

Report to Planning applications committee

Item

10 January 2019

Report of Head of planning services

Subject Application no 18/01016/U - 2 Fieldview, Norwich, NR5
8AQ

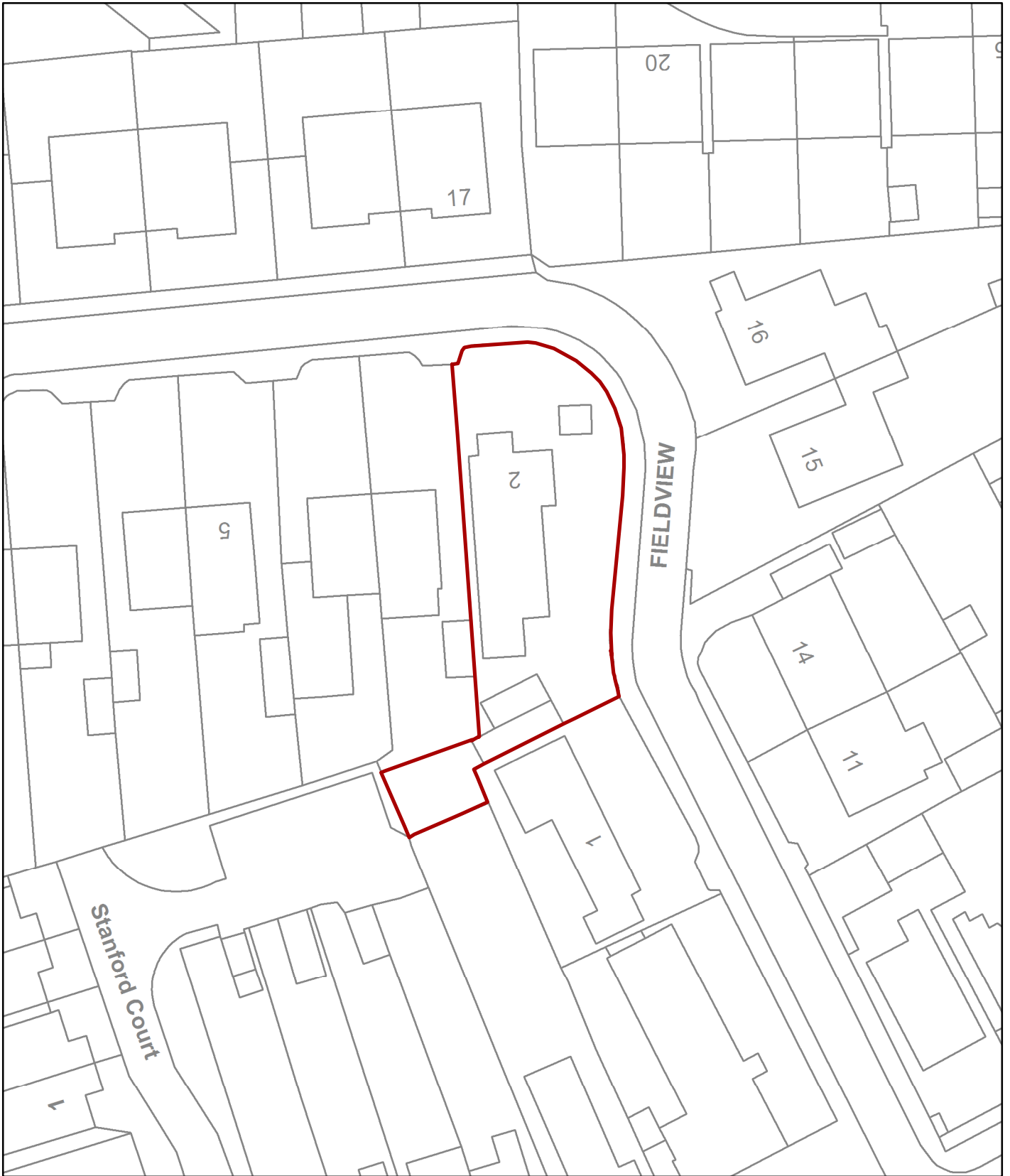
4(g)

**Reason
for referral** Objection

Ward:	Wensum
Case officer	Robert Webb - robertwebb@norwich.gov.uk

Development proposal		
Retrospective change of use to 7 bedroom HMO (Sui Generis)		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1	Principle of development
2	Design
3	Amenity
4	Transport
Expiry date	30 August 2018
Recommendation	Approval



