Report to Planning applications committee

Date 18 April 2013

Report of Head of planning services

Subject 13/00250/F 14 Branksome Road Norwich NR4 6SN

Item 5(7)

SUMMARY

Description:	Subdivision of curtilage and er	rection of 1 No. dwelling.
Reason for	Objection	
consideration at		
Committee:		
Recommendation:	Approval	
Ward:	Eaton	
Contact Officer:	Mr John Dougan	Planner 01603 212504
Valid Date:	19 February 2013	
Applicant:	Mr And Mrs J Kaiser	
Agent:	Peter Codling Architects	

INTRODUCTION

The Site

Location and Context

- 1. The site is located on the western side of Branksome Road at the rear of what was previously a part of the large garden serving No.14 Branksome Road. Following the grant of outline planning permission in 2011 (see planning history below), the garden has been sub divided and sold off to the current applicants.
- 2. A site visit found the site to have been cleared of small trees but still retaining a number of larger trees to the rear boundary, mature holly trees and Leylandii along the boundary with no.12A. Boundary treatment to the site is primarily 1.8 metre close boarded fence although; there is currently no boundary treatment to no.14, except for some small conifer trees.
- 3. The surrounding area is characterised in the main by large detached residential properties sited within generous garden space. The age of buildings in the area varies considerably with 1970's/80's buildings to the South West along Sunningdale and to the immediate North West a more recent development of several detached dwellings served from Fulford Close cul-de-sac. These latter properties generally have smaller gardens but these are still of relatively generous proportions.
- 4. Of particular note, the character of this part of Branksome Road has changed with the implementation of planning permissions to the rear of no.12 i.e. a two-storey dwelling and steep pitched double garage.

Constraints

5. There are no specific constraints associated with this site except that the site to the NW (no.12A) contains trees with TPO status and others in close proximity to the site boundary

Topography

6. This is a flat site

Planning History

Application site

09/01029/O - Outline application for demolition of existing garage and erection of bungalow in rear garden. (Refused - 11/12/2009). Allowed at appeal.

10/01990/RM - Reserved matters for the appearance, landscaping, layout and scale of outline planning permission 09/01029/O

11/00702/D - Details of condition 1 boundary treatment of previous planning permission 10/01990/RM

11/01328/RM - Reserved matters of appearance, landscaping, layout and scale of previous outline planning permission 09/01029/O

Adjoining land to NW i.e. 12A Branksome Road

A number of applications have been considered in this previous rear garden site with the most recent approval (09/00572/F) being for a two storey dwelling at 7.8 metres high and a further approval (11/00663/F) for a double garage on the boundary at a height of 6 metres. Both of these approvals have been fully implemented.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

- 7. Subdivision of curtilage and erection of a four bedroom two-storey dwelling with basement and attached double garage with a combination of white render / red facing brick walls and Sandtoft natural black clay 'Country Range' roof tiles. The finished dwelling would be 7.2 metres above ground level.
- 8. The existing brick piers at the existing entrance will remain allowing shared access for both the applicant and the current owners of 14 Branksome Road
- 9. A new fence along the shared access with n.14 is indicated although, the height and materials proposed has not been identified on the site plan.
- 10. A new 1.8 metre high wall between the double garage and the garden of no. 14 is proposed.
- 11. The applicant submitted a revised plan showing that the development was wholly contained within the site boundary (red line).

Representations Received

- 12. Adjacent and neighbouring properties have been notified in writing. 8 letters of representation have been received citing the issues as summarised in the table below.
- 13. The representations comprise 6 letters of objection and 2 in support of the application.

Issues Raised	Response
Not in keeping with the character of the	Para 18-20
area. It should be maintained as a quiet	
and peaceful environment.	
The scale and design is not inkeeping	20
with other designs in the area	
The development is much larger and	26-29
higher than the approved bungalow i.e. a	
three storey dwelling	04.00
Over development of the plot	21-22
Loss of on site trees	45-47
Does the proposal meet the	14 and 40-42
requirements for fire appliance access	
and operation?	
Any future application for a new garage	22
next to the main house would form	
ribbon development along the plot	
The development would result in loss of	33
privacy of our property on Sunningdale	
Reduction in sunlight to my garden	37 and 38
(no.12a)	
The target tree survey states that the	46-47
Leylandia (no.8) that is positioned in my	
drive (12a) is to be removed. I can	
confirm that I will not give permission for	
the felling of this tree.	10 10
The Copper Beach that its in my land	46 - 47
(no.12a) and adjacent to the boundary is	
not detailed on the survey	
The plan shows that the building will be	46-47
sited only 1.3 metres from my boundary	
fence (12a) resulting in damage to my	
trees along that boundary – which would	
provide the only concealment of the	
dwelling.	
There must be time restrictions during	30-32
the construction period i.e. only during	
the working week.	
The height of the proposed house has	26-29
been restricted, but nevertheless it is	
higher	

