

Report to Planning applications committee
Date 4 September 2014
Report of Head of planning services
Subject Application no 14/00840/F Rear of 25 Clabon Road,
Norwich NR3 4HG

Item
4.9

SUMMARY

Description:	Erection of 1 no. two bed dwelling to the rear of 25 Clabon Road
Reason for consideration at Committee:	Objection and member referral
Recommendation:	Approve
Ward:	Catton Grove
Contact Officer:	Mr John Dougan Planner (Development) 01603 212504
Valid Date:	18th June 2014
Applicant:	Mr Terry Johnson
Agent:	One Planning Ltd

INTRODUCTION

The Site

Location and Context

1. The area can be characterised as residential comprising two-storey semi-detached properties each predominantly have good sized gardens to the front and to the rear many having mature trees, hedging and shrubs within them.
2. The style and profile of the dwellings in the wider area are fairly consistent comprising hipped roofs, many dwellings having double height bay window frontages and single storey bay frontages. The dwellings in the area have either render or brick walls, the majority having red pan-tile roofing.
3. Second Clabon Close is itself a planned development of two-storey semi-detached properties set around the Close predominately being in red brick with double bay window frontages sitting on large plots with gardens to the front and rear, the hedge along the application site adding a leafy entrance to the Close. Although, it was observed that on the other side of the Close the boundary is delineated by a 1.8 metre high close boarded fence and a double garage in red brick walls and white doors dominating the street scene.
4. The existing site is known as 25 Clabon Road a two-storey semi-detached dwelling, its walls being in white render / brick, occupying a corner plot with Clabon Second Close, with a large garden to its rear and side. It is noted that the rear of the garden has a

series of single storey outbuildings within it.

5. A key characteristic of the existing site is that the south boundary fronting Clabon Second Close comprises extensive landscaping in the form of trees / hedge all of which create a soft frontage when viewed from the street, delivering significant screening to the outbuildings to the rear of the site. Boundary treatment to the north (no. 27 Clabon Road) comprises a 1.8 metre close board fence.
6. It was observed that the two-storey east elevation of the adjoining (no.10 Second Clabon Close) is directly adjacent to the boundary, the boundary comprising a relatively mature hedge. There are no windows serving any habitable rooms on no.10's east elevation.
7. The site has two existing accesses i.e. via Clabon Road and Clabon Second Close.
8. There are no other constraints associated with this site.

Planning History

9. None

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

10. The original submission was for a two bedroom dwelling with a two-storey frontage to Clabon Second Close located to the rear of the existing property, the application site utilising the existing access from Clabon Second Close having off street parking for at least one car and private amenity space.
11. Following concerns raised by officers, a revised scheme was submitted comprising a single storey flat roof dwelling having two bedrooms, with the site curtilage being extended slightly further to the east. The new design uses a more modern design and array of materials.
12. The application will be assessed on the basis of the revised plans.

Representations Received

13. The site is not located within a Conservation area so the erection of a site notice was not required. The application is therefore subject to a standard consultation.
14. Adjacent and neighbouring properties have been notified in writing, with 6 representations being received.
15. The application was also subject to an additional period of consultation expiring on 7th August. A total of 4 letters were received, all of which having already submitted representations during the original consultation.

Issues Raised	Response
Loosing garden space is not acceptable	See para 24
Not in keeping with the character of the area	See paras 27 - 35
Over development of the site	See paras 27 - 42
Inappropriate scale and design	See paras 36 - 43
Overlooking / loss of privacy	See paras 47 - 49
The dwelling being 600mm to my boundary is not acceptable	See paras 50 - 51
Loss of light and over-shadowing	See para 52
Increased traffic generation on a narrow road	See paras 53 - 61
Lack of parking, resulting in parking on the already congested road and footpath (existing residents)	See paras 53 - 61
The development would have a detrimental impact on the planned conversion of my garage in to living accommodation (no.10)	The development has been assessed on the basis of the existing built environment
The existing hedge is not appropriate and overgrown covering the path	See paras 60 - 61
Why was I not consulted? (no.3 Clabon Second Close)	See paras 13 -15
The access to the dwelling is not an existing access and when the previous tenant used it, it caused obstruction. This has not been resolved.	See paras 19, 55 and 59
Additional parking and congestion on a narrow road during the construction of dwelling	See para 58
The dwelling is too close to my fence with the patio doors being too close to our patio doors (no.27) resulting in loss of privacy	See paras 48 and 49
The site does not have the capacity to cope with visitor cars	See paras 56 and 57
The revised design is an eyesore.	See paras 36 to 40

16. Norwich Society – This is garden grabbing and over-development of the site. The Close is too narrow to take additional traffic and the design of the proposal is very poor.

