

Report to Planning applications committee
Date 6 December 2012
Report of Head of planning services
Subject 12/01759/F Rear of 126/128 Waterloo Road Norwich NR3
3HZ

Item
6(1)

SUMMARY

Description:	Erection of one and a half storey dwelling with integral garage.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Sewell
Contact Officer:	Mr John Dougan Planner 01603 212504
Valid Date:	25 th September 2012
Applicant:	Mr K Purnell
Agent:	Mr Tim Linsted

INTRODUCTION

This application was originally brought before the planning applications committee on 8th November 2012 where members resolved to defer the application for a site visit which will have taken place immediately prior to the meeting..

The applicant has provided a slightly revised site plan (TL-2803-12-2D) indicating some site measurements together with an illustration of how 3 cars can exit the site in a forwards movement.

The Site

Location and Context

1. The area is residential in character and located between Waterloo Road and Heath Road being an accessible location with access to various bus routes, shops and services. There are various styles of dwellings in this location including flats to the south west and west, terraced style properties to the north/south east and flats to the east. There is a communal parking area to the east which serves various properties in the area. The road leading up to the front of the site is adopted as an unclassified road with the areas to the east and west being unadopted. The frontage of the site has no parking (double yellow line).
2. A key characteristic of this area are the mature trees within the site and the other rear gardens of properties along Waterloo Road each being identified on the site plan.
3. The wider site under the applicant's ownership is occupied by a semi-detached two-storey pitched roof property which is currently subdivided into two flats (126 and 128). It has also recently had approval for an additional flat above no.128. These

flats are served by amenity space to the rear and running along the boundary with no.124b. The land being stepped and bounded by a 1.8 metre close boarded fence to the north/south.

4. The application site commands a corner plot which is currently a shingle parking area providing 2 parking spaces for each of the 3 dwellings. This is above the maximum parking standard of 1 per dwelling. It is noted that the rear balcony of 124b is raised above the existing close boarded boundary treatment. Its positioning and elevated structure means that it currently overlooks the rear amenity area of the existing 126/128 Waterloo Road.
5. To the west of the site there is a mature tree set at the upper level of an existing retaining wall shown on the site plan. The site also includes part of a cycle shed which also serves the other flats to the west.
6. The shaded area on the eastern edge of the site was identified as being under the ownership of the council and a revised site plan (Drwg no. TL-2803-12-2C) submitted to reflect this.

Constraints

7. The site is also identified as an area of main archaeological interest.

Topography

8. This is a relatively flat site with a retaining wall to its western side

Planning History

- 12/00705/F - Erection of one and a half storey dwelling with integral garage (withdrawn)
- 11/01521/F - Proposed apartment above 128 Waterloo Road. (APPR - 13/10/2011)
- 820133/O - application for a pair of semi detached dwellings in the rear garden – (ref 04/02/1982
- 25695 - consent granted for garage to the rear 12/10/61.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

9. Erection of one and a half storey dwelling with integral garage and amenity space to the rear of 126/128 Waterloo Road

Representations Received

10. Adjacent and neighbouring properties have been notified in writing, the revised neighbour consultation expiring on 1st November. 7 letters of objection has been received citing the issues as summarised in the table below.

11.