You will have received numerous letters	Noted
regarding the large dwelling and garage	
on 12a Branksome Road.	
The proposed garage is too close to the	11 and 25.
proposed boundary wall with no.14.	
My other concern is the entrance and	No double garage has been erected.
access to my double garage (no.14) is	Furthermore, there has been no formal
not shown on the submitted plans.	determination as to the location of such a
Building work is to commence shortly	garage.
with the access via the shared drive.	

2 letters of support raising the following points

- The proposal is of a better design than the previously approved bungalow, expanding downwards to reduce the impact on neighbours. It should also be noted that sustainable building techniques have been used.
- I am in favour of building on sites such as these rather than Greenfield site.
- The proposal will have a negligible impact on traffic in the area.
- The proposal is taller but it is totally inkeeping with the size of the properties in the area.

Norwich Society

Previous permission was given for a bungalow on this site. (No 12 already has a house in the garden). We consider that the scale of the proposal is out of keeping with the character of the area and question the elevation and detailing of the roof profile.

Consultation Responses

- 14. Local Highway Authority -
- No objections in principle in terms of transportation matters
- The shared use of an existing vehicle access to Branksome Road is acceptable.
- A fire service tender turning head is not required, this would not be feasible or desirable for this site. The property would be within 45 metres of any emergency services vehicle which conforms to building regulations, see notes for details. A neighbour has questioned why their property has a turning head for emergency use yet this site does not, this may be because standards have changed over the years, but it does not have any bearing on the function of this development.
- The turning head for private vehicles enables them to exit in a forward gear
- The bin store arrangements are satisfactory.
- The cycle store arrangements are satisfactory.
- The use of shingle is satisfactory.

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 11 Conserving and enhancing the natural environment

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

- 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 of the forthcoming new Local Plan (submission document for examination, April 2013):

Development Management Policies Development Plan Document – Presubmission policies (April 2013).

DM1 Achieving and delivering sustainable development

DM2 Ensuring satisfactory living and working conditions

DM7 Trees and development

DM12 Ensuring well-planned housing development

DM28 Encouraging sustainable travel

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.

Principle of Development

Policy Considerations

15. Since the previous refusal and appeal decision, new national policy in the form of the NPPF is in place stating that there is a presumption in favour of sustainable development. It is also noted that paragraph 53 of the NPPF states that local

planning 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 primary focus of this legislation is therefore material to this assessment. Residential gardens are also no longer considered to be classed as brownfield land.

- 16. Whilst there is no specific policy in the local plan relating to inappropriate development in residential gardens. Instead policies HOU13, HBE12, EP22 are used to assess the appropriateness of such development and whether or not it would cause significant harm to the area.
- 17. The principle of erecting a new dwelling in a residential area is considered to be acceptable under saved local plan policy HOU13 subject to the criteria listed within the policy and subject to it being in keeping with the character of the area, providing sufficient on site amenity provision, parking and access provision for the site, not having a significant impact on the residential amenity of neighbouring properties and not having a detrimental impact on the health of nearby trees.

Character

- 18. Whilst the rear character is predominantly of long gardens, many of which have mature trees, the principal of erecting a dwelling in this rear garden location has already been established due to the recent appeal decision and reserved matters for the site and also the implementation of the two-storey dwelling to the rear of no.12 Branksome Road.
- 19. Nevertheless, the scale and design of any new proposal should respond to the existing character evident in the area. Creating a basement within the dwelling has the effect of restricting the footprint however the proposal is 1.4 metres higher than the bungalow approved at reserved matters. It should be noted that the height is 600mm lower than the adjoining dwelling at 12a.
- 20. Whilst the style of dwelling is different to the site at 12a and those fronting Branksome Road the form of dwellings in the immediate surrounding area differs further e.g. the more modern dwellings to Fulford Close and 1970/80's styles to Sunningdale. With the varied styles evident in this rear location, the erection of a modern dwelling cannot be considered to be out of keeping with this rear garden location, which in itself does not command a prominent position in the primary public realm which is Branksome Road.