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Planning Application No 18/01278/U

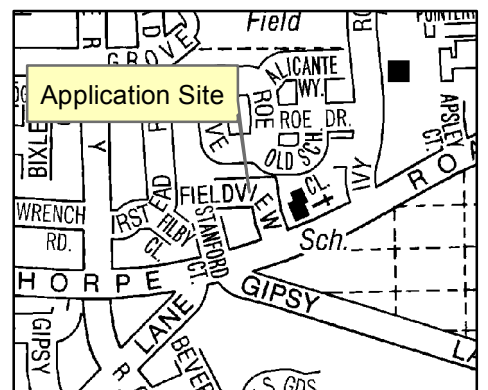
Site Address 2 Fieldview

Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is no. 2 Fieldview, a property within a cul-de-sac off Bowthorpe Road in the west of the city, close to Norwich Cemetery. It comprises a detached house, a single storey outbuilding which was previously a garage with associated driveway, and a front, side and private rear garden. The site is surrounded by further residential development.
2. The property is surrounded by residential development, and it is understood that no.s 3 and 4 Fieldview are also occupied by students.
3. There are no local plan designations affecting the site.

Relevant planning history

4.

Ref	Proposal	Decision	Date
06/01211/F	Conservatory to side.	Approved	29/12/2006
18/01030/F	Sub-division of plot, conversion of existing garage and outbuilding into a standalone residential unit (Class C3) and rear single storey extension.	Withdrawn	26/11/2018

The proposal

5. Retrospective planning permission is sought for the change of use from C3 residential dwelling to a 7 bedroom large house of multiple occupation (HMO). It is understood that the property has been operating in such a way since 2012.

Representations

6. Adjacent and neighbouring properties have been notified in writing. 6 letters of representation 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.

Issue	Response
Concern about the number of HMO's that are now on Fieldview.	See main issue 1 and 2
The loss of the rear garden has resulted in clothes drying provision being provided in the front garden which is unsightly.	See main issue 2 and 3

Issue	Response
Fieldview used to be a quiet oasis but conversion to HMO's by absent landlords means that our road is being turned into a free for all car park.	See main issue 2
Concern that late night noise levels will increase. In the past we have had late night music, shouting and drunken behaviour coming from Fieldview.	See main issue 2
The application does not make it clear that the cycle shed was erected without planning permission. The loss of the garage resulted in the need for the shed which is unsightly.	See main issue 3
The development increases the likelihood of cars parking on-street which can cause an obstruction to reversing bin lorries.	See main issues 3 and 4
The application does not make it clear that a new vehicular access was formed.	See main issue 4
Vehicles are regularly parked across the pavement to the detriment of pedestrians (particularly vulnerable age groups).	See main issue 4

1 letter received in response to application revisions. Comments as follows:

Issue	Response
It is unfortunate that the application form has not been updated to recognise the changes.	The council would not normally require a new application form where an application is amended during the course of the application process. A decision can be made on the basis of the information shown on the revised plans and the approved plans could be conditioned as part of any planning approval.
Given that there will be seven otherwise unrelated occupants, the number of comings and goings will be greater, including those by private car and taxi, as will the number of separate social events, delivery of meals and other purchases, and people visiting for other reasons. I believe this increase in activity will have a significant impact as a result of	See main issue 1.

Issue	Response
increased noise and disturbance.	
Concerns about the visual appearance of the timber shed and washing line.	See main issue 2.
<p>The current proposals would appear to make effective use of the "garages" and two related parking spaces rather difficult for the tenants and could cause their intended future use to be questioned. By constructing an eyesore 1.8m fence where indicated, security oversight of the two parking spaces from the dining room / kitchen / lounge will be denied.</p> <p>The fence also prevents easy access to the parking spaces from the property.</p>	See main issue 3.
Concerns raised about the new vehicle access which has been created and the extent of the dropped kerb.	See main issue 4.

