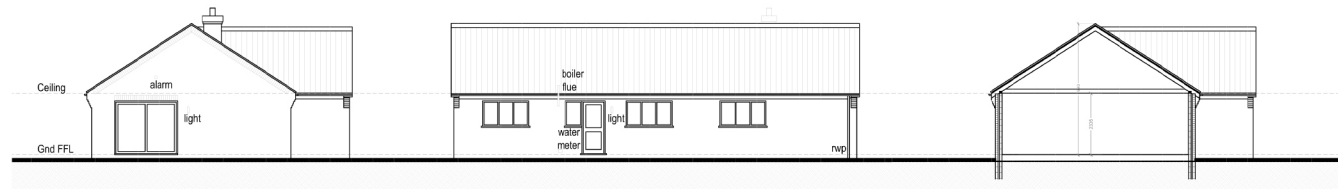
Recommendation

To approve application no. 16/00867/VC - Montpellier House Judges Walk Norwich NR4 7QF and grant planning permission subject to the following conditions:

1. Removal of permitted development rights (alterations to the roof and insertion of windows
2. Details of retained and supplementary boundary treatments the same as previously approved discharge of condition.
3. Details of bat roosts and supplementary tree planting as approved as part of previous discharge of condition application.

Article 35(2) statement

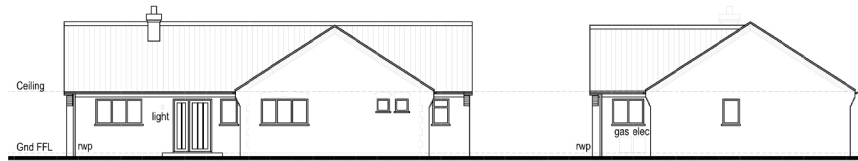
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined above.



Existing
Side Elevation - (South)

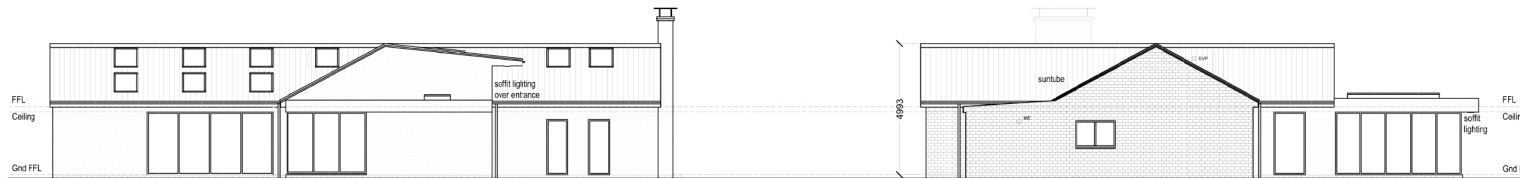
Existing
Rear Elevation - (West)

Existing
Section AA



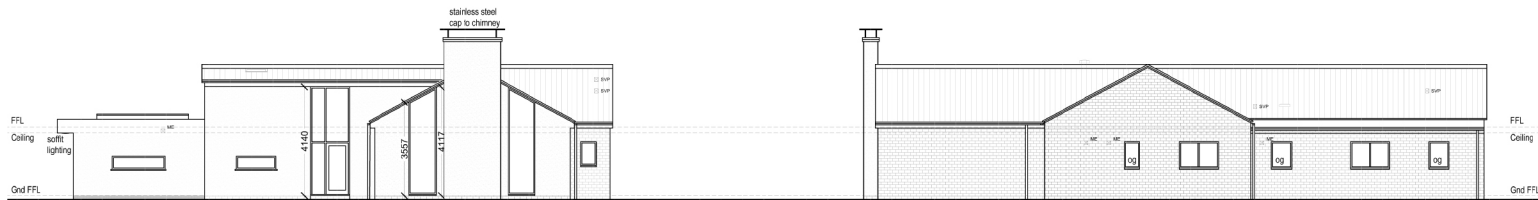
Existing
Front Elevation - (East)

Existing
Side Elevation - (North)



Proposed
Side Elevation - (South)

Proposed
Rear Elevation - (West)



Proposed
Front Elevation - (East)

Proposed
Side Elevation - (North)

Materials:
Existing brickwork re-clad in insulated smooth white render / red brick - as elevations. New brickwork to match.
Roof - Dark plain tiles.
Windows - Black Aluminium / Timber composite windows.

NOTE: Dimensions taken from DPC

Q	07.03.2016	dic	Kitchen rooflight position adjusted to suit client comments
N	03.03.2016	dic	Rooflight over kitchen added in accordance with clients requests.
M	18.02.2016	dic	Updated in accordance with clients requests - kitchen fenestration revised, fenestration mullion setting out revised, velux added, main entrance front wall height increased.
L	10.12.2015	dic	Kitchen fenestration revised generally, ridges reduced by 600mm to extg height
K	12.11.2015	dic	East elevation roofline revised to suit LPA comments
J	05.11.2015	dic	Glazing revised to Living Rm, Bod 01 - Kitchen. Roof lantern position adjusted to suit kitchen layout.
I	03.09.2015	dic	Building Rises Issue / client issue
H	13.07.2015	dic	Glass roof over kitchen replaced with green roof and lantern. Overhang added to main entrance. Minor adjustments to windows to North and West elevation to suit revised plan layout. Glazing revisions to master bedroom and kitchen.
G	18.05.2015	dic	Sections added.
F	08.05.2015	dic	North western elevation reduced in length. Ex suite window omitted and velux added, additional kitchen windows added PLANNING ISSUE .
E	01.05.2015	dic	Client comments added as instructed.
D	24.04.2015	dic	Ridge height reduced. Western extension set back. Southern extension added, layout revised generally.
C	02.02.2015	dic	North - East elevations updated to reflect client comments
B	26.01.2015	dic	Elevations added
A	17.12.2014	dic	Client comments added for redesign

REV	DATE	CHK	AMENDMENTS
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c a + p s

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CLIENT
Mr +Mrs Howie
JOB
**Extension to Montpellier House
Judges Walk, Norwich**

DRAWING	SCALE	1:100	PAPER	A1	DATE	Dec 2014
Proposed + Existing Elevations	JOB	DWG	REV	SH1	SH1 011	0