Issues Raised	Response
The proposal is not in keeping with the character of the area by reason of scale, size and rear location possibly setting a precedent	17, 28-35
The close proximity of the proposed dwelling to our main living area (124b) would negatively impact on our privacy by causing overlooking from the dwelling into our home and visa versa.	19-24
The proposed dwelling will shut out the majority of light from its southern aspect to our main living area, garden & balcony.	25-27
The limited car parking provided for the three properties (126-128 plus approved flat above) must use the amenity area surrounding the proposed bungalow for access. This means that these vehicles must pass through and turn within this area. This contradicts planning regulations for use of amenity area and therefore the plans provided are invalid.	35, 38 and 39
There is currently a problem with cars safely exiting 126-128 back garden/parking area. The road just outside this property/gate is extremely narrow and does not allow a vehicle to exit the property without driving onto the pavement and making multiple turns to exit.	39-42
The congestion and pollution this causes is unacceptable. Surely there would be higher pollution levels, and this is especially so with the parking adjacent to the said dwelling.	45-46
The proposed dwelling would adversely affect the setting and amenity of the neighbourhood by reason of its proximity and introduction of additional vehicular movements alongside and to the rear of the existing dwelling.	39-42
Previous applications for erection/use of a garage at 122 Waterloo Rd (& 124 Waterloo Rd) has been refused. The garage that was subsequently built at 122 Waterloo Road cannot be used as a garage for parking vehicles. Therefore Mr. Purnell's proposal for the erection and use of a garage would be invalid for the same reasons as the two aforementioned properties.	17
Building work would impact on route zone of mature trees and impact on other wildlife they support	50-52
Council car park to rear of the flat already poses significant noise and pollution to me. A new dwelling would mean more vehicles using	39, 45 and 46

this car park increasing noise pollution levels.	
Discrepancy over the boundaries(s), between the site plan and the fence line of our adjoining properties to the north.	This is not a material planning consideration. The area in question is outside the red line boundary
The applicant does not own the land at the eastern part of the site	<p>The applicant was informed that not all landowners within the site red line had been notified making the application procedurally invalid.</p> <p>Evidence of the applicant serving notice on all landowners within the red line has been supplied. It is also understood that the issue ownership / right of access over the land to the east of the site (shaded in grey) is currently under negotiation between the applicant and the landowner. The application is valid and should be assessed on its planning merits.</p>

External consultation responses

12. Highways – no objection

13. Norfolk Historic Environment Service – no objection

14. Norwich Society - Parking arrangements for 3 existing dwellings seem unsatisfactory, the proposed new dwelling having access across its garden and parking in front of its windows as well as a loss of amenity space.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Statement 7 – Requiring good design
- Statement 11 – Conserving and enhancing the natural environment

Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008

- SS1 – Achieving sustainable development

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

- Policy 1 - Addressing climate change
- Policy 2 - Promoting good design
- Policy 3 - Energy and water
- Policy 4 - Housing

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

- HBE12 – Design
- HOU13 – Proposals for new housing developments on other sites
- NE9 – Landscaping
- EP16 – Water conservation
- EP18 – Energy Efficiency
- EP22 – Amenity
- TRA5 – Approach to design for vehicle movement
- TRA6 – Parking standards
- TRA7 – Cycle standards
- TRA8 – Servicing

Principle of Development

Policy Considerations

15. The key policy used in the assessment of this proposal is HOU13 which states that other sites will be assessed against various criteria such as design, layout, vehicular access, amenity space, good accessibility to services and in keeping with the character of the area.
16. The site is located to the north of Norwich within walking distance of key services and facilities at Anglia Square, a large district centre and the local centre at the corner of Aylsham Road and Waterloo Road. Therefore subject to meeting the requirements of the various policies and criteria, the proposals are considered to be acceptable in principle.
17. The planning history e.g. the refusal of two semi-detached dwellings in 1983 is noted. However, every application is assessed on a case by case basis and based upon current planning policy. A key policy change is the emergence of the National Planning Policy Framework which promotes a presumption in favour of sustainable development.

Impact on Living Conditions

18. This is an important issue for this development due its close proximity to amenity areas and windows of nearby properties. These properties include 124, 126 and 128 Waterloo Road, the flats to the south and properties to the south east and east some of which have raised objections to this development via the withdrawn and current applications.

