

**Report to**

Planning applications committee

Item

8 January 2015

**Report of**

Head of planning services

**Subject**

Application no 14/01450/O 16-17 The Hedgeows

**Reason for referral**

Objection

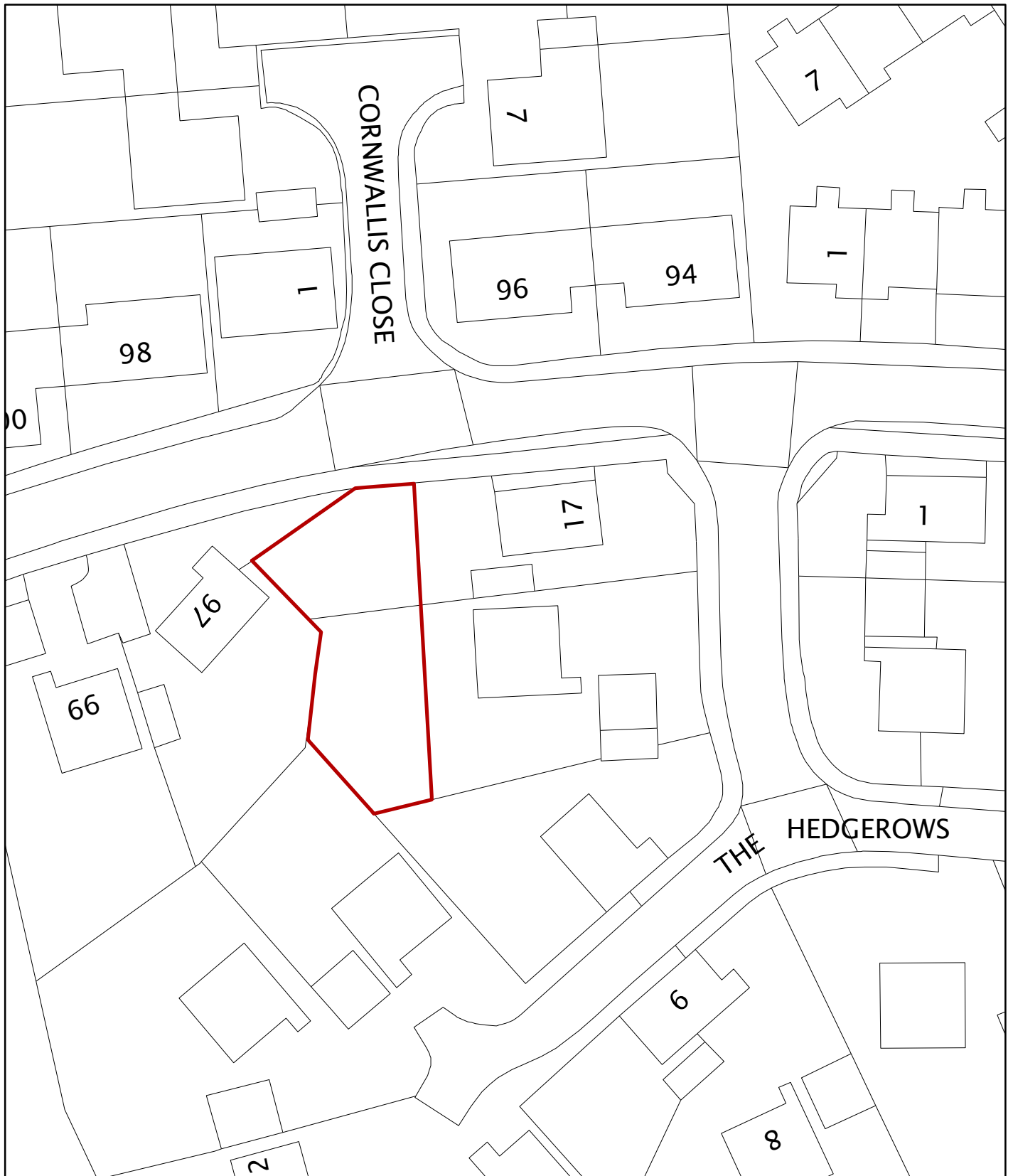
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|                     |  |
|---------------------|--|
| <b>Site address</b> | 16 & 17 The Hedgerows Norwich NR5 9BP      |
| <b>Ward:</b>        | Bowthorpe                                  |
| <b>Case officer</b> | Mr John Dougan - johndougan@norwich.gov.uk |

