

Report to Planning applications committee

Item

11 February 2016

Report of Head of planning services

Subject Application no 15/00803/F - Garden Land between
35 - 51 Gipsy Lane, Norwich

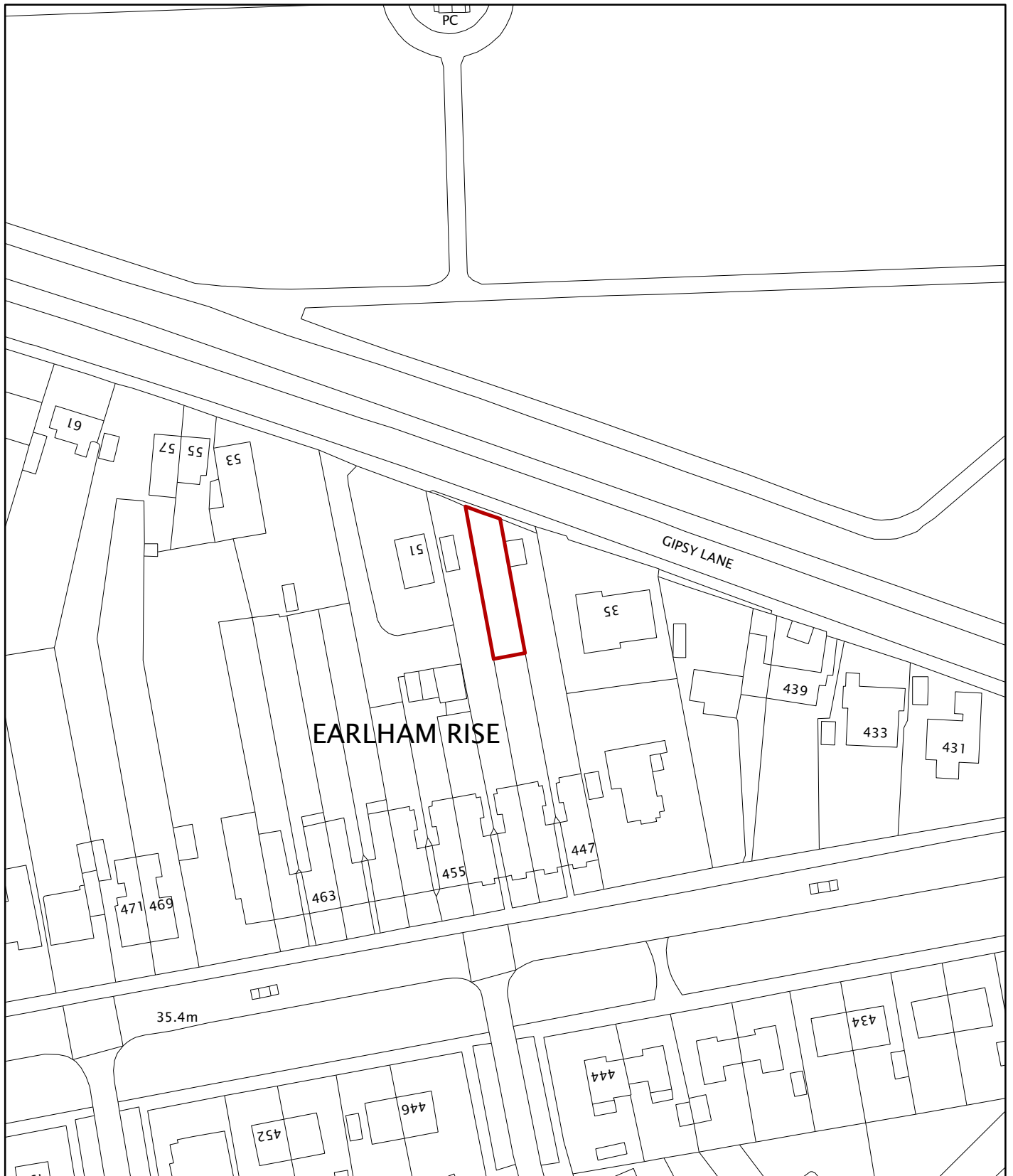
**Reason
for referral** Objections

4(d)

Ward:	Wensum
Case officer	Kian Saedi - kiansaedi@norwich.gov.uk

Development proposal		
Erection of dwelling.		
Representations		
Object	Comment	Support
11 letters of objection from 7 persons	0	0