Overlooking / loss of privacy

19. Overlooking and loss of privacy is an issue which causes some concern, especially via the first floor window on the east elevation and the position of the new amenity space relative to the amenity space of no.124b's (balcony) and the first floor balcony on the flats to the west.
20. Whilst an important issue, consideration must also be given to the fact that there is already an amenity area facing no.124b's raised balcony serving flats 126 and 128 Waterloo Road.
21. There will be no direct overlooking from the proposed dwelling to no.124b as there are no windows on that elevation. The addition of the new amenity area (replacing the existing one) serving the proposed dwelling is not considered to have a significant additional impact between both properties. However, the applicant has agreed to mitigate any additional impact by adding a planting buffer between no.124b's balcony and the revised amenity area. This is actually deemed to be an improvement to the current situation and the details can be agreed by imposition of an appropriate condition.
22. Regarding possible overlooking concerns/loss of privacy raised by the owner of no. 68 Heath Road in the previously withdrawn application. 68 Heath Road has some habitable windows on the ground and upper floors together with an outdoor amenity area bounded by a relatively low wall. On measuring the site plan the window does not directly overlook the areas in question and is at a distance of approximately 17 metres. Given the slight offset and distance, it is not considered that the impact is significant enough to result in a significant detrimental impact on the amenity of the neighbouring property.
23. Three roof lights will be facing the direction of flats on Jolly Gardeners Court to the south. Whilst these windows are not considered to look into any sensitive area, persons in the open landing area of the flats could reduce the privacy of the occupant's using the first and second bedrooms. It is therefore recommended that a condition be added requiring that these windows be of obscure glazing.
24. The existing tree will ensure that no overlooking from the new first floor window on the west elevation to rear windows of 128A will result.

Overshadowing / loss of daylight

25. Given the orientation of the dwelling, the key area in question is the rear amenity area of no.124b to the north including their raised balcony. It is considered that the proposed dwelling will result in some additional overshadowing as the sun shines from the south.
26. The additional levels of overshadowing are very difficult to quantify as this amenity area would already be subject to significant levels of overshadowing caused by the mature trees to the east and the south west of the balcony. Given the spacing between the proposed dwelling, roof orientation and the fact that it is set at a lower level, any additional overshadowing is considered to be insignificant.
27. In regards to loss of daylight to no.124b's living room/balcony, no significant adverse impact is expected. This is due to the spacing between proposed dwelling and 124b's boundary and being relatively low level. This is well illustrated in the street scene elevation supplied.

Overbearing Nature of Development

28. The issue of the impact of building was raised with the applicant in the previously withdrawn application. The applicant has provided a street scene elevation showing the proposal's relationship with surrounding properties to the north, south and west and reduced the length of the dwelling by 1 metre. This illustration demonstrates that the proposal will not introduce a dominant feature which would significantly reduce any loss of outlook of adjoining properties.

Scale, design and layout

29. Whilst the current parking area adjoins the rear gardens of properties along Waterloo Road, it also fronts an unclassified adopted road from Heath Road including flats and the rear of other terraced properties.
30. Being a corner plot, the site commands a prominent position in the street scene and will be visible from the rear and front of many properties served off the access road. The key issue is not that it can be seen but whether or not it is of scale and design that is appropriate for the site and the area.
31. The proposal is not considered to be out of place when viewed from Heath Road or from the rear of many of the properties along Waterloo Road. This is due to the proposed dwelling being at a lower level to the dwellings along Waterloo Road coupled with the height of the dwelling only being 1.5 storey and using similar materials to the adjoining properties. This is demonstrated in the street scene elevation provided by the applicant.
32. The site's setting in amongst mature trees also has an important mitigating effect by softening the impact of the built form when viewed by other properties in the nearby area. It should be remembered that the property is not completely clearing an existing garden area but instead an existing shingled parking area so no significant loss of greenery will result.
33. The site's amenity space is considered to be adequate for the purposes of a two 2 bed dwelling providing sufficient space for cycle storage, some landscaping, bin storage and cycle storage, being further improved by the applicant reducing the length of the dwelling by 1 metre from that proposed in the previously withdrawn application. The planting buffer to the northern edge of the site is considered a welcome addition, enhancing the experience for residents as well providing screening to the property to the north. Details of type and arrangement of such planting can be confirmed by condition.
34. A further important consideration is ensuring that the existing three dwellings have sufficient amenity space. The applicant has demonstrated this on the revised site indicating boundary treatment in the form of a 1.8 metre fence between the proposal and the existing dwelling units as well as indicative amenity provision (bin and cycle storage, drying areas and general relaxation space).
35. It is acknowledged that there could be a slight conflict between the turning/parking area, the entrance to the proposed dwelling and the access route to the existing dwellings to the rear. Whilst not ideal, this experience could be enhanced via the sensitive use of surface materials such as grasscrete and features which provide