| Development proposal   |         |         |
|--|---------|---------|
| Outline application for erection of 1 No. bungalow and 1 No. garage. |         |         |
| Representations  |         |         |
| Object   | Comment | Support |
| 12   | 0       | 0       |

| Main matters for consideration              | Key issues  |
|---|---|
| 1) Principle of a dwelling in this location | Provision of a mix of housing types, accessibility to shops and services  |
| 2) Design                                   | Character of the area, local distinctiveness  |
| 3) Trees                                    | Landscaping and boundary screening to preserve the appearance of the surrounding area and protect privacy   |
| 4) Landscaping                              | Protecting of retained trees, to enhance the character of the area and protect the amenities of neighbouring properties   |
| 5) Transport                                | Safe access and adequate parking  |
| 6) Amenity                                  | Sufficient amenity space for no.16 and 17, and the new occupants and harm to the amenities of neighbouring properties (outlook, privacy, overshadowing, loss of light and noise). |
| <b>Expiry date</b>                          | 22 December 2014  |
| <b>Recommendation</b>                       | To approve Application No 14/01450/O and grant planning permission, subject to conditions.  |



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Planning Application No 14/01450\_O

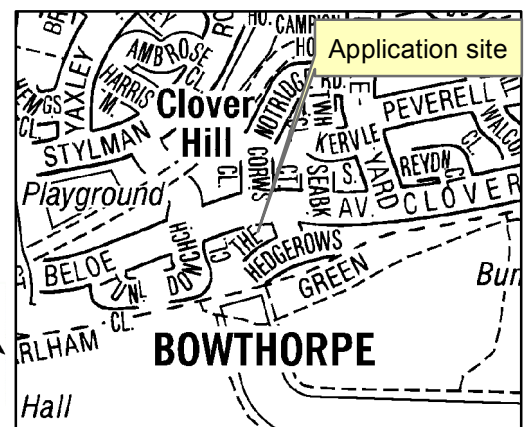
Site Address Rear of 16 and 17 The Hedgerows

Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. The area is residential with there being a mixture of detached and semi-detached dwellings of two and single-storey construction. The density and plot sizes are also varied with smaller plots to Cornwallis Close and larger plots on The Hedgerows. Although the size of plots in The Hedgerows is varied, with the positioning of the dwellings, especially when being viewed from Beloe Avenue being rather erratic compared with the dwellings on the opposite side of Beloe Avenue.
2. The application site would be accessed from Beloe Avenue being the rear portion of two existing properties being 16 and 17 The Hedgerows (currently a house in multiple occupation (HMO)) which is currently delineated by close boarded fencing and varying degrees of landscaping in the form of small trees, hedges and shrubbery. There is a 2 metre high brick wall to the northern boundary of the site which is adjacent to Beloe Avenue.
3. The site is overlooked via the first floor windows of nos. 16 and 17 The Hedgerows. Whilst there is a two-storey dwelling in close proximity to the west boundary of the site, the gable-end of that property does not have any windows on the first floor.

## Constraints

4. The site is relatively flat, although there is a slight downwards slope from east to west. It does have some small-medium sized trees, a tall conifer, hedging and shrubs with the site.

