

Report to Planning applications committee

Item

13 August 2020

Report of Area development manager

Subject Application no 20/00630/MA - 1 Leopold Close, Norwich,
NR4 7PR

4(c)

**Reason
for referral** Objections

Ward:	Eaton
Case officer	Maria Hammond - mariahammond@norwich.gov.uk

Development proposal		
Amendment to approved plans of planning permission 19/01623/MA.		
Representations		
Object	Comment	Support
5	0	0

Main issues	Key considerations
1	Principle of retrospective amendments
2	Design
3	Amenity
4	Transportation
Expiry date	18 August 2020
Recommendation	Approve



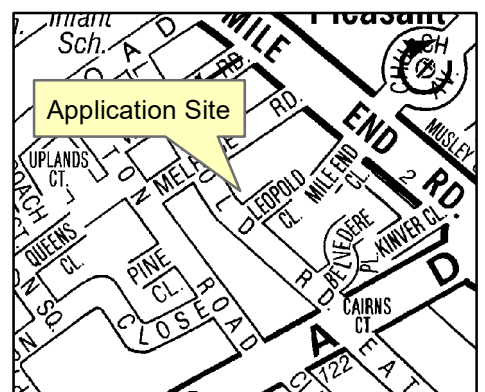
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Planning Application No 20/00630/MA
Site Address 1 Leopold Close

Scale 1:500



NORWICH
City Council
PLANNING SERVICES



The site and surroundings

1. The application refers to the site as 1 Leopold Close and the site forms part of the former curtilage of this dwelling, however the new dwelling constructed upon it will have the address of 17A Leopold Road. It is on the northeast side of Leopold Road, a suburban residential road to the southwest of the city centre.
2. The site borders the garden space of No. 3 Leopold Close to the rear and a garage site to the northwestern side (which is the subject of application 20/00568/F considered elsewhere on this agenda). 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.
3. In 2018, following a resolution by the planning applications committee, planning permission was granted for the construction of a one and a half storey dwelling on the site (18/01025/F). That permission has been subject to a subsequent material amendment (19/01623/MA) which changed covered parking beneath the first floor accommodation to additional ground floor space with associated layout alterations to retain two parking spaces. This permission has been implemented and the construction of the dwelling is now complete with external works ongoing.

Constraints

4. The site is within a critical drainage catchment.

Relevant planning history

5.

Ref	Proposal	Decision	Date
18/01025/F	Construction of one and a half storey dwelling.	APPR	18/09/2018
19/01587/D	Details of Condition 3: External materials; Condition 4: Cycle and refuse storage; Condition 5: Landscaping and Condition 6: Surface water management of previous permission 18/01025/F.	APPR	24/12/2019
19/01623/MA	Amendment to approved plans of planning permission 18/01025/F.	APPR	13/01/2020

The proposal

6. The application proposals material amendments to the previously approved dwelling and seeks to regularise changes which have already been made in the construction of the development.
7. The amendments are:

- (a) Increase in floor level by 150mm (two courses of bricks).
- (b) Increase in ridge height by 250mm (to 7.4 metres above ground level).
- (c) Increase in eaves height by 300mm.
- (d) Increase in dormer window height, with roof 400mm higher above ground level.
- (e) Omission of half hip to southeastern end of roof, full ridge height has been built across the whole dwelling.
- (f) Omission of areas of timber cladding, render used throughout with timber effect cladding to dormer.
- (g) Different configuration of window and door openings in approved positions on rear elevation and slightly deeper windows on northwest elevation.
- (h) A larger patio area is proposed to the rear and a ramp and additional hardsurfacing is proposed to the front. Reduction in soft landscaping. Change from metal to timber cycle store.

