

Report to Planning applications committee

Item

13 September 2018

Report of Head of planning services

Subject Application no 18/01025/F - 1 Leopold Close, Norwich,
NR4 7PR

4(f)

Reason for referral Objection / Called in by an elected member

Ward:	Eaton
Case officer	Charlotte Hounsell - charlottehounsell@norwich.gov.uk

Development proposal		
Construction of one and a half storey dwelling.		
Representations		
Object	Comment	Support
5	1	0

Main issues	Key considerations
1 Principle	Residential use of land
2 Design	Scale, form, materials
3 Amenity	Loss of light/privacy
4 Highways	Parking and servicing provision
5 Trees	Removal of vegetation
Expiry date	31 August 2018
Recommendation	Approve



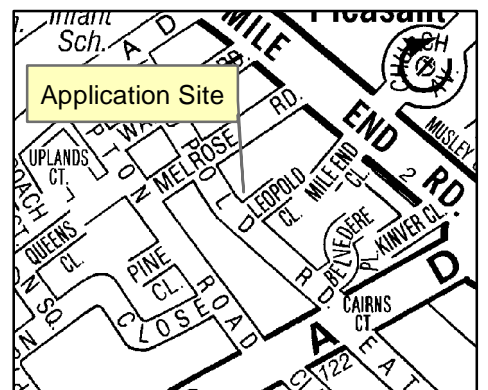
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Planning Application No 18/01025/F
Site Address 1 Leopold Close
Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The subject site is located on the East side of Leopold Close, West of the city centre. The plot is current occupied by a single dwelling and forms a corner plot to Leopold Close. As the property is located on the corner, the large rear garden area runs adjacent to Leopold Road. The garden area has been split with a timber fence so that one area remains in the use of 1 Leopold Close and the remainder is vacant land. There are a number of large bushes that have grown to a significant height along the Northern border. At present this area is occupied by a disused garage and overgrown planting. The garden area borders the garden space of No. 2 Leopold Close to the East and a garage site to the North. The surrounding area is residential in character, although the properties in Leopold Close are of a distinct flat-roofed design compared with the more varied property styles along Leopold Road.

Constraints

2. The site is located within a critical drainage area.

Relevant planning history

3. There is no relevant planning history.

The proposal

4. The proposal is for the subdivision of the plot and the construction of a 1.5 storey 3 bedroom dwelling with associated garden and parking space.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	1
Total floorspace	108.6m²
No. of storeys	1.5
Max. dimensions	Approx. 13.00m x 8.00m, 2.70m at eaves and 7.30m max. height.
Appearance	
Materials	To be conditioned
Transport matters	
Vehicular access	New access proposed from Leopold Road

Proposal	Key facts
No of car parking spaces	2 off-road spaces

Representations

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Six letters of representation have been received (including one Councillor representation) 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
This is a residential garden and should not be developed	See Main Issue 1
Surrounding development is not a precedent	See Main Issue 1
Over intense use of the site and out of keeping with density of area. Impact upon street scene.	See Main Issue 2
Design out character with Leopold Close	See Main Issue 2
Overlooking along Melrose Road and properties opposite	See Main Issue 3
Loss of light	See Main Issue 3
Loss of outlook	See Main Issue 3
Reflective glare into neighbouring dwellings	See Main Issue 3
Concern over access to exiting driveways	See Main issue 4
Insufficient line of sight on the bend	See Main Issue 4
Insufficient parking and reduction in on-street parking. Congestion along the road	See Main Issue 4
Loss of vegetation	See Main Issue 5
Loss of green views	See Other Matters
Concerns that changes will be made retrospectively	See Other Matters

Issues raised	Response
Restrictive covenants preventing garden development	See Other Matters
Congestion and access issues during construction	See Other Matters
Critical drainage area concerns	See Table in Section 33

Consultation responses

6. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Highways (local)

7. No objection on highway grounds. The development will require reconstruction of the footway for a vehicle crossover. Please contact us for technical advice and Streetworks permit for this work. It would be advisable for space to be designated for refuse bin storage. A secure covered cycle store is required e.g. suitable shed

Natural areas officer

8. The garage does not look particularly bat friendly. A note should be fine. Please include informative 9.

Tree protection officer

9. I have reviewed the application and have no arboricultural comments to make,

Assessment of planning considerations

Relevant development plan policies

10. **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
 - JCS4 Housing delivery
11. **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
 - DM12 Ensuring well-planned housing development

- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

12. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF8 Promoting healthy and safe communities
- NPPF 11 Making effective use of land
- NPPF 12 Achieving well-designed places
- NPPF 14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment

Case Assessment

13. 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: Principle of development

14. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 11, 12, 14 and 118.
15. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF (2012) states that local authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. This has been carried forward to Paragraph 70 of the 2018 version of the NPPF. The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.
16. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed in the table below given that:
- (a) The site is not designated for other purposes;
 - (b) The site is not in a hazardous installation notification zone;
 - (c) The site is not in the late night activity zone;
 - (d) It does not involve the conversion of high quality office space; and
 - (e) It is not in the primary or secondary retail area or in a district or local centre.