## Relevant planning history

| Ref        | Proposal  | Decision | Date       |
|------------|---|----------|------------|
| 4/781203/F | Erection of 20 houses and 3 bungalows at block B, Cloverhill, Bowthorpe | Approved | 21.12.1978 |

## The proposal

5. The proposal is for an outline application for a dwelling with all matters reserved. The applicant has submitted indicative information to assist the local planning authority determine if a dwelling is feasible in this location.
6. Following discussions with officers, the applicant agreed to slightly reduce the size of the site to improve the levels of amenity space for no 16 and 17 the Hedgerows, alter the indicative footprint and profile of the dwelling and remove the garage. The indicative layout and elevations aiding the planning authority to determine if such a development is feasible at the reserved matters stage.

## Summary information

| Proposal | Key facts |
|----------|-----------|
|----------|-----------|

| Scale                    |                           |
|--------------------------|---------------------------|
| Total no. of dwellings   | One                       |
| Total floorspace         | Approx 65sqm (indicative) |
| No. of storeys           | One (indicative)          |
| Transport matters        |                           |
| Vehicular access         | From Beloe Avenue         |
| No of car parking spaces | 1-2                       |

## Representations

7. Adjacent and neighbouring properties have been notified in writing. 11 letters of representation have been received citing the issues as summarised in the table below.
8. The application was subject to an additional period of consultation expiring on 17<sup>th</sup> December.

| Issues raised   | Response  |
|---|---|
| Another HMO (housing students) is not in keeping with the family homes in the area, impacting on the mix of houses in the area. Nos 16 and 17 are already HMOs. | See main issue 1 and 6.   |
| Another HMO would damage the interests of neighbouring properties e.g. noise, litter and overcrowding.  | See main issues 1 and 6   |
| The UEA need to address their lack of suitable accommodation as it is ruining family areas  | This matter is not material to the determination of the application   |
| Do the existing HMO's have the relevant permissions?  | Nos. 16 and 17 appear to be in use as small HMOs (not more than 6 unrelated adult occupiers), within use class C4. Planning permission is not required for change from a dwellinghouse (class C3) to a small HMO (class C4) |
| The garage could be used for further bedrooms for students  | See main issue 1 and 2.   |
| The residents of Cloverhill have been subject to strict controls to change / extend properties to preserve the original layout and                              | See main issue 1 and 2  |

|   |  |
|---|--|
| concept of the village. Squeezing a dwelling into two back gardens would seem to fly in the face of those requirements.   |  |
| There is no need for new dwellings in this location. There are numerous other properties for sale or for rent in the city   | See main issue 1                       |
| Blight of property values of adjoining properties   | Not a material planning consideration. |
| Before the application is considered, the boundary line between nos 15 and 16 should be corrected to reflect drawings approved by the council in 2013.            | See other considerations.              |
| The existing properties will not have enough amenity space to serve the existing family homes of nos. 16 and 17 The Hedgerows. This is contrary to the local plan | See main issue 6                       |
| It will alter the character and spacing of the original development   | See main issue 2                       |
| The character of the neighbourhood would be changed and would result in loss of greenery  | See main issue 2                       |
| Poor design   | See main issue 2                       |
| The new dwelling will have insufficient private amenity space.  | See main issue 6                       |
| The existing first floor windows of no.16 and no 17 and 96 Beloe Avenue will mean that the new occupants will not have any privacy                                | See main issue 6                       |
| Overlooking of my first floor window (97 Beloe Avenue)  | See main issue 6                       |
| Loss of existing views  | Not a material planning consideration  |
| Overbearing development   | See main issue 6                       |
| Inadequate parking and access   | See main issues 2 and 5                |
| The visibility splay appears for the new access appears not to be in accordance with relevant highways guidance for a 30mph road.                                 | See main issue 5                       |
| The proximity of the access to Cornwallis Close will create a dangerous crossroads.   | See main issue 5                       |

|  |  |
|--|--|
| The proposed ridge height of 5.1 metres will mean that another floor can be added which could compromise our private amenity area. | See main issue 6   |
| I have child protection concerns if this application goes ahead due to the high density of people in one area.                     | See main issues 1, 2 and 5<br><br>If residents believe that there is evidence of existing activities in the area which may result in harm to children, they should contact social services directly. |

## Consultation responses

9. Consultation responses are summarised below the full responses are available to view at [www.planning.gov.uk/online-applications](http://www.planning.gov.uk/online-applications) by entering the application number.