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Five letters of representation, including one from a ward councillor, 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
Loss of privacy to properties on Leopold Road	See main issue 3
Reduction in privacy, light and space for Leopold Close and Melrose Road gardens	See main issue 3
Permission was granted on the fact that it was a 1.5 storey house no higher than the houses on Leopold Close with a half hip roof to reduce the mass of the building to the front and side aspect. The height was restricted to reduce the negative impact of light and space to Leopold Close and Melrose Road.	See main issues 2 and 3
Queries over increase in height	See main issue 2
Height is out of character for the roofline along this side of the road	See main issue 2

Issues raised	Response
Adequate parking to comply with the Local Plan has not been provided.	See main issue 4
Planning approval allows the construction of a 3 bedroomed property. The property has in fact been constructed with 5 bedrooms. Has been advertised as student accommodation.	See main issue 2
Two additional vehicles, parked on the street will create significant issues in relation to parking, more than two even more so.	See main issue 4
The massing of the building appears significantly greater with the omission of the hipped roof	See main issue 2
Appearance of the property is now one that is overdeveloped for the small plot size	See main issue 2
Plans provide for a window to be installed in the elevation facing 1 Leopold Close	This was previously approved in application 19/01623/MA and is a small ground floor window to a WC looking out to the fenced boundary.
Concerns about submission of amendments and retrospective nature of application.	Noted. See main issue 1.
Unhappy this new application has a number of changes which were not in the original application. If a building is built breaching the planning permission is should be taken very seriously and the Planning Committee should know about it so they can take a fresh look at the submitted plans.	Noted. See main issue 1.
Has been built to a higher height and increase in mass which affect the surrounding properties.	See main issues 2 and 3

Consultation responses

9. 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)

10. No objection on highway grounds.

Assessment of planning considerations

Relevant development plan policies

11. **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
 - JCS4 Housing delivery

12. **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
 - DM12 Ensuring well-planned housing development
 - DM13 Communal development and multiple occupation
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

13. **Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**
 - NPPF2 Achieving sustainable development
 - NPPF1 Building a strong, competitive economy
 - NPPF5 Supporting high quality communications infrastructure
 - NPPF9 Promoting sustainable transport
 - NPPF5 Delivering a sufficient supply of homes
 - NPPF12 Achieving well-designed places
 - NPPF14 Meeting the challenge of climate change, flooding and coastal change
 - NPPF15 Conserving and enhancing the natural environment

Case Assessment

14. 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 proposals

15. The application proposes material amendments to an approved scheme and the planning system allows for this. Equally, the planning system allows for such amendments to be applied for subsequent to completion as a means to seek to regularise breaches from approved plans. Whilst it is regrettable that the amendments were not submitted for consideration prior to implementation, the retrospective nature of any application is not a material consideration.
16. 'Intentional unauthorised development' is, however, a consideration which can weigh against retrospective proposals. In this case, the architect has advised that significant technical difficulties arose with the half-hip to the roof which would have required substantial steelwork and modifications to the already constructed superstructure. It is regrettable that the applicants did not engage with the local planning authority at this stage and that the amendment was only brought to our attention following construction, however the extent of any intention to carry out development without the necessary permission cannot be proven and this should not be given any significant consideration or weight in the determination of the application. The proposed amendments are considered below on their own merits and in relation to the relevant development plan policies.
17. Representations have raised the fact that the dwelling, which the approved floorplans showed to have three bedrooms, has been marketed as five bedroom student accommodation. The approved internal layout has separate sitting and living rooms on the ground floor, plus a large open plan kitchen and family room. The sitting and living rooms could be used as bedrooms and there is sufficient floorspace to comply with minimum space standards for a five bedroom dwelling and adequate communal space and external amenity space.
18. Permitted development rights allow for changes of use from C3 single dwellinghouses to C4 small houses of multiple occupation (up to 6 residents). Use of the dwelling was not restricted on the previous permissions, indeed there is no policy basis on which to apply such restrictions, so the approved dwelling can be lawfully used as either a single dwellinghouse or small HMO.