17. Cllr Gail Harris - I would like to support the objections and if the officer is minded to grant approval would request that as ward councillor that this be presented to the full Planning Committee to make a decision.

I accept that there are already high wooden gates for number 25 accessing onto Clabon Second Close, but I have no way of knowing how frequently or if these are used. For the new build there is space for one car which will be coming out onto a very narrow road and if more on road parking space is used by the new build it will put a considerable strain on the already limited space.

I accept that the house line is in line with the existing houses, but the style is very

different and not in keeping with the existing houses.

Under the National Planning Policy Framework this appears to come under the heading of “garden grabbing” and as such is unacceptable. Obviously number 25 Clabon Road will lose a considerable amount of its garden and the new build will have a very small outside space. For future generations this matters.

For clarification I do not think that the new design is any more in keeping with the street scene than the original application.

I have viewed the revised plans and wish to register my objections as before. For clarification, I do not think that the new design is any more inkeeping with the street scene than the original application.

Consultation Responses

18. Transportation (1) – The proposed development is suitable in transportation terms for its location. The development proposes to use the extant vehicle access to Clabon Road. The proposed gates open out onto the highway; they must open inwards to the site. Vehicles cannot turn on site and may need to reverse out, as is the case at present. However as Clabon Road is a quiet cul-de-sac and vehicle movements are likely to be low in all respects this is an acceptable arrangement.
19. Transportation (2) – The concerns of residents regarding traffic generation by this development are noted and it is a single track highway. However, there are only 10 properties in the close, equating to an average of 40 vehicle movements over a 24 hour period which is very low. The provision of a single dwelling would add another 4 movements, again a very low amount of traffic generation. This can be imperceptibly absorbed into the local highway network. The use of an extant access is adequate.
20. Natural Areas Officer - I would regard it as very unlikely that the existing buildings on this site were being utilised by bats for roosting, so I do not consider that a bat survey would be necessary. The only other comment I would make, if this proposal is approved, is that the applicant should ensure that any potential harm to small animals that might be present on site, such as hedgehog or amphibians, is minimised by adopting good site management practice. This would include ensuring that excavations are either covered over when not in use or have a convenient means of escape such as a plank set at a low enough angle in the excavation for animals to climb out, and that any hazardous materials and liquids are securely stored so that animals cannot come into contact with them.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Statement 6 - Delivering a wide choice of quality homes
- Statement 7 – Requiring good design

- Statement 12 – Conserving and enhancing the natural environment

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

- Policy 1 – Addressing climate change & protecting environmental assets
- Policy 2 - Promoting good design
- Policy 3 – Energy and water
- Policy 4 - Housing delivery

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

- HOU13 – Proposals for housing development in other sites
- NE3 – Tree protection
- HBE12 - High quality of design, with special attention to height, scale, massing and form of development
- EP22 – High standard of amenity for residential occupiers
- TRA6 – Parking standards (maxima)
- TRA7 – Cycle parking standards
- TRA8 – Servicing provision

Other Material Considerations

- Written Ministerial Statement: Planning for Growth March 2011
- Emerging policies for the forthcoming new Local Plan (submission document for examination April 2013):

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

- DM2 - Ensuring satisfactory living and working conditions
- DM3 – Delivering high quality design
- DM7 - Trees and development
- DM12 - Ensuring well-planned housing development
- DM31 - Car parking and servicing

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Policy DM2 is subject to a single objection raising concern over the protection of noise generating uses from new noise sensitive uses, this is not relevant here and therefore significant weight can be given to policy DM2

Policy DM3 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to local distinctiveness. Therefore significant weight can be applied to this element of the policy.

Policy DM12 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to matters relating to character and amenity of the area so significant weight can be applied to these elements.

Policy DM31 is also subject to objections relating to car parking provision and existing baseline provision of car parking in considering applications it is considered that limited weight should be given the car parking standards of this policy at the present time with substantive weight to the other matters.

Housing supply

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. In the light of the recent appeal decision on part of the former Lakenham Cricket Club it has been established that the Norwich Policy Area (NPA) is the relevant area over which the housing land supply should be judged. Since the NPA does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted".