### Highways (local)

10. No objection. Beloe Avenue is an unclassified road, with a 30mph speed limit. Traffic levels are very low. A vehicle crossover in this location is acceptable, especially as a vehicle can exit in a forward gear. There is ample space for bikes and bins.

### Tree protection officer

11. No objection. Would be good to get some ornamental trees at the reserved matters stage, to replace the trees to be lost.

## Assessment of planning considerations

### Relevant development plan policies

12. **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
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS20 Implementation
13. **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
  - DM6 Protecting and enhancing the natural environment

- DM7 Trees and development
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **14. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment

### **Case Assessment**

15. 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**

16. Key policies and NPPF paragraphs – JCS objective 2 and policy 4, DM12, NPPF paragraphs 49 and 14.
17. Paragraph 50 of the NPPF states that local authorities should deliver a wider choice of quality homes. Policies JCS 4 and DM12 are all supportive of new dwellings which help to meet housing need in the city. A dwelling of this scale is considered to form part of the mix of residential accommodation, contributing to the City housing stock. The principle of a dwelling in an established residential area with easy access to public transport to the city centre is therefore acceptable in principle in accordance with the above policies subject to other material planning considerations below.
18. 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 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 considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM 3 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.

## **Main issue 2: Design**

19. Key policies and NPPF paragraphs – JCS2, DM3, DM12, NPPF paragraphs 9, 17, 56 and 60-66.
20. As the application is outline with all matters reserved it is only necessary to determine if those reserved matters are feasible at the detailed stage.

### *Character and local distinctiveness*

21. The defining features are the area is residential comprising a mixture of bungalows and houses in mixed buff brick with varied plot layouts and density. There is also a leafy character evident with many of the boundary walls having varied landscaping to the frontage and within the gardens.
22. The qualities of the original development are noted. However, the layout of the plots (particularly within the Hedgerows) cannot be described as having regular plot layouts or a defined building line to Beloe Avenue. Furthermore, the properties along the northern side of Beloe Avenue, such as Cornwallis Close are of a higher density to the plots on the southern side.
23. The proposed site and remaining land serving the existing properties is broadly reflective of the density and evident in the surrounding area. The indicative street scene plans demonstrate that the provision of a suitable dwelling is feasible without compromising the visual amenities of the street scene and the character of the area. Although, appropriate landscape within the site could replace the leafy frontage which contributes to the character of the area.
24. A suitably designed dwelling is feasible without compromising the character and local distinctiveness of the area.

### *Scale, design and layout*

25. A dwelling in this location will occupy a prominent position in the street scene. Although the retention of a large proportion of the wall in conjunction with a low profile dwelling and landscaping will ensure that the dwelling will sit sensitively in the street scene. This is demonstrated by the indicative street scene drawing, showing the modest profile of the proposed dwelling in relation to the other dwellings.
26. A single storey dwelling does not reflect the predominant style on the south side of Beloe Avenue. However a low profile arrangement such as the one shown on the street scene is considered more appropriate as it responds to the constraints of the site and reflects the lower profile dwellings on the opposite side of the road.
27. Securing an appropriate design which is sympathetic to the character of the area and visual amenities of the street scene is considered feasible at the reserved matters stage and the proposals would be broadly in accordance with the requirements of policies DM3 and DM12.

## **Main issue 3: Trees**



28. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
29. There are trees that formed the boundary between no.16 and no.17 which would have to be removed to facilitate the development. There are also other trees in neighbour properties which are within falling distance of the site.
30. The council's tree protection officer considers the protection of any trees or hedges within neighbouring properties to be achievable subject to the submission of an arboricultural impact assessment (AIA, arboricultural method statement (AMS) and tree protection plan (TPP) statement.
31. The tree officer is also of the view that given that some trees will have to be removed, it would be beneficial to have some ornamental planting. Such a measure is considered reasonable as it will contribute to the leafy character of the area.
32. There is adequate space within the site to accommodate these features within the site. They are considered achievable and securable at the reserved matters stage.