Main issue 2: Design

19. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12
20. The amendments which have been made materially affect the scale and appearance of the dwelling, however not to any significant extent and the completed construction remains largely similar to that previously approved.
21. In design terms, the omission of the half hip to one end of the roof provides a uniform ridge line and simpler overall building envelope. The increase in ridge and eaves height are negligible, the main visual difference being a small section of wall between the top of the ground floor windows and eaves. The storey and a half pitched roof dwelling is taller than the two storey flat roofed dwellings at Leopold Close (which are approximately 6 metres tall) but this is not as a result of the minor increase in height from 7.15m to 7.4m. Accordingly, the height and other amendments to the dimensions are considered acceptable.

22. Changes to the fenestration are also minor and the openings remain in the approved positions but, for example, a three panel bi-fold door opening has been altered to a set of double doors with narrow side windows on the rear elevation. These amendments do not significantly affect or detract from the previously approved design.
23. An area of timber cladding has been omitted from the front facing gable which does not significantly change the overall appearance and timber effect cladding has been used on the dormer, rather than the approved render. This material is less preferable but not unacceptable in the context of the character of the surrounding area.
24. Additional hard landscaping and the reduction in soft landscaping is regrettable, however it is accepted that a ramped access to the front door is necessary and the previously approved hedge to the front boundary and tree planting would be retained which will soften the appearance of the hard surfaces and integrate the development into the established streetscene.
25. The amendments are therefore acceptable in design terms in accordance with Policy DM3 and criterion b) of Policy DM12.

Main issue 3: Amenity

26. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127
27. The representations which have been received raise concern about the impact of the omission of the half hip to the roof on the light and space to neighbouring properties.
28. The approved roofline hipped the southeastern-most 2.1 metres, dropping it by 2.2 metres from the main ridge so this end triangle would slope away from the original dwelling at 1 Leopold Close. The officer's Committee report on the original application stated: *"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."* This design feature was part of the original submitted scheme, rather than being an amendment negotiated by officers to make the development acceptable. Whilst it reduced the mass closest to the neighbouring dwelling, it was not assessed to be fundamental in mitigating the impacts of any loss of light or overbearing and it was not stated that the scheme would be unacceptable without it.
29. The space between the two dwellings remains as approved and the original dwelling at 1 Leopold Close sits at an angle to the new dwelling, fronting the road junction into Leopold Close, rather than Leopold Road. It has retained garden space to the side and rear and the new dwelling is sited to the northwest of it so any loss of light would occur only in the afternoon and evening. However, it is not considered that the change in the roofline (and increase in height) with a full gable facing towards 1 Leopold Close increases the mass of the dwelling so significantly as to result in any unacceptable change in outlook, additional overbearing, overshadowing or loss of light to 1 Leopold Close above that of the approved scheme.

30. The existing dwelling at 1 Leopold Close is the closest to the site, however the garden of number 3 extends to the rear of the site. It was not considered that the approved scheme would result in any significant loss of sunlight on this or other surrounding gardens and the proposed amendments do not increase the scale or mass so substantially to result in any additional unacceptable loss of sunlight above the approved scheme.
31. Representations have also referred to a loss of privacy. No additional window or door openings are proposed. The marginal addition to floor heights is not considered so significant to cause any views from the dormer on the Leopold Road elevation or first floor bedroom window on the northwest elevation to result in any additional overlooking or loss of privacy to neighbouring dwellings, particularly as the distances between dwellings remains as approved.
32. It is appreciated that the increased scale and mass of the dwelling and the retrospective nature of the application have attracted local concern. However, the amendments do not significantly change the previously approved scheme and not to any extent which is considered to unacceptably harm the amenity of neighbouring occupiers. The proposal is therefore considered to be in accordance with Policy DM2.

Main issue 4: Transport

33. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
34. The parking layout and provision of cycle and bin storage remains as previously approved.
35. As noted above, the property can be used as a small HMO without further consent. Any proposal for a five bedroom HMO here would not require any additional car parking to the approved scheme with two off-street spaces.

Equalities and diversity issues

36. There are no significant equality or diversity issues.

Local finance considerations

37. 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.
38. 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.
39. In this case local finance considerations are not considered to be material to the case.