Design

Layout

- 21. The site is narrower than the adjoining site at 12a, resulting in a dwelling which is 1.9 metres from each boundary. However, the resulting layout would comprise a very large rear garden which is of a similar length to no.12a and much longer than the remaining rear garden for no.14. The front of the proposed dwelling would benefit from a small landscaped area, double garage, turning area and shared driveway.
- 22. All of the above ensures that the proposed dwelling is proportionate to the size of

the plot and broadly reflective of the plot sizes evident in the wider area. Any future planning applications for further buildings would be assessed on a case by case basis.

Scale and design

- 23. The scale of the proposal is reduced considerably, by having one of its floors below ground level. This results in a two-storey dwelling and roof structure which responds to the constraints of the site i.e. a rear garden location and narrower site than the adjoining rear site at no.12a. Having the gables of the dwelling facing front and rear has the effect of reducing the amount of roofscape visible from the rear, the front and when viewed from Branksome Road.
- 24. The above roof orientation coupled with a distance of some 9 metres to the other dwelling (12a) and existing mature trees has the effect of respecting the spatial characteristics between both properties.
- 25. The proposed double garage is of a scale and design which is subservient to the main dwelling and sympathetic to the character of the area. In fact it is much smaller than the approved double garage within 12a Branksome Road.

Height

- 26. A number of the representations have referred to the fact that the proposal is higher than the appeal decision and its details approved under reserved matters. the height of the approved bungalow was restricted as part of the recent reserved matters approval.
- 27. However, this is a new application and is therefore assessed on its own merits. It is important to assess the height of the proposal in the context of surrounding dwellings and what has already been approved for this site.
- 28. The plans submitted by the applicant show that the height of the proposal is 600mm lower than the dwelling in the adjoining property 12a, the existing house at 14 and only 1.4 higher than the bungalow approved at the reserved matters stage.
- 29. With all these factors in mind, coupled with its scale / design, the proposal is considered to be of a height appropriate which responds to the constraints of the site and character of the area

Impact on Living Conditions

Noise and Disturbance

- 30. The activities associated with the construction of the dwelling may result in some noise and disturbance for adjoining residents. However, this impact is not considered to be significant as it is not an activity which could reasonably be considered alien to an urban environment, with the site itself having its own access and being surrounded by a 1.8 metre high close boarded fence.
- 31. Similarly, restricting work to week days only is not considered reasonable or necessary in planning terms. Any issues relating to excessive noise can be subject to separate Environmental Health legislation.
- 32. It is noted that there is currently no boundary between the resulting rear garden

of no.14 Branksome Road and the new shared access and construction area for the proposed house. It is considered that the safety of the users of this garden area can be addressed as part of safe site working practices governed by Health and Safety at Work Regulations.

Overlooking and loss of privacy

- 33. The key receptors are the adjoining properties either side and the revised garden area for no.14 Branskome Road. The adjoining properties to the rear are not considered to be sensitive as their habitable windows and amenity areas are a considerable distance from the rear façade of the proposal and partially screened by existing 1.8 metre high fencing and mature trees to the rear boundary.
- 34. There is not considered to be any significant overlooking or loss of privacy to the properties either side of the application site as the height of the proposed rooflights relative to floor level means that occupants cannot easily peer into habitable rooms or sensitive amenity areas of those properties.
- 35. The habitable first floor windows on the front elevation of the proposed dwelling will look in the direction of the rear garden and windows of no.14. The distances are 10.5 metres and 34 metres respectively. Such distances are not considered abnormal in the context of an urban area and also reflects other examples in the area e.g. Fulford Close.
- 36. The site plan indicates a new fence to be erected between the shared access and no.14's revised rear garden but no details of height and materials. To ensure residents safety and amenity, it is recommended that a condition be added requiring details of boundary treatment along this part of the site.