#### **Main issue 4: Landscaping**

33. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
34. Some small trees, hedges and shrubs will have to be removed to facilitate the development. Given the sites close proximity to the road and the leafy character evident in the site and street scene, it is recommended that there be additional planting to the boundaries to enhance the appearance of the development and also protect the privacy of the occupants (see main issue 6).
35. There is adequate space within the site to accommodate these features within the site. They are considered achievable and securable at the reserved matters stage.

#### **Main issue 5: Transport**

36. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
37. The site has the capacity to accommodate the required number of parking spaces, cycle storage and bin storage for a dwelling of this scale. The local highway authority has also confirmed that the provision of a suitable and safe access is achievable from Beloe Avenue.
38. The above matters can be secured at the reserved matters stage.

#### **Main issue 6: Amenity**

39. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
40. At outline stage it is important to establish if the development is capable of providing adequate amenity for future occupiers without detriment to the amenity of existing occupiers in terms of daylight / sunlight and outlook. The indicative plans and elevations provided can be used to determine if the development is appropriate and these issues can be considered in further detail at reserved matters stage.

### *New occupants*

41. The provision of an appropriate level of internal floor space for two to three occupants is considered achievable. For example between 61-70 sqm for a single storey two bedroom property.
42. The site has the capacity to accommodate a level of private outdoor amenity space to the rear which is appropriate for a small bungalow. Although, the reserved matters stage will have to secure appropriate boundary treatment to ensure that the rear amenity space is not significantly overlooked, particularly from the existing first floor windows of no.17.
43. The first floor rear windows of no.97 would face directly towards the private amenity space. However, given that there is distance of some 11 metres between those areas and there being existing landscaping in place, it is unlikely that any significant loss of privacy of the new occupant would result. Although, some additional landscaping could further improve the levels of privacy.
44. The indicative footprint also demonstrates that the dwelling can accommodate windows to all of its elevations ensuring that the occupants will have adequate access to natural daylight.
45. Although in order to protect the future amenity of the occupants, it is recommended that permitted development rights relating to outbuildings and extensions be removed, ensuring that the dwelling does not have its usable private amenity space eroded to a level which would have a detrimental impact on the amenity of the new occupants.
46. It is acknowledged that the site will be surrounded by existing dwellings. That being said, these dwellings are considered to be at a distance which would not result in significant overshadowing or loss of outlook of the new occupants.

### *Existing occupants (no.16 and no.17)*

47. The subdivision of the site will result in a significant reduction in the amount of amenity space serving the existing dwellings.
48. These properties are currently being used as small HMO's (up to 6 unrelated adult occupiers, class C4) or could be used as family home (C3). Each of the resulting plots are broadly reflective of other plot sizes in the wider area, providing a level of general and private amenity space which is deemed appropriate for dwellings of this size.
49. As the proposed dwelling is single storey there will be no overlooking to any windows or private amenity spaces of the existing dwellings. The indicative profile also illustrates that the dwelling would not appear significantly overbearing or results in any significant overshadowing of those existing dwellings.

### *Surrounding properties*

50. Concerns with regard to an overconcentration of people and activity in the surrounding area, given the HMO use of nos.16 and 17 are noted. However the activities and typical noise levels associated with the proposed residential property would be appropriate within the surrounding residential context. . It is not

considered that the C4 use on no16 and 17 and the proposed dwelling would cumulatively result in undue harm to amenity of neighbouring occupiers. If there are incidences of excessive noise or anti-social behaviour this would need to be dealt with using other regulatory powers.