Main issues	Key considerations
1 Principle of development	Sub-division of garden, previous appeal decision on the site
2 Design	Scale, appearance, plot width, local distinctiveness and identity
3 Trees	Any harm to trees on adjacent site
4 Amenity	Overshadowing/loss of light, Overlooking/loss of privacy, internal/external amenity space, outlook, noise
Expiry date	Extended to 18 February 2016
Recommendation	Approve subject to conditions



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Planning Application No 15/00803/F

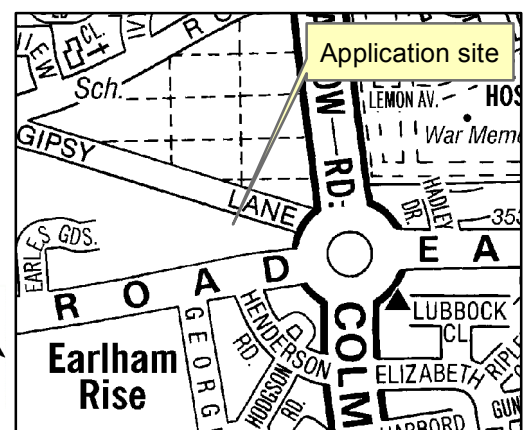
Site Address Garden Land between
35 & 51 Gipsy Lane

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is located on the south side of Gipsy Lane and opposite to Norwich Cemetery. Other than a small dilapidated garden shed the site is currently vacant and has previously been sub-divided from the garden of 449 Earlham Road.
2. Several trees have been removed during the assessment of the application, which were previously located along the eastern boundary of the site. A Copper Beech tree is located adjacent to the boundary with the neighbouring property to the west and is served by a TPO.

Constraints

3. The site is located within a Critical Drainage Area (DM5).
4. The Copper Beech tree located on the neighbouring site to the west is served by a Tree Preservation Order (TPO).

Relevant planning history

5.

Ref	Proposal	Decision	Date
08/00057/F	Demolition of garage and sheds and change of use of residential land to land for the stationing of a mobile home.	Refused and the subsequent appeal dismissed - In the reasoning for the inspector's decision the appeal site was considered "so narrow that its use for siting of a mobile home would create a cramped form of development, not suitable for the living conditions future occupiers and not in keeping with the characteristic wider plots in the immediate vicinity". Issues of design and amenity associated with the current proposal for a new dwelling are discussed in the following sections of the committee report.	02/04/2008

The proposal

6. The proposal is for the erection of a dwelling.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	1 dwelling
Total floorspace	98 sq.m
No. of storeys	2-storey dwelling featuring mono-pitched roof
Max. dimensions	4.3m wide x 14m deep x 6.8m tall (4.7m to lower eave)
Appearance	
Materials	The dwelling is of lightweight structure, constructed with a timber frame and clad with cedar. The roof is to be of corrugated metal construction and windows and doors are timber framed.
Energy and resource efficiency measures	PV panels mounted on the South-West facing wall
Transport matters	
Vehicular access	From Gipsy Lane
No of car parking spaces	1
No of cycle parking spaces	Cycle storage shed with capacity for 3 bicycles
Servicing arrangements	Refuse storage adjacent to the cycle shed and highway

Representations

7. Adjacent and neighbouring properties have been notified in writing. Nine 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.

Issues raised	Response
Previous application (08/00057/F) was rejected by the council and on appeal	Main issue 1
Loss of light	Main issue 4

Issues raised	Response
Inadequate external amenity space and internal living space	Main issue 4
Noise disturbance	Main issue 4
Poor design/out of keeping	Main issue 2
Out of scale development	Main issue 2
Overdevelopment of site	Main issue 2
Harm to trees	Main issue 3
The development will destabilise trees on adjacent site and make it susceptible to falling on surrounding property	Main issue 3
Increased traffic	Any increase in traffic resulting from one additional dwelling will not be significant.
Poor parking configuration	The parking configuration is satisfactory. In terms of traffic flow, Gipsy Lane is a relatively quiet street, especially at the eastern end adjacent to the application site where traffic measures have been implemented to restrict vehicle access onto the roundabout. Allowing cars to exit the application site onto Gipsy Lane in reverse gear is therefore permissible.
It appears as though the proposed building crosses the party line on the boundary and there's no room for maintenance	Plans show the proposed development to be contained within the application site.
There are discrepancies with the application form (tree section)	The tree section of the application has been revised and the details within the application are otherwise satisfactory.
Concern that the property will be let to students rather than providing a family home as stated in application form	Not a material planning consideration.
The proposed development will devalue house prices in the surrounding area	Not a material planning consideration.
Concern regarding access through the site from 449 Earlham Road and the potential for people to use the application site as a thoroughfare to park on Gipsy Lane.	Plans submitted with the application indicate a 1.8m timber fence stretching across the rear boundary of the site with 449 Earlham Road.