protection for all residents as well as sensitively positioned bollards. Such an approach will also deliver an improvement to the frontage of the site. It is therefore recommended that these matters including landscaping and details of the access gate be subject to condition.

Parking, access and refuse storage

36. The concerns raised by neighbours and a consultee relating to parking, highway safety and pollution are noted. It is acknowledged that the parking arrangement is rather tight including its relationship with the new front door and the likely requirement for vehicles to reverse out of the access. The turning area is however not a prime amenity area for the occupants as indicated by the objector.
37. The Highways Authority has viewed the proposal and believe the site to have sufficient parking for the dwelling and the other three properties. They have also raised no concerns relating to highway safety or increased car use.
38. Concern has been raised about the externalising of parking onto the public highway or the council owned car park. There is no evidence to suggest that an additional dwelling will result in significant harm in the form of parking outside the site and in the nearby car park. The site meets the maximum parking requirements for such a single dwelling, so it would be unreasonable to suggest that such a small scale development would result in significant additional levels of parking in this area.
39. Further discussions with Highways indicate that a turning isle/parking arrangement of 11.6 metres wide, exceeds the minimum standard by 400mm allowing for egress in a forward motion. Whilst theoretically possible, it is acknowledged that the car using the integral parking space is likely to leave the site in a reverse motion.
40. Any such reversing movements are considered acceptable by the Highways team as the access is wide enough and is on a relatively lowly trafficked unclassified road with similar manoeuvres evident in the existing garages to the rear of Heath road. There is also no clear evidence of any accident clusters in this location.
41. The Highways team did however recommend that any gates be inwards opening ensuring no conflict occurs with adopted highway. This matter can be conditioned in any approval.
42. It should be remembered that the proposal is located in an accessible location with bus routes and sufficient cycle storage providing alternative sustainable means of transport for the occupants.
43. The applicant has stated that there is sufficient provision for refuse storage for the two existing flats, the recently approved one and the current proposal. Provision for the current proposal is illustrated in the site plan being located beside the existing cycle shed.

Environmental Issues

Noise and air quality

44. The development will result in additional activities associated with a residential use such as residents using the amenity area, car parking and visitors coming to the site.
45. This may result in a slight increase in noise levels or fumes emitted from car exhaust but at a level that is not considered to result in significant net increase that would normally be expected in an urban location. Refusal on these grounds would be considered very unreasonable.

Archaeology

46. The site is on land classed as an area of archaeological interest. The County Archaeologist has confirmed that they have no objection.

Energy Efficiency and water conservation

47. Some very general information on energy efficiency has been provided which suggests that the proposals will be insulated to a high standard. The development is below the threshold to trigger most of the energy efficiency policies. However the requirement under policy 3 of the JCS for code 4 water efficiency applies. The applicant has submitted details confirming that the proposal will achieve code level 4.

Biodiversity

48. The site has a small area of lawn with much of it being laid to shingle and is unlikely to be a significant habitat for wildlife. Given the existing state of the site, it is anticipated that any associated clearance work will not adversely impact on any wildlife.

Trees and Landscaping

49. Whilst the site is set amongst existing mature trees, only one of them is located within the site, being set behind an existing retaining wall. Given the development's close proximity to their root zones, strict adherence to the Arboricultural Method Statement (AMS) is required.
50. Further inspection by the Council's Tree officer confirmed that the AMS did not fully address the matter of the new path running along the northern part of the site and associated tree protection methodology.
51. It is therefore recommended that a condition be added to any approval requesting a supplementary AMS to ensure protection of the nearby trees.