Conclusion

40. Whilst it is regrettable that this application seeking to regularise amendments to a new dwelling and that these completed amendments have changed aspects of the proposal which were considered to improve the relationship with neighbouring dwellings, when considered on their own merits they do not result in a scale or mass that results in any unacceptable impacts on the amenity of neighbouring dwellings. The design is also considered to be appropriate to the site and its setting.
41. 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.

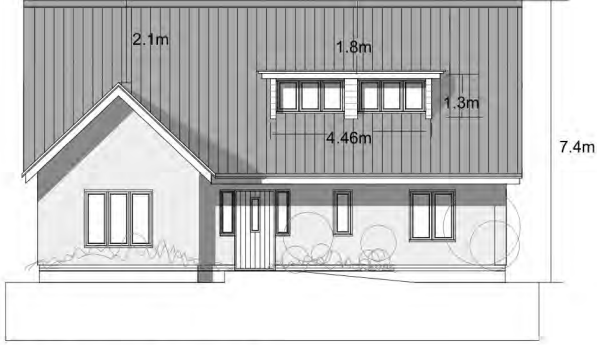
Recommendation

To approve application no. 20/00630/MA - 1 Leopold Close Norwich NR4 7PR and grant planning permission subject to the following conditions repeated from the previous permission and varied to reflect the amendments hereby made:

1. In accordance with plans;
2. No occupation until cycle and refuse storage provided
3. Hard and soft landscaping to be completed and maintained as agreed
4. No occupation until surface water drainage completed and thereafter maintained as agreed
5. Water efficiency

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has recommended the application for approval subject to appropriate conditions and for the reasons outlined in the officer report.



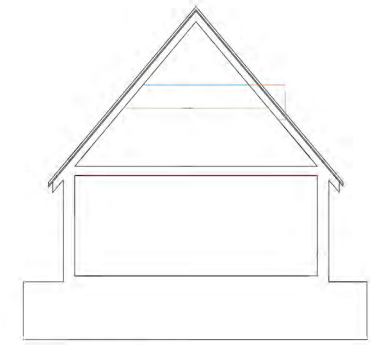
FRONT ELEVATION



REAR ELEVATION

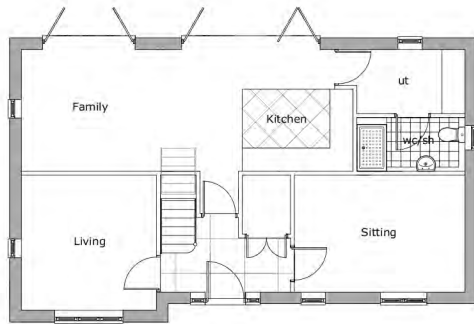


END ELEVATION

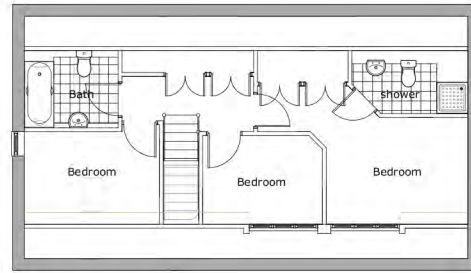


SECTION

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 : June 2020 : Front elevation up-dated

REVISED : June 2020 : Drawing up-dated

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



LAND at 1 LEOPOLD CLOSE NORWICH

PROPOSED 1.5 STOREY HOUSE

JOB : 2431/S73 DRAWING : 01/02 DATE : November 2019 TITLE : Floor Plans and Elevations SCALE : 1:100





Natural slate - spanish A



K-Rend through colour render



ash white

MATERIALS - facing - surfacing - enclosures

PLANTING SCHEDULE

GENERAL NOTE
Any existing boundary landscaping to remain with appropriate management and/or pruning as required; the minimum of planting to be removed to provide site access.

GRASS - if needed
Seeded areas to front gardens to be rotavated, cleared of stones greater than 50mm levelled, rolled and seeded at the rate of 35g/sqm with an appropriate native mix.