The lack of an adequate housing land supply is potentially a significant material consideration in the determination of the proposals for housing. This is likely to considerably reduce the level of weight that can be attributed to existing and emerging Local Plan policies which restrict housing land supply, unless these are clearly in accordance with specific restrictive policies in the NPPF. In this case there are no such policies that restrict housing land supply.

Principle of development

21. Every application is assessed on a case by case basis. The principle of a two bedroom house in an established residential area with relatively easy access to public transport is acceptable under policy HOU13, subject to a number of criteria as listed below:

- Provision of a range of types and sizes of housing
- Good accessibility to shops and services

- No detrimental impact on the character and amenity of the area
 - Provision of private garden space around the dwelling
22. Paragraph 50 of the NPPF states that local authorities should deliver a wider choice of quality homes. A dwelling of this scale is considered to form part of the mix of residential accommodation, contributing to the City housing stock.
23. The site is considered to be an accessible residential location, there being relatively easy access to bus stops and cycle routes providing access to the city centre and other services in the area.
24. Paragraph 53 of the NPPF 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. The council does not have any specific policies restricting new dwellings in the gardens of existing properties. Nevertheless, paragraph 58 does state that proposals should also respond to local character.
25. Consideration also has to be given to emerging policy DM3 which also makes reference to the fact that proposals should achieve a density in keeping with the existing character and function of the area including local distinctiveness. In light of the fact that no objections have been made to these criteria within the policy, it should be given some weight in the determination of this application.
26. Emerging policy DM12 states that proposals should have no detrimental impacts upon the character of the area. Another criterion of this policy states that proposals should achieve a density in keeping with the existing character of the area. Some weight can be given to the first criteria, but none on the issue of density as an objection has been received.

Character

27. A residential use replicates the residential character of the area.
28. A key characteristic or feature that makes this area distinctive is the fact that the dwellings in this established residential area sit on generous plots with good sized gardens to the front and to the rear, providing ample usable levels of amenity space normally considered appropriate for a family house. Many of the garden frontages in the area contain small trees and hedges, all of which contribute to the relatively 'leafy' character. Although, it also has to be acknowledged that there is a relatively large double garage opposite the site which itself is visible in the street scene.
29. The flat roof of the revised proposal will in the context of a significantly screened site, have the effect of reducing its impact on the street scene when viewed from Clabon Second Close.
30. However, on inspection of the plans submitted it is clearly evident that the proposal is a deviation from the density and well-proportioned plots evident in the area.
31. The height and profile has been reduced from two-storey to a flat roof structure, significantly reducing its presence in the street scene and from the perspective of

other properties. Whilst a dwelling of this size does not reflect the predominant size in the area, being family homes, all of these factors will have a significant positive effect on how the proposal will respond to the character and local distinctiveness of the area.

32. This is an important change, in that the creation of a low profile single storey structure reduces the dwellings presence in the street scene and the perceived deviation from the character of the area. The presence of the relatively mature hedge / trees along the south boundary will further screen the dwelling from public view to the benefit of the character and local distinctiveness of the area.
33. Another feature is the use of a sedum roof. Its effect will be more evident when the site is viewed from first floor windows of nearby properties, the roofscape providing the illusion of a garden area running through a large part of the site. Such a design feature will help soften the impact of the building, helping it be more sympathetic to the character and local distinctiveness of the area.
34. It is acknowledged that the removal of the trees / hedge along the south boundary could be undertaken without the need for any planning approval, resulting in the dwelling being more prominent. Whilst, the lack of landscaping would in itself not render the proposed dwelling unacceptable, it would have the effect of removing an important screening and landscape feature to the detriment of the character of the Close. With this in mind, it is recommended that a pre-commencement condition be added to any approval seeking clarification of the level of existing or proposed landscaping along this boundary, ensuring that the impact of the dwelling is softened by appropriate levels of soft landscaping, having the added benefit of ensuring that the leafy character of Clabon Second Close is retained.
35. Taking all these factors into consideration, including the existing built / natural environment, the erection of a dwelling of this scale /design in this location is not considered to cause significant harm to the character and local distinctiveness of the area.

Scale, design and layout

36. The previous submission was deemed to appear overdeveloped when viewed from the street, namely reducing the spatial characteristics between no. 10 Clabon Second Close and 25 Clabon Road. This was due to the profile of the two-storey proposal being in close proximity to the dwelling to the west (no.10), resulting in a rather cramped arrangement when viewed from the street.
37. The reduction in size to single storey flat roof, is considered to be a substantial improvement, delivering a development which is subordinate to the adjoining properties helping retain the spatial characteristics between no's 10 and 25. Furthermore, the reduction in the profile of the dwelling in the context of existing landscaping will not have a detrimental impact on the visual amenities of the street scene.
38. The design and range of materials proposed such as wood cladding and sedum is not considered to be representative of those used in the majority of the properties in the area. Such a deviation is not in itself considered to be sufficient justification to

warrant refusing the application especially as the proposal will be largely screened from public viewing.