Consultation responses

7. 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)

8. No objection in principle on highway grounds. The proposal for a HMO seeks conversion of an extant dwelling with associated provision of a new vehicle access to two parking spaces with associated bin and bike store. The recently constructed parking space will require a dropped kerb, please advise the applicant to apply for technical approval using the form at www.norwich.gov.uk/droppedkerbs
9. As there is an extant vehicle crossover for the neighbouring property and there have been no recorded injury accidents, we will not object on highway grounds as this is a low traffic cul de sac road.

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
 - JCS6 Access and transportation

- JCS12 The remainder of the Norwich urban area including the fringe parishes

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
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM15 Safeguarding the city's housing stock
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

12. **Relevant sections of the National Planning Policy Framework August 2018 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF4 Decision making
- NPPF3 Supporting a prosperous rural economy
- NPPF5 Delivering a sufficient supply of homes
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places

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 Council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

14. Key policies and NPPF paragraphs – DM12, DM13.
15. Policy DM13 of the Development Management Policies sets out that proposals for the conversion of existing buildings to larger HMO's will be permitted where they achieve a high standard of amenity and living conditions for existing and future residents and would not result in an unacceptable impact on the living and working conditions of neighbouring occupiers. In addition to this, proposals should be consistent with the overall spatial planning objectives set out in the development plan, have no detrimental impacts on the character and amenity of the surrounding area, and should contribute to achieving a diverse mix of uses within the locality.

16. These matters are assessed within the following sections of this report.

Main issue 2: Amenity

17. Key policies and NPPF paragraphs – DM2, DM11, NPPF chapter 12.

Amenity for current and future occupiers

18. The property is two storey and has 7 bedrooms, all of which are larger than the 6.51 square metres necessary as part of a HMO licensing requirement for this type of property. It has a toilet and shower room on the ground floor and a separate family bathroom on the second floor, and a kitchen, lounge and dining room/conservatory on the ground floor. The property is a larger dwelling than some others in the close.
19. Externally, there is a private rear garden sited behind the garage and also a side and front garden. There is a brick outbuilding which was formerly a garage. This has been converted into a room which contains a toilet and kitchenette and is currently used for storage by the landlord. There is a garden shed to the side of the property which is used for bike storage by the occupants. There are two points of vehicle access and space for up to four cars to be parked.
20. It is considered that some improvements are required to the external areas to make the development acceptable in planning terms. These include the following:
- (a) Improved landscaping of the rear garden to make it more usable for the occupiers;
 - (b) Provision of an access gate in the fence between the rear parking area and the garden to allow easy access between the parking area and the house;
 - (c) Additional planting within gaps in boundary of front garden to improve screening and boundary treatment.
21. The applicant has agreed to make these changes and a condition is recommended to secure submission of a landscaping scheme within 2 months and implementation of this within 4 months of the approval of the scheme.
22. Subject to the imposition of and compliance with such a condition the development would be acceptable in terms of amenity for current and future occupiers and the proposal would meet the requirements of policies DM12 and DM13 in this regard.

Amenity for neighbouring occupiers

23. Concerns have been raised about impact from comings and goings associated with the development and the increased numbers of HMO's operating within the cul-de-sac generally. Fieldview is a small residential cul-de-sac comprising of a mixture of small semi-detached houses and bungalows and 2 Fieldview is the only two storey detached property within the cul-de-sac and sits on a larger plot than most. Although three properties are known to be HMO's the majority are understood to be C3 residential dwellings occupied by single households.
24. Given that there are seven otherwise unrelated occupants in the property, it is considered that compared with a family dwelling, the number of comings and goings will have increased, including those by private car and taxi, as will the

number of separate social events, delivery of meals and other purchases, and people visiting for other reasons. It is considered that this increase in activity, particularly when combined with the other HMO's adjacent is likely to have had a significant impact as a result of increased noise and disturbance.

25. However, the site is larger than many other properties in the street and it is possible to secure two access points to the dwelling via condition which will spread the impact between the two road frontages which will go some way to limiting those impacts in this particular case. In addition to this it is noted that the property is detached, has a reasonable sized garden space surrounding the property and a sufficient level of off-road parking available. This means that issues which can cause problems with HMO's in residential areas, such as noise and an increase in on-street parking are to large extent mitigated by the layout and characteristics of the property.
26. The condition seeking the improvement of the rear garden will assist in providing a more useable private amenity space that will reduce pressure on the front garden in terms of recreational use. The two vehicular access points will to an extent spread activity of comings and goings between the two road frontages of the property.
27. With regard to the cumulative impact, regard is had to the fact that in terms of its occupation, the property at no. 3 Fieldview appears to be lawful in planning terms, as it is understood to be occupied by no more than 6 unrelated individuals. The impacts of no. 4 will be assessed on its merits, on the basis of its own layout and facilities. For the reasons described above, whilst it is recognised that some additional impacts may result from the property being operated as a sui generis HMO compared to a C3 dwelling house, the particular layout of no. 2 in combination with the recommended conditions will ensure that amenity impacts are mitigated to an acceptable level.