17. One letter of representation highlighted that there was a lack of precedent for the proposed development and cited differences between the current proposal and previous residential developments along Leopold Road/Melrose Road. The presence (or lack of) precedent for development is not material to the assessment of the principal of development which must be considered against development plan policy. Each proposal should be assessed upon its own merits whilst still accounting for context. The acceptability of this proposal has been assessed in the following sections.

Main issue 2: Design

18. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 95, 110, 122, 127-131.
19. Concerns were raised that the proposal would represent an over-intense use of the site and of a density incongruous to that of the surrounding area.
20. There is no uniform density of development in this area; properties range from larger detached/demi-detached dwellings within larger plots to the South, to more dense terraced development to the North. The existing host property currently benefits from a particularly large side/rear garden. The subdivided plot is of a size that can accommodate an additional dwelling along with garden space and associated servicing (ie parking). Therefore, the proposal is not considered to be an over-intense form of development or of a density incongruous to the surroundings that would significantly alter the prevailing character of the area.
21. Concerns were raised that the proposed dwelling would have an impact upon the streetscene. It is acknowledged that the construction of an additional dwelling will change the view along Leopold Road. At present this area is fairly open and vegetation makes a positive contribution. In this location, there is no apparent or strong building line for the proposed dwelling to take reference from. However, officers were concerned that the dwelling would appear overly prominent in what is currently a spacious part of the street. As such the proposal was amended to set the property back from the highway by an additional 2m to reduce its impact. As the property is 1.5 storeys it would have lesser impact than a full 2 storey building.
22. Comments were made that the dwelling would be out of keeping with the design of the dwellings along Leopold Close. The properties on the Close are of a very distinct 1950s design with flat roofs and a large proportion of fenestration. The proposed dwelling would be a 1.5 storey dwelling constructed of contemporary materials. The proposed dwelling would be read within the street scene of Leopold Road (as opposed to Leopold Close) and therefore it is considered appropriate that the dwelling would be of a design that differs to the host property. The use of contemporary materials will ensure the property appears as a modern addition to the streetscene.

Main issue 3: Amenity

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraph 91.
24. Concerns were raised in a number of representations relating to loss of privacy through the first floor windows of the property. The dwelling accommodates three bedrooms on the first floor, two of which would have small dormer windows within

the front roof slope. Given that the distance to the closest property on the opposite side of the road is approx. 18.00m minimum, overlooking to those properties is not a significant concern. The third bedroom would be served by a small window facing North. A number of neighbours are concerned about overlooking of properties and gardens along Melrose Road. However, the closest property is located approx. 25.00m from the proposed dwelling which is considered sufficient to prevent significant overlooking of properties. It is acknowledged that the garden spaces may be overlooked to an extent however such a relationship would not be abnormal for such an urban environment. Therefore the proposal is not considered to result in a significant loss of privacy for neighbouring occupiers.

25. Concerns were also raised that the proposed dwelling would result in a loss of light to neighbouring gardens and it was queried whether a BRE light assessment had been undertaken. In this instance a BRE assessment was not provided as part of the application and officers do not feel that this information is necessary to assess the application. The property is not considered to result in a significant loss light to the remaining garden space of No. 1 Leopold Close as it would be situated to the North. However, it is acknowledged that there will be a change in the amount of light to the gardens along Melrose Road and likely to 3 Leopold Close. However, the construction of the dwelling would not result in a significant loss of sunlight to the surrounding gardens compared with the current situation in both summer and winter months.
26. Several representations highlighted that the proposal would result in a change in outlook from green space to developed land. This issue has been addressed in section 37. The scheme has given consideration to the outlook of the immediate neighbours at number 1 by maintaining approx. 6.00m between the properties and utilising a hipped roof on the Southern side to reduce the massing of the building along the boundary. The neighbouring garden of No.3 extends across the back of the subject site and the outlook from the Northern section will be altered. However, a distance of approx. 4.40m would be maintained to the boundary with No. 3 (at the closest point) and the 1.5 storey form of the dwelling reduces the height and impact of the property.
27. Concerns were raised regarding the potential for reflective glare into neighbouring properties. The proposed dwelling would not utilise an excessive proportion of glazing and therefore reflective glare is not considered a matter which would warrant refusal of consent.

Main issue 4: Transport

28. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 102 and 108-110.
29. Concerns were raised over the safety of access to the site utilising a driveway on a bend in the road. The proposed access point to the site is located on a very slight bend of the road. However, Leopold Road is residential in nature with a number of other access point not dissimilar to that proposed as part of this application. In addition, the transportation officer did not raise any highway safety concerns with regard to the access point.
30. Concerns were also raised that the site does not provide for adequate off-road parking. In accordance with Appendix 3 of the Local Plan, a new dwelling in this

location would be expected to provide between 1 and 2 parking spaces. The driveway shown on the submitted plans indicates that there is adequate space for two cars to be parked off-road. The proposal therefore complies with the relevant parking standard.