GROUND PREPARATION
On completion of the construction works the planting areas must have a level covering of topsoil to a depth of 200mm. The ground will be cultivated and raked level removing any large stones or construction debris. All areas to be planted with ground cover shrubs will have 'timag' slow release fertiliser applied during cultivation at the rate of 1.00 grams/sqm. A spun-bonded polypropylene mulching sheet will be fitted and pegged into place on the shrub areas.

PLANTING PROPOSALS
All planting stock will be well grown and disease free and conform to BS 3936. All ground cover plants and standard trees to be interspersed in the identified areas will be planted through the membrane by cutting a cross in the membrane and folding back the flaps to allow excavation of the planting hole.

PLANTING
When planting allow for water retention granules ('Broadleaf P4' or equal) for all plants at the manufacturers suggested rates.

On arrival at site all bare-rooted plants should also be not dipped ('Broadleaf root-dip' or equal) at the manufacturers suggested rate to prevent drying out and to reduce plant shock.

For all standard trees allow for a double stake and crossbar and heeled pad and strapping. Allow for 1no. 80 lb bag of tree planting and mulching compost per tree to be mixed with the tree back-fill. While establishing a 1.0m square should be kept free of ground around the tree.

If strimmers are to be used for maintenance then all standard trees in grass must be fitted with strimmer guards.

MAINTENANCE
All planting will be maintained for a period of 5 years from the date of final planting - any dead or diseased items to be replaced on a like for like basis. For a period of 36 months after planting, all planted areas will be kept free of weed growth, checking stake condition and topping-up mulching as required. The Standards will require watering during the first summer after planting on a minimum two week cycle.

INSTALLATION
Agreed landscaping scheme to be implemented in the first planting season after substantive construction works are complete or, by agreement with the Planning Authority no later than the first planting season following completion of the entire scheme

AREAS AS ANNOTATED

- 10 Cytisus scoparius
- 7 Calluna vulgaris - Heather
- 7 Sorbus reducta - ground cover
- 5 Berberis livani - ground cover

Feature plants supplied in 5 lt. containers
Ground cover plant numbers per area



PROPOSED TREES

Silver Birch - betula pendula

Paperbark maple - Acer griseum - All trees nursery standard planted with appropriate stake

Rear gardens

PROPOSED HEDGE-LINE

Beech hedging - fagus sylvatica
Bare rooted - 400 to 600mm
4 to 7 plants per metre

occupiers to take responsibility for on-going maintenance beyond noted maintenance/replanting period

MATERIALS

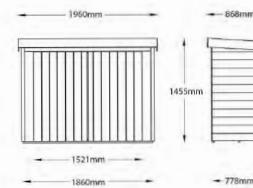
FRAMES : UPVC - anthracite
FASCIA : UPVC - anthracite
BARGE : UPVC - anthracite
RAINWATER GOODS : UPVC - anthracite
DOOR - front : UPVC - off-white
DORMER - cheeks : Rendered - as superstructure

DRIVE : natural aggregate - free-draining
PATH : 500 x 500 pc paving laid with open joints - buff
TERRACE : 500 x 500 pc paving laid with open joints - buff
BIN PAD : 500 x 500 pc paving laid with open joints - buff

ROAD FRONTAGE : 900mm high timber post and rail fence with hedge-line
INNER BOUNDARIES : existing 1800mm high timber panel fencing



SITE LAYOUT - landscaping - enclosures - surfaces



CYCLE STORE

secure timber double cycle and accessory store
proprietary enclosure - timber - natural

REVISED : July 2020 : Front gable and dormer dimensions regulated to on-site dimensions

REVISED : July 2020 : alternate cycle store added

REVISED : June 2020 : drawing up-dated

ICON ARCHITECTURAL
HETHEL ENGINEERING CENTRE
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LAND AT 1 LEOPOLD CLOSE NORWICH

PROPOSED 1.5 STOREY HOUSE