Main issue 3: Impact on the character of the area

28. Key policies and NPPF paragraphs – JCS2, DM1, DM3, NPPF chapter 12.
29. Since 2012, when the use as an HMO commenced, some changes to the external appearance of the property have taken place. These include the erection of a timber shed in the front/side garden and alterations to the front elevation of the brick outbuilding, where a garage door was removed and replaced with a uPVC front door and window.
30. An objector has cited the presence of the timber shed and also a washing line in the front/side garden as being unsightly. The timber shed has previously been the subject of an enforcement investigation and is considered acceptable given its small scale and due to the partial screening provided by existing trees and shrubs on the boundary. The application proposes to enhance the planting on the boundary further which will assist in terms of increased screening. The siting of a washing line does not require planning permission, but this will also benefit from increased screening if planning permission is granted.
31. A 1.8m close boarded timber fence has been erected in the front garden between the conservatory and the former garage/outbuilding. The applicant has stated that this fence provides increased privacy to the conservatory, which is accepted. An objector has stated the fence is an eyesore and makes access to the parking area

difficult. In responding to this, it is considered that the fence is permitted development, and in any event is acceptable in terms of its appearance. The applicant has agreed to insert a gate in the fence to improve accessibility and this will be secured by condition.

32. Overall the development is considered acceptable in terms of its impact on the character of the area, and additional planting to further improve boundary screening will be secured by condition.

Main issue 4: Transport and servicing

33. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF chapter 12.
34. Fieldview is a small cul-de-sac providing access to 21 properties, there are no restrictions to on-street parking however available parking space is limited to a degree by private driveways. All driveways on the close have off-street parking providing space for between 2-4 cars. Officer visits to the close have not identified any particular on-street parking issues which are seen in other parts of the City and therefore whilst it is acknowledged that a large HMO in this location may increase demand for on-street parking it is not considered in this case to be a ground to refuse planning consent.
35. There is space for four cars to park on the site in two separate locations within the curtilage of the property. There is also a shed which is used for the storage of cycles. This is considered an acceptable level of parking provision for the size of the development and no objection is raised by the transport officer. A new vehicle access has been formed at the front of the property and an application is required for a dropped kerb in this location in association with the access. A condition is recommended securing the provision of this and a further condition ensuring the retention of the parking spaces and cycle store for the purposes of the occupiers of the HMO is recommended. Subject to these conditions it is considered that the parking and transport arrangements are acceptable.
36. Concern has been raised in relation to parking on the pavement. Fieldview is wide enough for cars to park fully on the road and allow other cars to pass and therefore whilst this is unfortunate it is not something which can be controlled through the planning process.
37. There is adequate space within the curtilage of the property to provide bin storage which can easily be presented and collected from the street.

Other matters

38. The former garage was previously the subject of an enforcement complaint regarding an alleged conversion to a residential use. Whilst it was confirmed that the building was not being occupied for residential purposes, authority was granted by planning committee in July 2017 to ensure that the building was retained for purposes ancillary to the main property.
39. The current application results from discussions that have taken place with the owner of the property since that time which have sought to resolve the issue of the

change of use and the use of the outbuilding, and the application seeks to regularise the current situation. For the avoidance of doubt, the use of the outbuilding for storage by the landlord is not considered to result in a material change in the use of the property and no planning harm is considered to arise from this.

40. Alongside this application a further application was submitted for the subdivision of the plot and conversion of the former garage and extension to provide a separate dwelling unit. That application was withdrawn following the advice of the planning officer, due to concerns that it would represent an overdevelopment of the plot and be harmful to the amenities of the area. The current application was subsequently amended to include all of the land within the curtilage of no. 2 Fieldview and has been assessed on this basis.