Main issue 5: Trees

31. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 170 and 175.
32. The site is currently overgrown with a number of tall shrubs that are visible from the wider area. A number of neighbours have commented that trees would be removed from the site which would be detrimental to the character of the area. It has been confirmed with the Tree Protection Officer that the vegetation to be removed on site are large shrubs and are not trees. The loss of vegetation is considered to be outweighed by the benefits of providing addition housing. However, officers consider that a suitable landscaping scheme should be provided to mitigate this loss and take opportunities for biodiversity improvements, which should be secured by condition.

Compliance with other relevant development plan policies

33. A number of development plan policies include key targets 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 subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

Other matters

34. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation.
35. A neighbour noted that the property is subject to a restrictive covenant that restricts development within the garden. Restrictive covenants are a separate matter that is not a material planning consideration.
36. Concerns were raised that, should the development be approved, that retrospective changes or amendments would be made to the proposal. If the application is approved, the applicant will be required to carry out the development in accordance with the approved plans and details. It should also be noted that paragraph 130 of the new NPPF, requires that local planning authorities should seek to ensure that the

quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme, for example through changes to approved details. Although any changes to a permitted scheme would need to be assessed on their own merits, the planning authority would need to be mindful of the above.

37. Concerns were raised that the proposal would result in a loss of green views. Preventing loss of outlook is covered in DM2, however this relates to avoiding development that has an overbearing impact. In this instance, concerns over loss of private views of a green area are not a material planning consideration.
38. Concerns were also raised that the proposed development would result in congestion and access issues during construction. The Transportation Officer did not raise any concerns to this effect and has not requested the submission of a construction management plan. An informative would be included suggesting that the applicant carries out works in accordance with considerate construction practices and that they may be required to obtain consent from Highways with regard to management of traffic/pedestrians during construction works.
39. In addition, concerns were raised regarding cumulative impacts on congestion as a result of potential proposals to close off Leopold Road from Newmarket Road. At present the Leopold Road remains a through road and therefore the application has been assessed on this basis. Any potential changes to this situation and any potential resultant change in congestion is not considered to be significantly exacerbated through the provision of one additional dwelling.

Equalities and diversity issues

40. There are no significant equality or diversity issues.

Local finance considerations

41. 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.
42. 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.
43. In this case local finance considerations are not considered to be material to the case.

Conclusion

44. 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. 18/01025/F - 1 Leopold Close Norwich NR4 7PR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials
4. Bins and bike storage
5. Landscaping scheme including biodiversity enhancements
6. SUDS
7. Water efficiency



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SITE LOCATION

1:500



SITE LAYOUT

1:250

Private amenity and parking
 The rear garden has an area of 90.0 sqm
 The on-site parking is provided at 200%

REVISED : August 2018 : Site Layout amended as required.

ICON ARCHITECTURAL
 HETHEL ENGINEERING CENTRE
 CHAPMAN WAY
 HETHEL NORWICH
 NR14 8FB
 01953 857669

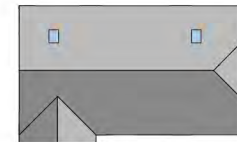
LAND at 1 LEOPOLD CLOSE NORWICH

PROPOSED

1.5

STOREY

HOUSE

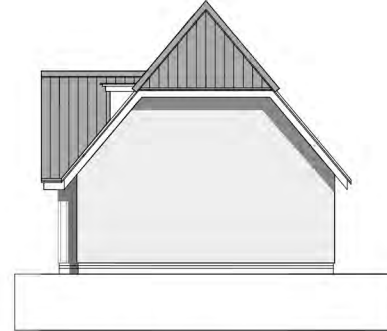




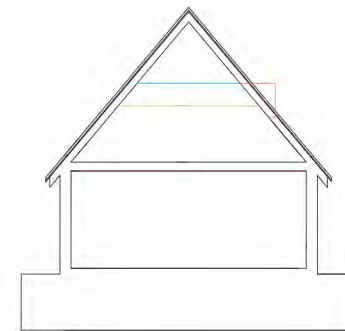
FRONT ELEVATION



REAR ELEVATION



END ELEVATION - arch



SECTION

SECTION KEY

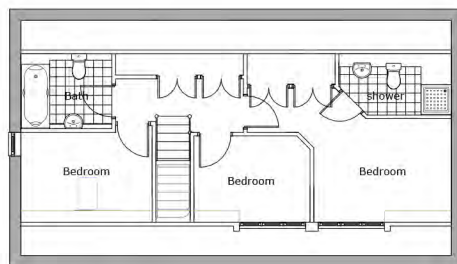
Green line : 1.5m above floor level

Blue line : 2.1m above floor level

Red line : 2.1m head height into dormers



GROUND FLOOR



FIRST FLOOR

Green line indicates 1.5m from floor level



END ELEVATION

REVISED August 2018: Section and ceiling levels added.

LAND at 1 LEOPOLD CLOSE NORWICH

PROPOSED

1.5

STOREY

HOUSE

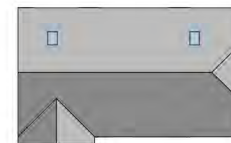
JOB : 2431

DRAWING : 01/02

DATE : June 2018

TITLE : Floor Plans and Elevations

SCALE : 1:100



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