51. The indicative low profile (in the context of existing landscaping) demonstrates that it would not be significantly overbearing.
52. The mitigation of any impact can be dealt with at the reserved matters stage. This would mean that the profile of the dwelling would ideally have to be of a lower (e.g. flat roof) than the one indicated in the current plans taking account of the slope of the site and carefully positioned landscaping. It is also likely that further mitigation may be needed such as a sedum roof, helping soften its appearance when viewed from first floor windows of adjoining properties.
53. Similarly, the indicative position and profile also indicates that the control of any potential overshadowing can be dealt with at reserved matters stage.
54. It is not accepted that the development would result in significant overlooking of the first floor rear windows of no. 97 Beloe Avenue. However, it is recommended that permitted development rights relating to dormer windows be removed to secure the privacy of neighbouring properties.

#### **Compliance with other relevant development plan policies**

55. 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.

| <b>Requirement</b>         | <b>Relevant policy</b> | <b>Compliance</b>               |
|----------------------------|------------------------|---------------------------------|
| Cycle storage              | DM31                   | Yes subject to condition        |
| Car parking provision      | DM31                   | Yes subject to condition        |
| Refuse Storage/servicing   | DM31                   | Yes subject to condition        |
| Energy efficiency          | JCS 1 & 3<br>DM3       | Yes subject to reserved matters |
| Water efficiency           | JCS 1 & 3              | Yes subject to condition        |
| Sustainable urban drainage | DM3/5                  | Yes subject to condition        |

#### **Other matters**

56. It is acknowledged that some vegetation will have to be removed to facilitate the development. As the area in question is relatively small, no significant impact on any protected species is expected.

57. A neighbouring property claims that the front boundary line between no.15 and 16 is incorrect.
58. The area in question is not within the development area (red line) but within adjoining land to the front of the site (The Hedgerows) which is under the applicant's ownership, located to the east of the site and well away from the main development area.
59. The applicant has completed certificate A indicating that they own all of the land within the application site (red line). Procedurally, the onus is on the applicant to fill this in correctly and any disputes relating to land ownership is a civil matter and not under the control of the planning authority

### **Equalities and diversity issues**

60. There are no significant equality or diversity issues.

### **Local finance considerations**

61. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.
62. This development would generate the payment of Community Infrastructure Levy (unless self-build exemption applies).

### **Conclusion**

63. The principle of a dwelling in an existing residential area is acceptable
64. The delivery of a dwelling of an appropriate scale, design, layout, access, parking and landscaping is considered achievable at the reserved matters stage.
65. The protection of the amenities of neighbouring properties can be satisfactorily dealt with at the reserved matters stage.
66. It is therefore 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 14/01450/O and grant planning permission, subject to the following conditions:-

1. Standard time limit for reserved matters applications
2. Submission of details relating to access, layout, scale, design and landscaping
3. In accordance with the approved plans (approximate footprint, height and layout)
4. Water conservation measures
5. Submission of an arboricultural implications assessment, method statement and tree protection plan
6. Details of secure and covered cycle storage

7. Details of bin storage and collection area
8. Details of car parking and tracking curves to indicate that the dwelling can exit the site in a forward gear
9. Removal of permitted development rights (outbuildings, extensions and alterations to the roof).

### **Informative**

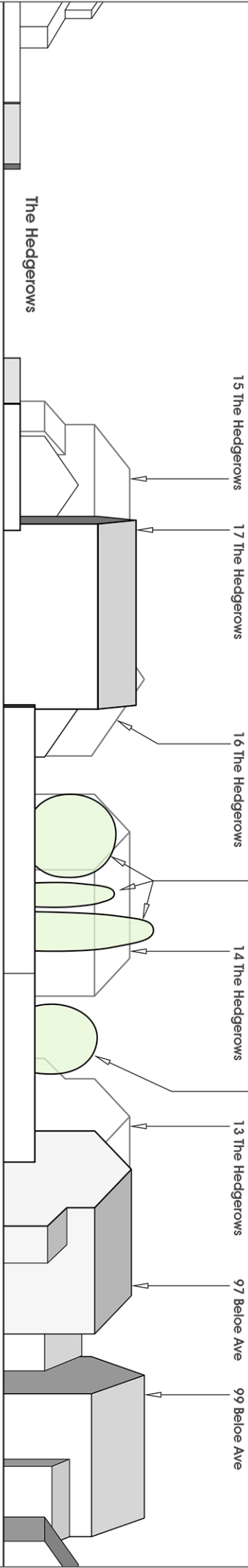
The applicant is reminded that should seven or more unrelated individuals live within a residential property that this would constitute a change of use to House in Multiple Occupation C4 (sui generis), requiring an application for planning permission.