Equality and Diversity Issues

52. There are not considered to be any significant equality or diversity issues.

Conclusions

53. The site is located within a sustainable location with easy access to services and facilities, the provision of a dwelling on the site is therefore considered to be acceptable in principle, helping encouraging its residents use alternative sustainable forms of transport.
54. Whilst it will represent a new addition to the streetscene it is of a scale which is not considered to be overly prominent in the context of the existing built environment and neighbouring properties. In fact it is not considered to be overly out of character as it adds to the existing residential styles evident in the area.
55. Further improvements have been made in the form of a reduction in its length by one metre, increasing the amount of amenity space available for its occupants as well as slightly reducing its scale in the street scene. The proposal will no doubt obstruct no.124b's view to the south, but this is not a material planning consideration. It is also at a distance and height which will not result in significant loss of light to that property. In regard to privacy and overlooking, the proposal including the new landscaping along the north boundary, will actually improve the current state of affairs experienced by both property owners.
56. Given the proposal's orientation, some overshadowing will be projected towards the balcony of 124b. Whilst a key source of sunshine in the context of this site, the impact is not considered to be significant enough to warrant refusal due to the spacing and orientation of the roof structure relative to the balcony area.
57. The amenity space and refuse provision for the proposal and 3 flats within the existing site are considered to be achievable, but further information is required to ensure that satisfactory arrangements are made. This matter can be addressed by condition.
58. The parking arrangement serving the 3 flats and the proposal appears rather tight, especially its relationship with the new front door of the dwelling and rather confined turning area. Whilst not ideal, the Highway Authority have indicated that the arrangement meets the Council's requirements for safe access/egress and parking. The surfacing and detail of this parking turning area together with the user experience could be enhanced via the imposition of condition.
59. The comments from the Council's Tree officer indicate that their protection is achievable subject to a condition requiring a supplementary AMS for the new path area. Similarly, the addition of another dwelling is not considered to have a material adverse impact on the air quality of this urban location. Furthermore, the submission indicates that it will be designed to a good standard of water and energy efficiency.
60. All development will have positive and negative impacts on an area. This proposal is no exception and in this case the merits are considered to outweigh the negatives. Given the NPPF's presumption in favour of sustainable development, this application should be approved subject to conditions.

RECOMMENDATIONS

To approve application no 12/00759/F at 126/128 Waterloo Road for the following reasons, subject to the following conditions:

1. Time limit.
2. In accordance with the plans.
3. Details of parking and turning area surfacing, landscaping, shingle access path construction and planting along north boundary.
4. In accordance with the approved AMS.
5. Submission of a supplementary AMS for the construction of the new footpath.
6. Access gate to be inwards opening.
7. Obscure glazing condition (roof lights on south elevation).
8. Provision of cycle and refuse storage prior to first occupation.

Reasons for approval:

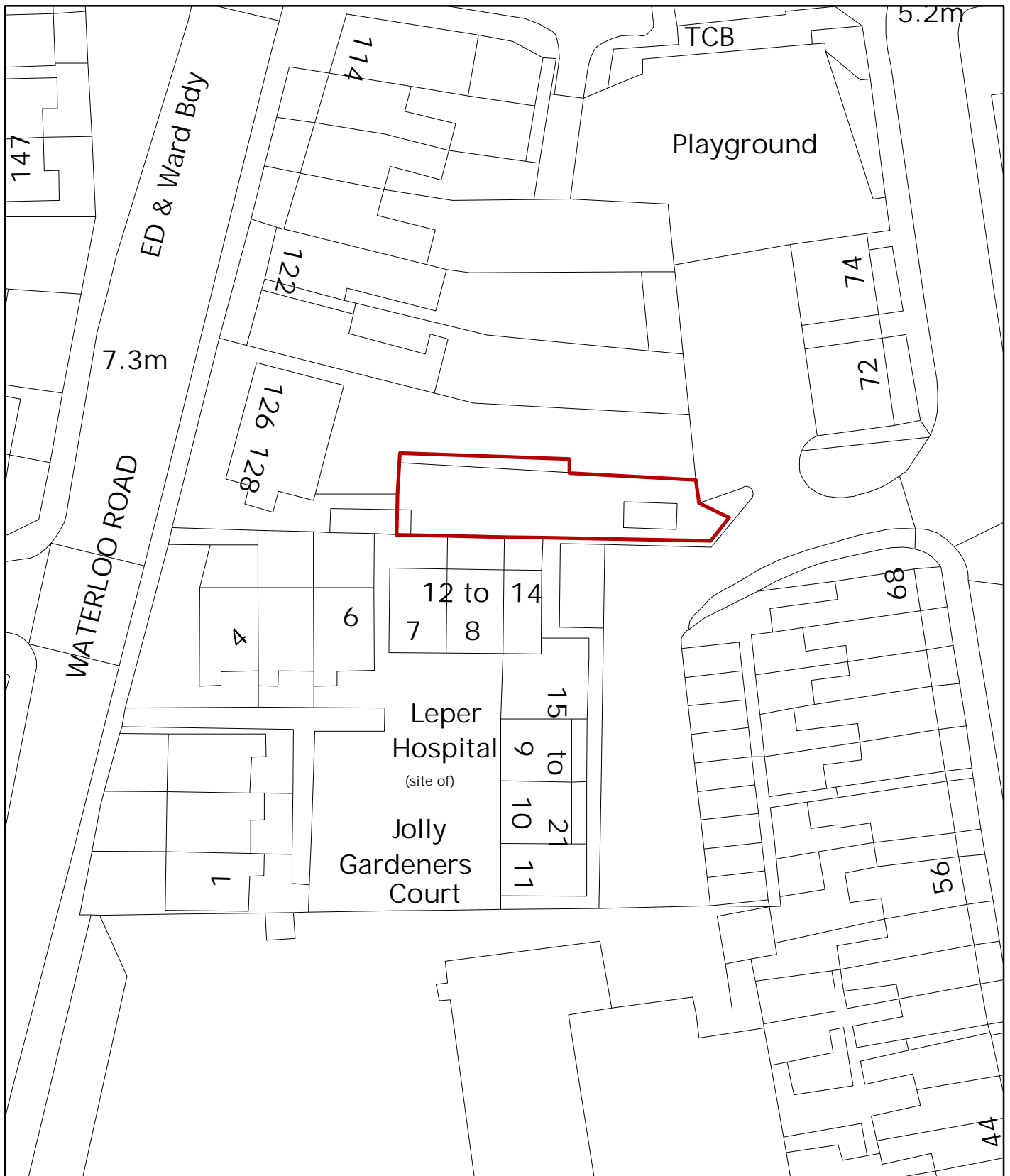
The principle of siting a dwelling in this accessible location is considered to be acceptable ensuring the efficient use of land with its occupants having easy access to key services and facilities with sustainable transport alternatives available.

The design and scale of the dwelling in the context of this setting, together with the mitigatory boundary planting to the north will introduce a feature which is not a significant deviation from the residential character evident in the area and not result in significant loss of residential amenity to nearby properties in particular no.124b to the north.

The vehicle movements and associated impacts such as vehicle fumes are not considered to be a significant deviation from the existing built environment. Similarly, the access/egress and parking arrangements for the proposal and the existing two dwellings (and recently approved flat) have been confirmed as acceptable by the Highway authority, so there are no reasonable grounds to believe that any significant highway safety concerns will result. Further improvements to parking/turning area can be confirmed by condition.

The protection of the mature trees and their associated character and wildlife value both within and outside the site can be assured by implementation of the Arboricultural Method Statement (AMS) and a supplementary AMS to ensure the new path does not adversely impact on the root zone of nearby trees.