Issues raised	Response
I am sure that four concrete pads will not be strong enough to support a building of this size.	Not a material planning consideration. This matter will fall within the Building Regulations assessment.
The design for waste rainwater into the soakaway is concerning. Will this be fit for purpose and prevent flooding into neighbouring gardens.	The site is located within a Critical Drainage Area and as such the development is required to avoid any increase in vulnerability to surface water flooding either on the site or in the surrounding catchment. The application includes a 200 litre rainwater retention butt and soakaway to be installed in the rear garden. The applicant has confirmed that the soakaway size and specification is in accordance with Building Regulations under which an assessment will be made outside of the planning process. A condition will be imposed requiring that the soakaway be installed and designed in accordance with BRE standards to ensure that floodwater is retained on the application site.

Consultation responses

8. 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)

9. No objection on highway/transportation grounds. Vehicle access to Gypsy Lane is adequate for this purpose and bin/bike store is acceptable.

Tree protection officer

10. The scheme had originally set out for the retention of the beech hedge along the eastern boundary of the site. The tree officer did not consider that the trees could be retained in any sustainable form and that if they were to be retained they would likely cause nuisance for future occupants. The scheme was subsequently amended to remove the trees from the eastern boundary and reconfigure the footprint of the development to avoid any conflict with the protected Copper Beech trees on the neighbouring plot. The council's tree officer has reviewed the latest arboricultural report and has expressed satisfaction that the development can be achieved without harm to the TPO'd tree on the adjacent site. It is also recommended that replacement tree planting be secured as part of any planning permission.

Assessment of planning considerations

Relevant development plan policies

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation
12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM12 Ensuring well-planned housing development
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

13. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF4 Promoting sustainable transport
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change
 - NPPF11 Conserving and enhancing the natural environment

Case Assessment

14. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

15. Key policies and NPPF paragraphs – DM12, SAXX, NPPF paragraphs 49 and 14.
16. 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 DM3 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. In the case of the current proposal the plot has already been subdivided and is currently vacant with the exception of a small dilapidated shed. It is understood that the subdivided plot of 449 Earlham Road has been sold off separately to the application site.
17. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed below given that:
 - The site is not designated for other purposes;
 - The site is not in a hazardous installation notification zone;
 - The site is not in the late night activity zone;
 - It does not involve the conversion of high quality office space; and
 - It is not in the primary or secondary retail area or in a district or local centre.
18. The council previously received an application for the change of use of the application site to residential for the stationing of a mobile home. This application was subsequently refused and dismissed at appeal owing to the following reason:

“The appeal site is so narrow that its use for siting a mobile home would create a cramped form of development, not suitable for the living conditions of future occupants and not in keeping with the characteristic wider plots in the immediate vicinity”
19. The reasons for the previous refusal have been considered against the current proposal at the site. However they have not been taken to preclude the possibility of residential development on the site, as the previous reason for refusal related to a temporary mobile home development. Rather, the current application has been considered on its own merits against the main issues as discussed in more detail below.

Main issue 2: Design

20. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
21. The proposal is for the erection of a two storey-dwelling, of lightweight construction and contemporary design. The application site is narrow at 6.3 metres in width and

measures 35 metres in depth and is separated from the nearest neighbouring properties (35 & 51 Gipsy Lane) by the width of the rear gardens of numbers 447 and 451 Earlham Road respectively.