### **Article 31(1)(cc)**

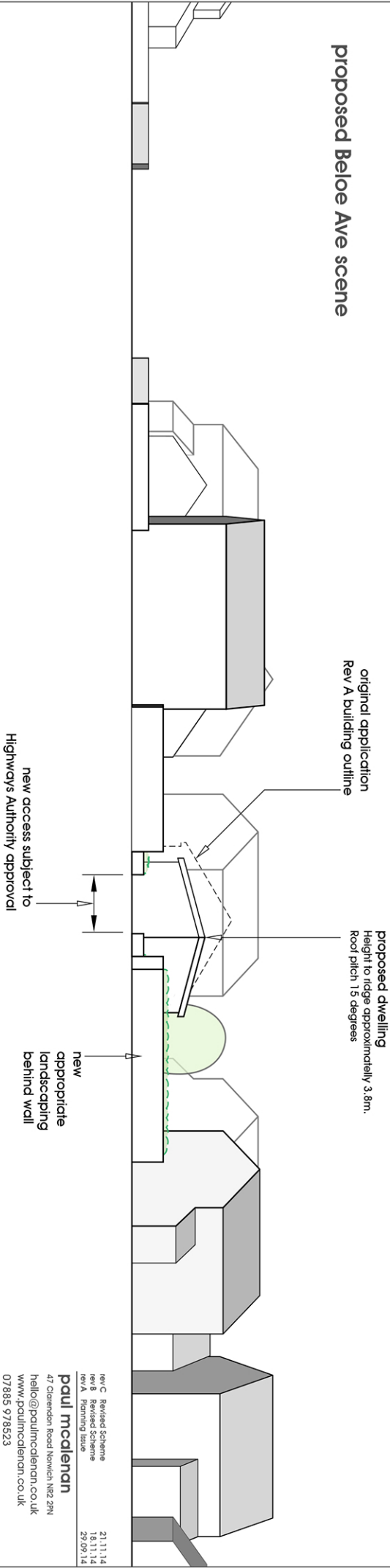
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application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

Ridge and eaves heights for existing buildings are scaled from photos and therefore approximate

existing Beloe Ave scene



proposed Beloe Ave scene



rev C Revised Scheme 21.11.14  
rev B Revised Scheme 18.11.14  
rev A Planning Issue 27.09.14

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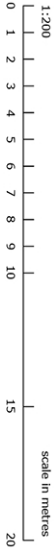
project  
outline planning permission  
for single storey dwelling  
drawing  
existing and proposed street scene