39. Setting aside the fact the dwelling will be substantially screened from public, the introduction of more contemporary dwellings into more traditional established areas, can have a positive impact on an area illustrating that architectural styles evolve over time. Such a design is considered appropriate and will not cause significant harm to the area.
40. Another mitigating design feature is the use of a sedum roof. Its effect will be more evident when the site is viewed from first floor windows of nearby properties, the roofscape providing the illusion of a garden area running through a large part of the site. Such a design feature will help soften the impact of the building, helping retain the spatial characteristics and appearance of the property.
41. The proposed plot provides adequate space for a dwelling of this size providing private amenity space, parking, bin storage and cycle storage. However, it is recommended that permitted development rights for the placement of outbuildings be removed ensuring that the development delivers usable levels of private amenity space for the occupants.
42. Whilst the proposal would reduce the size of the existing plot, the resulting plot size for the existing dwelling is still considered to provide adequate amenity space and parking for the existing dwelling.
43. Details of water conservation measures are considered can be secured by condition.

Impact on Living Conditions

44. Policy EP22 requires that developments have a suitable level of private amenity space and not have an adverse impact on the amenity of neighbouring properties. Emerging policy DM2 also states that the amenity space should be of a high standard and given that no objections have been made some weight can be given to the fact that amenity space should be of a high standard.

Provision of amenity space

45. The primary private amenity space is located to the east of the plot. The proposed arrangement is considered adequate to serve a small two bedroom dwelling, the level of privacy being improved in the form of new boundary treatment to the east and existing soft landscaping to the south. Given the relatively small amount of private amenity space, it is important that this space not be eroded further by other structures such as garden sheds and bin storage in the future. It is recommended that permitted development rights for the placement of outbuildings be removed ensuring that the development delivers usable levels of private amenity space for the occupants.
46. The creation of a new dwelling within the plot would obviously reduce the amount of amenity space available to the existing property. Whilst such an arrangement is not representative of the area, the existing dwelling could still be adequately served with private amenity space to rear and side of the site, sufficient for the needs of a family

home.

Overlooking

47. Whilst policy EP22 does not specifically refer to protection of privacy in private amenity space areas, it is still a material planning consideration. Although, emerging policy DM2 specifically refers to protection of overlooking and loss of privacy of an area and given that no objections have been made some weight can be given to this emerging policy.
48. A single storey flat roof dwelling in the context of existing landscaping and boundary treatment will mean that no loss of privacy of adjoining properties will result. It is not accepted that the position of the ground floor patio doors / patio, set behind 1.8 metre high boundary fence would have an adverse impact or result in any loss of privacy of no.27's rear garden. That being said, it is recommended that a condition be added to clarify the position and extent of all existing and proposed boundary treatment.
49. It is acknowledged that the new private amenity space to the east of the plot might be overlooked by the first floor windows of the existing property. It is therefore important that the new east boundary of the site be of an appropriate height and design to ensure that the privacy of both sets of occupants is secured. This matter can be secured by condition.

Overbearing nature of development

50. It is acknowledged that the proposed dwelling is in close proximity to both the northern and western boundaries.
51. The revised proposal will not result in a structure which would appear significantly overbearing from the perspective of surrounding properties. This is due the flat roof being only being 2.6 - 2.8 metres high and being substantially screened by the mature landscaping to the south, existing boundary treatment to the north and there being no windows on the east elevation of no.10 Clabon Second Close.

Overshadowing

52. The revised proposal represents a substantial improvement, resulting in a low profile structure which would not deliver an significant overshadowing on any external amenity areas of adjoining properties such as no. 27 Clabon Road.

Transport and Access

53. The key issue is whether or not the existing and proposed sites can accommodate safe access and adequate levels of parking which would not compromise highway safety or other nearby accesses.
54. The revised arrangement would mean that the existing dwelling would only have one means of access to the property i.e. via Clabon Road. Such an existing arrangement is acceptable in terms of safe access and parking capacity.
55. The proposed site to the rear would utilise the existing access on Clabon Second Close, a minor narrow road serving other properties on the Close. The site can accommodate at

least two cars which is consistent with parking standards. Inspection of council aerial mapping indicates that the access has been extant for a considerable number of years and whilst some residents of the property may have chosen not to use it, it is still considered to be extant.