The proposal is therefore compliant with statements 7 (inc para 17) and 11 of the National Planning Policy Framework 2012, policies 1, 2, 3 and 4 of the Joint Core Strategy for Norwich Broadland and South Norfolk 2011 and saved policies HBE12, EP22, NE3, NE9, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan 2004.



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Planning Application No 12/01759/F

Site Address 126 and 128 Waterloo Road

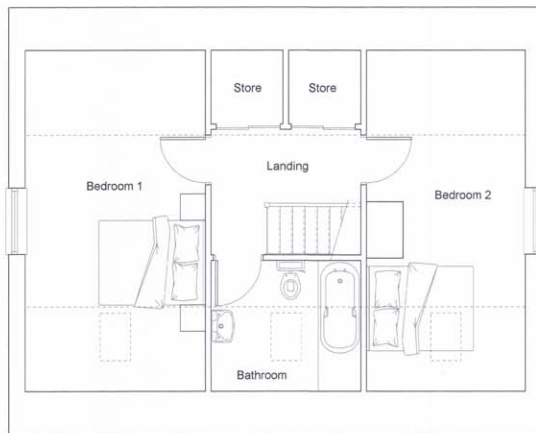
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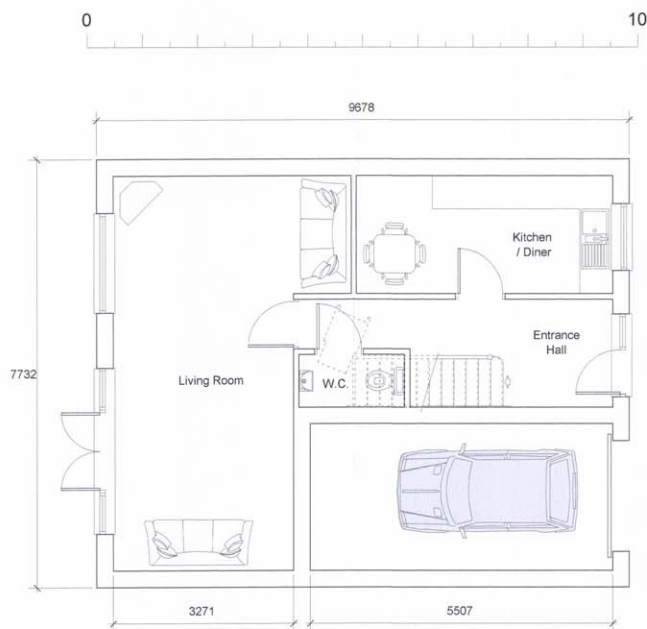
NORWICH
City Council