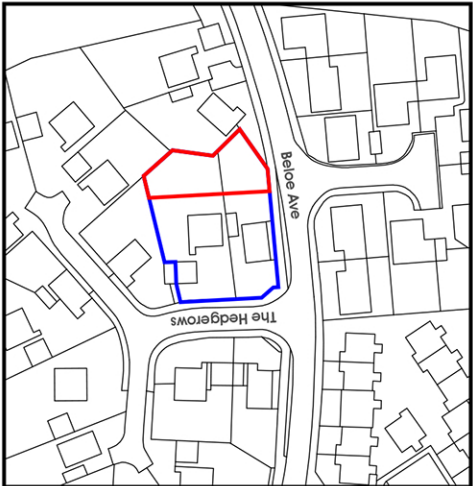
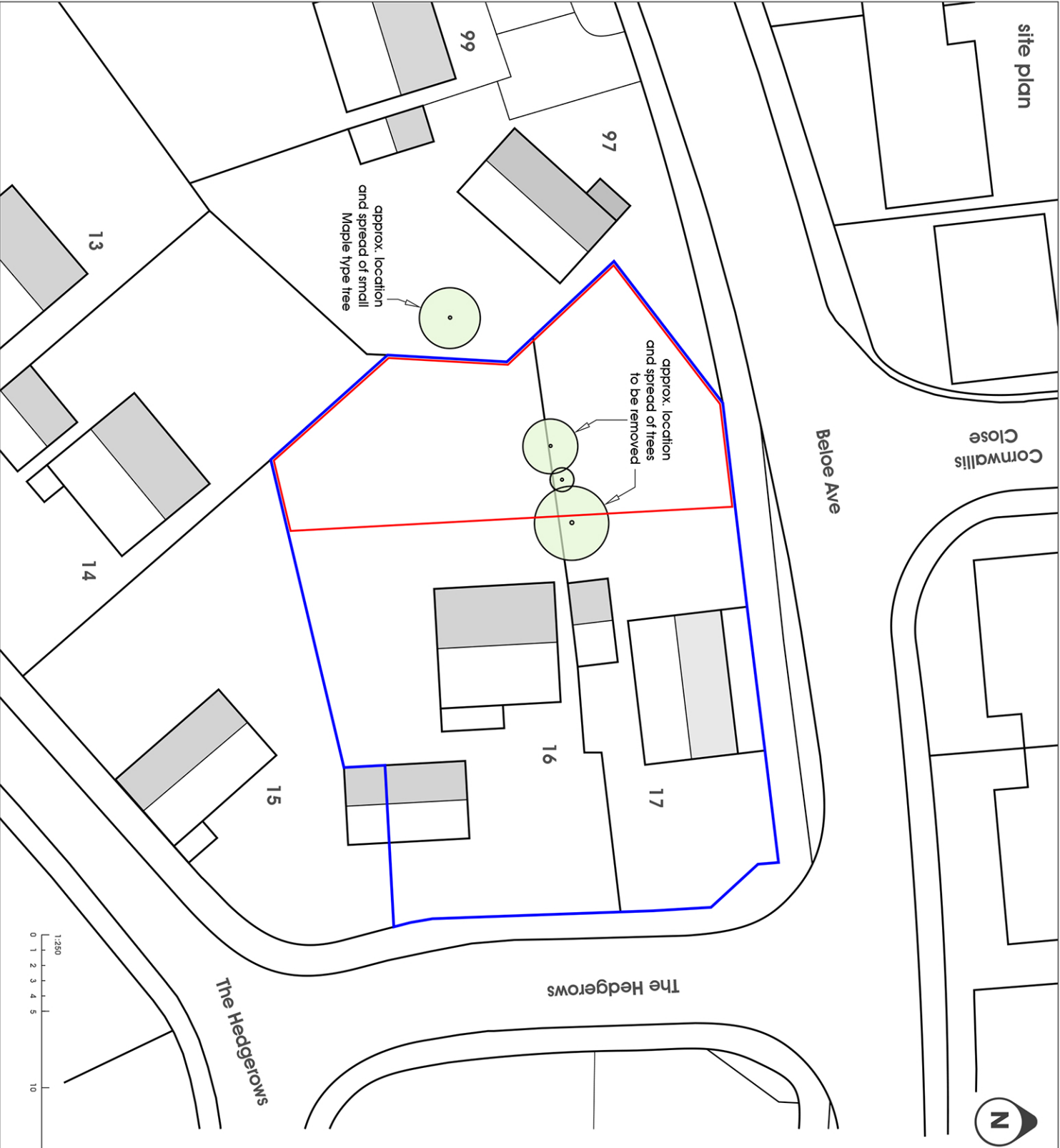
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date 29 September 2014

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rev A planning issue 27.09.14

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project  
outline planning permission  
for single storey dwelling  
drawing  
site & location plan

drawing no. 0176.01 rev. B  
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