Equalities and diversity issues

41. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

45. The application seeks retrospective permission for the change of use of a residential dwelling to a sui generis HMO to accommodate 7 people. The site has been operating in this way since 2012. It is recognised that the change of use will have resulted in additional impacts on other residents in the street, particularly when combined with the two adjacent properties which are also operating as HMO's.
46. Whilst the case is considered to be finely balanced, given the particular characteristics of the property and subject to the implementation of measures secured by the imposition of the recommended conditions, the development would provide for an acceptable level of amenity for occupiers and the impacts on neighbouring occupiers would be mitigated to an acceptable level. On this basis the application is recommended for approval.

Recommendation

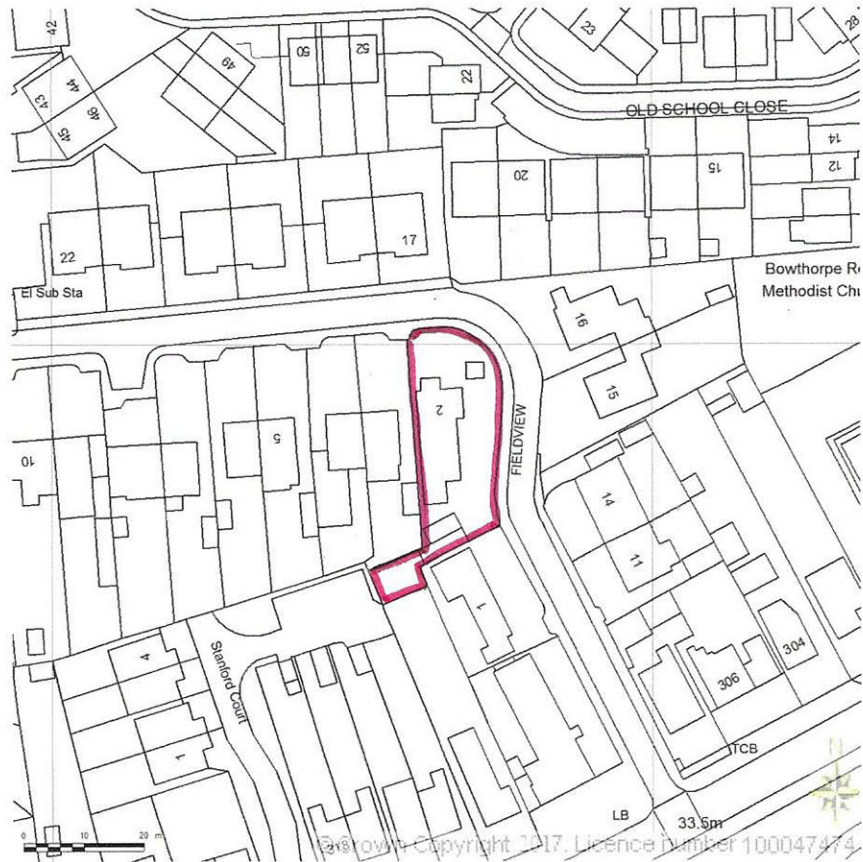
To approve application no. 18/01016/U - 2 Fieldview Norwich NR5 8AQ and grant planning permission subject to the following conditions:

1. In accordance with plans;
2. Dropped kerb to be provided next to parking area on northern side of property within 6 months of decision.
3. Landscaping scheme to be submitted within 2 months of decision to details of improvements to rear garden and insertion of gate in fence next conservatory. Approved details to be implemented within 3 months of approval of details and rear garden to be made available and retained as such in perpetuity.
4. Vehicle and cycle parking retained for use of the occupants in accordance with plan
5. Brick outbuilding (former garage) not to be used for sleeping accommodation;
6. Development to be occupied by no more than 7 permanent residents.

Article 35(2) 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 approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 620264, 308785**



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07/11/2018 16:48**

**Site Location Plan
2 Fieldview, Norwich,
Norfolk, NR5 8AQ.**

Block Plan
2 Fieldview
Scale 1:200



FIELDVIEW

Garden

Garages.