PLANNING SERVICES





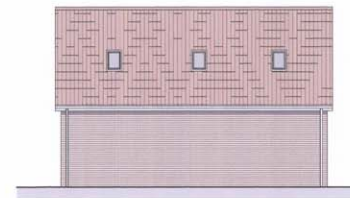
Proposed First Floor Plan 1:50 @ A1



Proposed Ground Floor Plan 1:50 @ A1



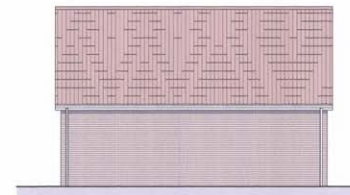
Proposed Front Elevation 1:100 @ A1



Proposed Side Elevation 1:100 @ A1



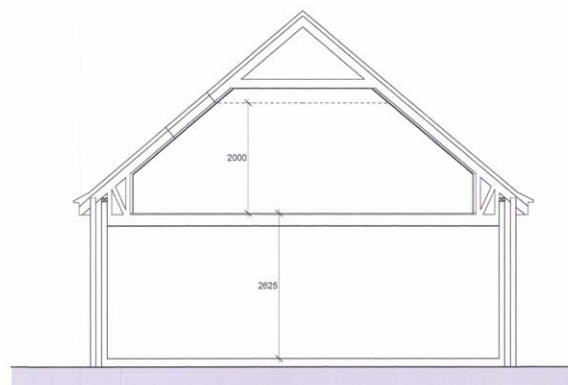
Proposed Rear Elevation 1:100 @ A1



Proposed Side Elevation 1:100 @ A1



Proposed Front Elevation Showing Neighbouring Properties 1:100 @ A1



Section Through 1:50 @ A1

Revision A: 25.8.12 Alterations for new planning application

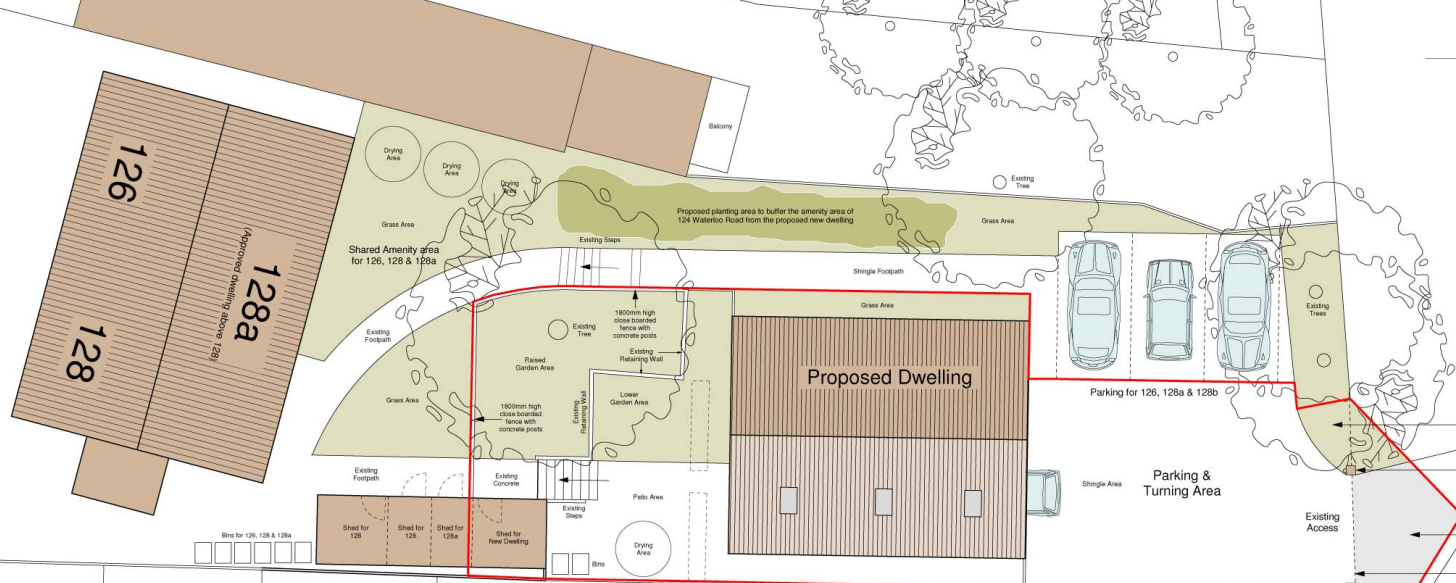
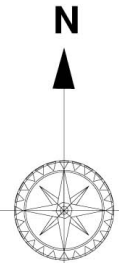
PLANNING APPLICATION ISSUE

**Proposed Dwelling Adjacent to
128 Waterloo Road, Norwich
Norfolk, NR3 3HZ
For Mr. K. Purnell.**

**Date: March 2012 Scale: 1:100, 1:50
Dwg No. TL-2803-12-1A**

Proposed Layout Plans & Elevations

WATERLOO ROAD



- Area of land to be laid to planting to match existing
- New gate posts to be created on the approximate line of the site boundary
- Existing triangular section of land to be re-installed in terms as ownership is not known
- New boundary kerb to be laid to indicate the site boundary

Jolly Gardeners Court

12

to

14