Overshadowing or loss of daylight

- 37. The owner of no.12a has stated that the resulting dwelling would reduce sunlight accessing his garden. This is not considered to be the case due to sympathetic orientation of the roof structure meaning that any loss of light or overshadowing to this area or habitable rooms would be minimal. The existing Holly trees in the neighbour's garden would in itself cast a certain amount of shadow onto this area. The area in question is also not considered to be a prime amenity area, but instead a gravel access to the neighbours double garage. Policy EP22 focuses on the impact on amenity to main habitable rooms and in this case it is not considered that there would be any significant impact.
- 38. The footprint, height and orientation of the roof in the context of the existing environment are sympathetic to the amenity of the properties to either side.

Overbearing Nature of Development

39. The height and orientation of the roof structure, in the context of the existing built environment is not considered to be overly overbearing. Any impact is therefore considered to be insignificant.

Transport and Access

Vehicular access, servicing and parking

- 40. A similar layout and access to the site for the previous proposal has already been deemed acceptable as part of the recent appeal decision.
- 41. The local Highway Authority has also confirmed that the current proposal is sufficient for the purposes of safe vehicular access, servicing and parking provision.
- 42. On the specific point raised by a neighbouring property about the suitability of the site to accommodate fire appliances, the local Highway Authority clarified that the proposal is acceptable.

Environmental Issues

Energy Efficiency and Renewable Energy

43. The proposal is below the threshold for an energy efficiency statement or for decentralised renewable or low carbon energy generation on site, however the proposals do indicate Solar PV and thermal panels incorporated within the roofscape reducing the electricity and heating demands on the dwelling.

Water Conservation

44. The applicant has demonstrated that the proposal will meet achieve Code for Sustainable Homes level 4, a requirement in the Joint Core Strategy, this should form a condition of any approval.

Trees and Landscaping

Loss of Trees or Impact on Trees

- 45. The site was cleared of any significant trees except those along the boundary and to the rear of the property.
- 46. There are a series of trees within the neighbours property to no. 12a Branksome Road which have been identified on the revised site plan (including the neighbours Copper Beach). They do provide partial screening between the sites, particularly the holly trees between the dwelling and the adjoining dwelling (no.12a). The applicant has confirmed that there is no requirement for the Leylandia (no.8) to be removed. A revised Aboricultural Method Statement has been submitted to ensure protection of those trees during the construction period.
- 47. The Council's tree officer has viewed the proposed tree protection measures and considers them to be acceptable.

Local Finance Considerations

48. 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. This is a material consideration but in the instance of this application the development plan and

other material planning considerations detailed above are considered to be of a greater weight.

Conclusions

- 49. The scale, design and location of the proposal in the context of the existing built environment and recent planning approval for the site is considered to be sympathetic to the character of the area, the visual amenities of the street scene and amenity of neighbouring properties.
- 50. The layout of the site provides safe access, parking and turning for the residents, including adequate provision for on site servicing. The internal layout also provides more than adequate amenity provision for the new residents as well as leaving adequate rear garden space for no.14 Branksome Road.
- 51. The aboricultural method statement will ensure the protection of any trees in neighbouring properties.

RECOMMENDATIONS

To approve Application No (13/00250/F at 14 Branksome Road) and grant planning permission, subject to the following conditions:-

- 1. Time Limit
- 2. In accordance with the approved plans
- 3. In accordance with the Aboricultural Method Statement
- 4. Submission of details of boundary treatment to no.14's rear garden
- 5. Proposals to meet code for sustainable homes level 4 for water effiency

(Reasons for approval:

The scale, design and location of the proposal in the context of the existing built environment and recent planning approval for the site is considered to be sympathetic to the character of the area, the visual amenities of the street scene and amenity of neighbouring properties.

The layout of the site provides safe access, parking and turning for the residents, including adequate provision for on site servicing. The internal layout also provides more than adequate amenity provision for the new residents as well as leaving adequate rear garden space for no.14 Branksome Road.

The aboricultural method statement will ensure the protection of any trees in neighbouring properties.

It is therefore compliant with statements 6, 7 and 11 of the National Planning Policy Framework 2012, policies 2, 3 and 3 Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and policies HOU13, NE3, HBE12, EP22, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan 2004.

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 amendments during the pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined above.)