56. It is acknowledged that the road and footpath is narrow, with the footpath being slightly impeded by the hedge on the application site being overgrown. Other cars in the Close may also have to exit the site by reversing onto the road. The same will apply to cars using the application site, potentially intensifying the numbers of reversing movements to the road.
57. Some residents, visitors or delivery vehicles may also choose to park on the footpath causing some disruption. Clabon Second Close has no parking restrictions in place. Furthermore, the Local Highway Authority have confirmed that the development is not of scale which would generate significant additional levels of traffic generation.
58. It is acknowledged that some vehicles may need to park temporarily on the road during the construction of the dwelling. Such impacts are not considered to be significant given the scale of the development and the temporary nature of such movements which are not considered alien in an urban environment.
59. The access is extant and a small scale development such as this in a quiet cul-de-sac location (where vehicle movements are likely to be low), will not generate significant additional levels of traffic movements which would not have a significant impact on highway safety and parking demand.
60. It is acknowledged that the existing hedge is causing problems for users of the footpath. This is an apparent existing problem and not subject to planning controls. It is therefore recommended that residents contact the Local highway authority to investigate if there is a solution.
61. The Local highway authority have no objection to the proposal but recommend that the gates turn inwards, the hedge be slightly cut back to improve visibility and the forecourt being constructed in a porous materials. These measures can be secured by condition.

Environmental Issues

Water Conservation

62. This matter is considered to be achievable at the reserved matters stage.

Biodiversity

63. The Natural areas officer's concerns about small animals being trapped in foundations are noted. In light of the site not being significantly overgrown and being small scale, a condition is not considered necessary or reasonable on this occasion. However, it is recommended that any approval have an informative advising the applicant of good site practice to ensure that the above points are considered during the construction of the dwelling.

Trees and Landscaping

64. The protection of the trees / hedge along the south boundary is an important consideration. Discussions with the Council's tree officer indicate that the protection of these features are achievable subject to further details which can be secured by condition.
65. There is an existing close boarded fence along the northern boundary with no. 27 Clabon Rd. However it is not clear what levels of landscaping there will be to no.10 Clabon Second Close and the new east boundary.
66. The retention of appropriate levels of hard and soft landscaping is an important factor in softening the appearance of the dwelling when viewed from the street scene and adjoining properties.
67. All of the above measures are considered achievable ensuring adequate amenity of the existing occupant, new occupants and neighbouring properties. These can be secured by condition.

Local Finance Considerations

68. It is noted that the development would be liable for Community Infrastructure Levy payments.
69. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of the new dwelling would lead to grant income for the council.
70. This too is a material consideration but in this instance limited weight is given to this and the recommendation is focused on the development plan and other material planning considerations detailed above.

Equality and Diversity Issues

71. The site is relatively flat. Therefore, a dwelling of this scale with appropriate access for wheel chair users is achievable.

Conclusions

72. The principle of a dwelling reflects the residential character of the area. It will also contribute to the city's housing stock.
73. The development is not reflective of the design, layout and density of the majority of other

plots in the area.

74. However, a dwelling of this scale, design and layout will appear sympathetic to the character and local distinctiveness of the area and the visual amenities of the street scene subject to a condition requiring more details of the materials to be used and clarification of landscaping.
75. The site can provide for adequate levels of amenity for a dwelling of this size, without comprising the layout of the existing dwelling. Details of appropriate layout including access, parking, landscaping, tree protection and water conservation measures can be secured by condition.
76. There is an impact on the character of the area, however this is mitigated by the planting to the frontage and single storey scale of the proposal. Taking this impact into consideration alongside the positive aspects of the development, including the lack of five year housing land supply within the Norwich policy area, the proposal is considered to be acceptable.

RECOMMENDATIONS

To approve Application No (14/00840/F at 25 Clabon Road) and grant planning permission, subject to the following conditions:-

1. Time limit
2. In accordance with the approved plans
3. Details and samples of materials
4. Submission of AIA, AMS and TPP
5. Details of existing and proposed hard / soft landscaping and surfacing and boundary treatments
6. Details of the widened access and inward opening gates
7. Removal of permitted development rights (e.g. extensions and sheds)
8. Details of water conservation measures

Informative:

1. Protection of wildlife during the construction phase

Article 31(1)(cc) Statement

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