1.8m high fence

Conserv'

TREE

2

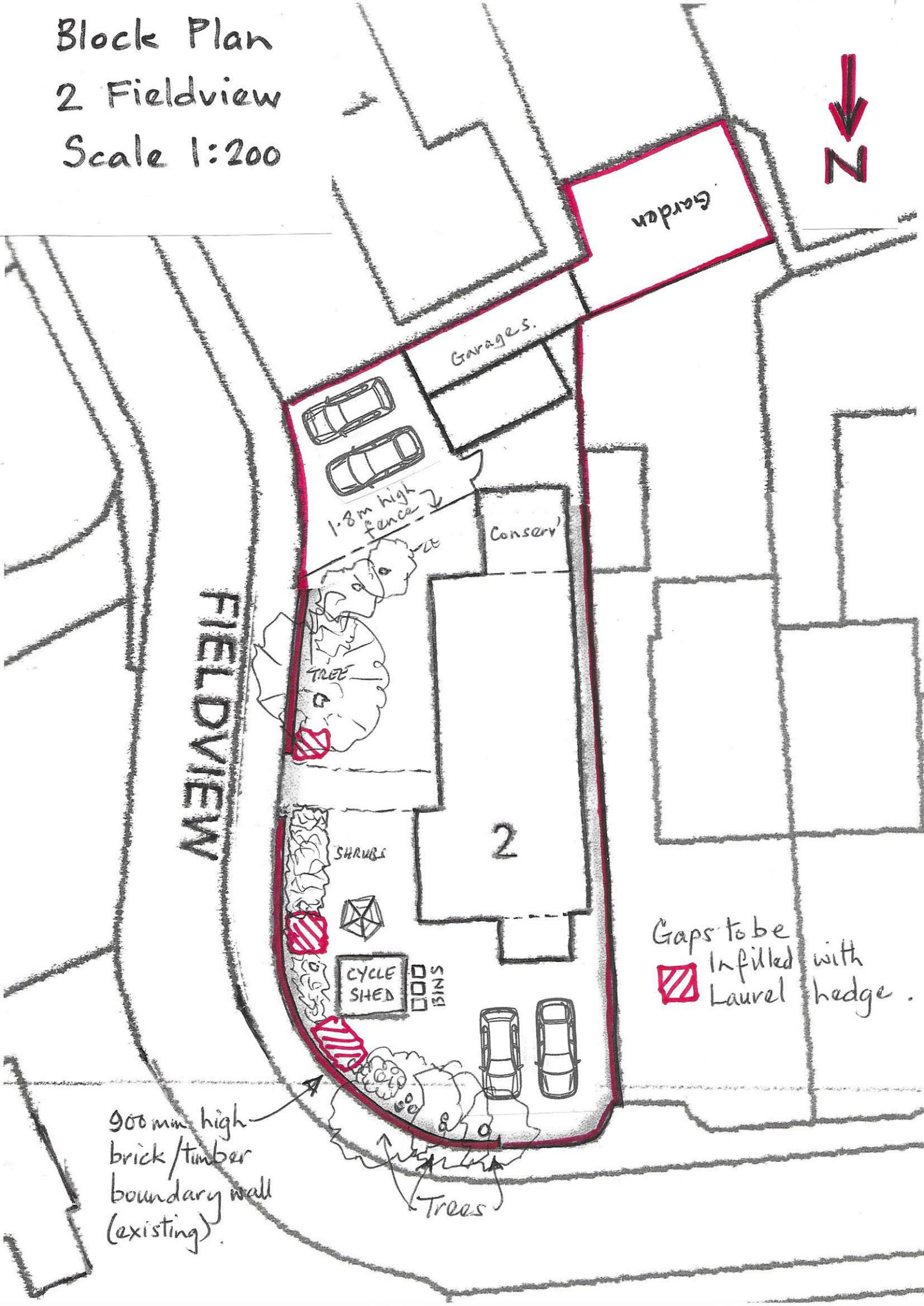
SHRUBS

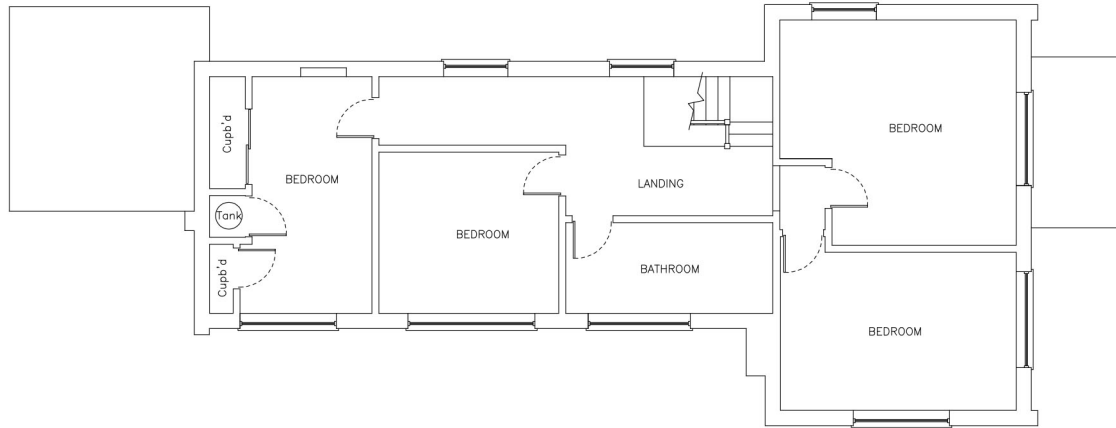
CYCLE SHED
BINS

Gaps to be
Infilled with
Laurel hedge.

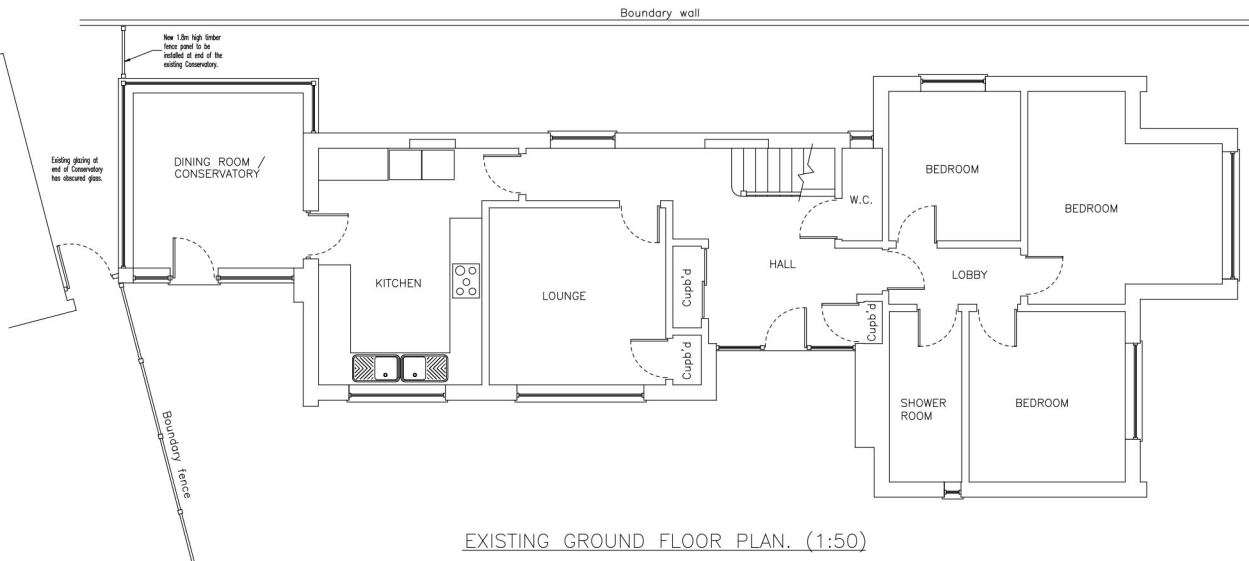
900mm high
brick/timber
boundary wall
(existing).

Trees

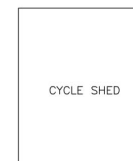




EXISTING FIRST FLOOR PLAN. (1:50)



EXISTING GROUND FLOOR PLAN. (1:50)



Rev	Description	By	Chk	App	Date

gs designs



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 NR5 8AQ
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Project:
**2 FIELDVIEW
 NORWICH,
 NR5 8AQ.**

Drawing Title:
**EXISTING FLOOR PLANS
 PLANNING DRAWING**

Scale at A1	Drawn By	Date	Checked By	Date	Approved By	Date
1:50	GR	AUG-2017				
Project No.	Office	Type	Drawing No.	Revision		
1738	N	S	01	-		