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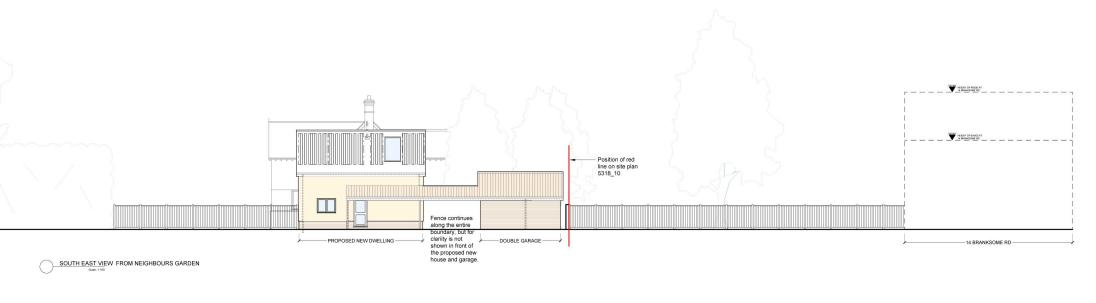
Planning Application No 13/00250/F

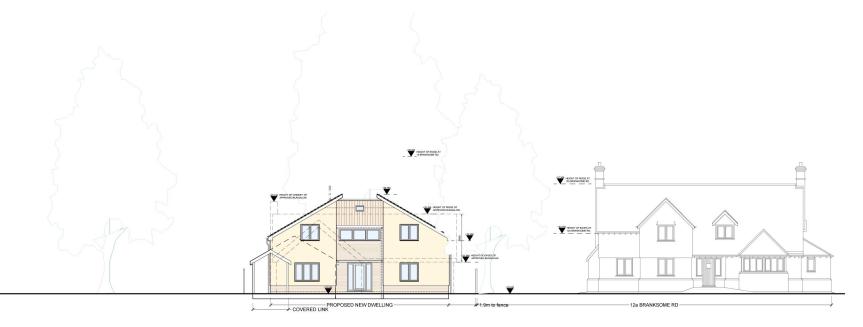
Site Address Land to rear of 14 Branksome Road

Scale 1:1,000









NORTH EAST VIEW FROM NEIGHBOURS GARDEN

JA.	Dec 12	Render colour changed
		from cream to white.
В	Jan 13	Neighbours garage
		removed from elevations
C	Jan 13	Amendments following
		clients email.
D	Jan 13	Minor amendments after
		meeting with client.
E	Jan 13	Boundary fence shown
F	Feb 13	Garage moved onto
		boundary line.
G	Mar 13	Footprint of existing
		approved bungalow added.

PLANNING APPROVAL ONLY

PETER CODLING ARCHITECTS

Mr & Mrs Kaiser 5 The Walnuts Norwich

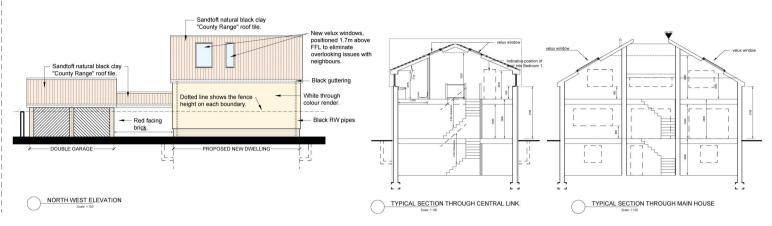
Proposed street scene from Branksome road and neighbouring garden

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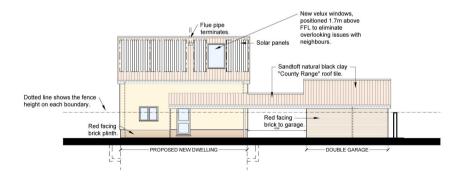
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SOUTH EAST ELEVATION

Party Wall Act 1996 involves the following proposed building work;

Constructing foundations or retaining walls for a new building within 3m of a neighbouring foundation.

Constructing foundations or retaining walls for a new building within 6m of a neighbouring builidng where works will cut a line drawn downwards at 45° from the bottom of the neighbours foundations.

If new party wall is part of the building works then the client is advised to take advise from a Party Wall Surveyor to ensure the proper procedure is carried out and the correct notices are served on adjoining owners. This applies to existing and new party walls.

No notification is required under the party wall act 1996 because the proposed basement is going to be more than 6m away from any existing building.

REVISI	ON .	,
JA.	Dec 12	Amendments to design
В	Dec 12	following meeting with client Single garage remoed & Dble garage added, render
С	Jan 13	and roof note changed. Lowering of roof, moving windows,adding velux windows.
D	Jan 13	Amendments following clients email.
Е	Jan 13	Minor changes after meeting.
F	Jan 13	Additional info added.
G	Feb 13	Garage moved onto boundary line.
Н	Mar 13	Garage moved back away from neighbours boundary.

PLANNING APPROVAL ONLY

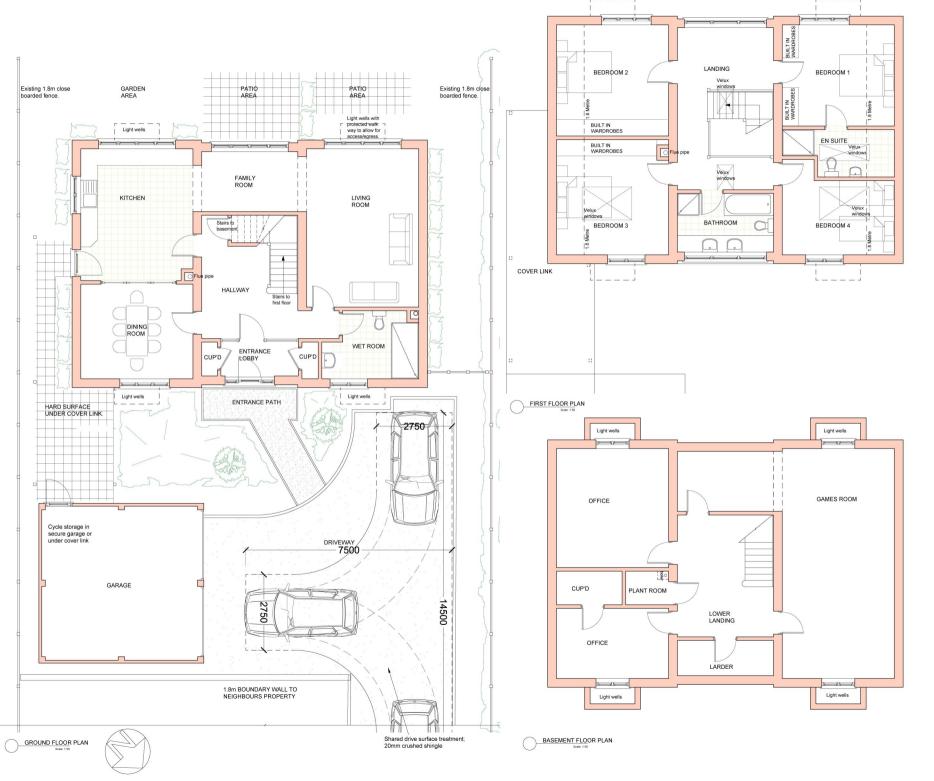
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Mr & Mrs Kaiser 5 The Walnuts Norwich

Proposed elevations

SCALE 1:100@A2		
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DATE Nov 12	DRAWN BY nd	b

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ĮΑ	Dec 12	Revised plans after
	900 0000	discussion with client.
В	Dec 12	Single garage removed and
		dbl garage added, foul
	Jan 13	drainage added.
C	Jan 13	Reduced eaves height and
		reconfig stairs and family
		bathroom. Moved light well.
D	Jan 13	Amendments following email
- 1	1	from client.
E	Jan 13	Minor changes following
		meeting.
F	Jan 13	Additional notes added.
G	Feb 13	Garage moved onto
		boundary line.
H	Mar 13	Garage moved back away
		from neighbours boundary.
Р	LANNING	APPROVAL ONLY
	_, ., ., ., ., .	ALL THOUGHT

DETER CORUMO ARCHITECTO

PETER CODLING ARCHITECTS 7 THE OLD CHURCH, ST. MATTHEWS ROAD, NORWICH, NR1 15P Tel: 01903 860408

Mr & Mrs Kaiser 5 The Walnuts Norwich

Plans of new proposed four bedroom detached house.

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