22. The surrounding area is a mixture in architectural styles and character with a bungalow and two-storey detached and semi-detached properties to the east and two-storey detached properties to the west. Opposite the site to the north is Norwich Cemetery. An appeal was dismissed for a change of use of the land to residential and stationing of a mobile home (08/00057/F) partly due to concerns with the impact of the proposal upon the character and appearance of the surrounding area. The dwellings in the immediate vicinity were identified as being "individual designs, but characteristically within plots significantly wider" [than the application site]. The narrow width of the application site was consequently considered to be out of keeping with the characteristic wider plots in the immediate vicinity.
23. The width of the application site is no different to the application site the subject of the appeal and in this respect would still be out of character with surrounding plots. However, the proposal would contribute to reinforcing the street frontage where at present there is a break resulting from the depth of the rear gardens of 447-451 Earlham Road. As such a new dwelling fronting Gipsy Lane would not be out of character with Gipsy Lane streetscene, given the number of infill dwellings which already front the street. The contemporary design of the proposal will add visual interest to the area and the predominant use of cedar cladding will sit well with the tree-lined, verdant character of the cemetery site opposite.
24. In terms of scale, form and appearance there is very little architectural consistency in the immediate vicinity and the contemporary design and 1.5-storey scale of the proposal will not therefore result in any significant harm to local identity and distinctiveness. The harm caused by the narrow plot cited in the reasoning for the appeal dismissal is considered to be outweighed by the positive design aspects of the scheme and the creation of a new unit of accommodation. These aspects were perhaps not so apparent during the assessment of the appeal case, which was for the stationing of a mobile home for which no details of appearance or scale were provided.
25. The design of the scheme is innovative and works well within the constraints of the site. Amenity is discussed further below but in summary the scheme is considered to provide for an adequate standard of living for future occupants without impinging significantly upon that of neighbouring properties. It is not therefore concluded that the scheme will amount to an overdevelopment of the site.
26. A landscaping condition will be added to any planning permission to ensure that the external areas of the site are finished to a high standard and that the planting specification for replacement trees/vegetation is satisfactory.

Main issue 3: Trees

27. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
28. The application site had originally featured a dense row of trees (mainly Beech) along the eastern boundary, which had originally been set out for retention. It was determined that the trees could not be retained in any sustainable form and that

they would pose a nuisance to future occupiers. The trees were not protected and were subsequently removed to avoid any conflict with the proposed development. While regrettable in terms of losing the biodiversity and landscape value provided by the trees, the specimens that were removed were not considered to be of sufficient quality to receive TPO protection. The application does set out for replacement tree planting towards the rear of the site. A landscaping condition will be attached to any planning permission requiring details of tree planting to be submitted to the local authority for approval. If possible it would benefit the appearance of the site and surrounding area if trees could be planted on the Gypsy Lane frontage and this opportunity will be explored during the assessment of landscaping details.

29. The proposed dwelling is of lightweight 'glued laminated timber' construction and the need for foundations is reduced by placing the base of the development on concrete pads at regular intervals, thus reducing the need for foundations. The footprint of the building has also been moved further south into the site to avoid any conflict with the RPA of the Copper Beech trees on the neighbouring site which are served by TPO.
30. The council's tree officer has expressed satisfaction with the development provided compliance with the arboricultural impact/method statement.

Main issue 4: Amenity

31. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
32. Such is the scale and position of the proposed dwelling that any increase in overshadowing or loss of light to neighbouring properties will be minimal and will primarily affect the rearmost area of the garden of 451 Earlham Road which is occupied by a garage building. Any overshadowing will not therefore impinge upon the quality of life for neighbouring residents.
33. A late objection has been made to the revised footprint and orientation of the development and the associated implications of moving the proposed building 2.6 metres further south and effectively turning the building around 180 degrees. As a result the higher side of the dwelling now sits adjacent to the east boundary of the site rather than the west, increasing the height of the development on the east boundary by ~2 metres. However, the closest building to the east is separated by the rear garden of number 447 Earlham Road and a distance of ~11 metres between the proposed development and main building of the neighbouring site. Such is the distance between the two buildings and orientation of the site that any increase in overshadowing caused by the proposal will not be significant and will only occur during mid/late afternoon hours.
34. All first floor windows have been configured on the front and rear elevations of the building. Any opportunity for overlooking would be from the rear first floor window to the rear of numbers 447-451 Earlham Road. The distance between the upper floor rear living room window of the proposed dwelling to the nearest habitable window on number 449 Earlham Road is ~23.5 metres which satisfies the standards recommended by the British Research Establishment (BRE). Views would also be obscured by the 1.8 metre high boundary fence and replacement trees proposed for the rear garden. There may be some overlooking to the neighbouring gardens of 447 and 451 Earlham Road but again, views would be partly restricted by the

boundary fence and trees once established, and the separating distance between the proposed dwelling is sufficient to ensure that the amenity of neighbouring properties will not be significantly harmed.

35. Future residents will be provided with ~98 sq metres of internal living space which satisfies national housing standards for a two-storey, three bed house. Occupants will also be provided with on-site parking and satisfactory external amenity space both at the front and rear. The proposal maximises the use of what is a limited amount of available space and the open plan layout of the upper floor exemplifies this well. It is regrettable that better outlook is not provided from two of the bedrooms, but large horizontal windows on the eastern ground floor elevation will provide adequate daylighting, and the primary bedroom benefits from good outlook to the rear garden. Despite the narrow parameters of the site therefore, the proposed development is not considered to be excessively cramped nor representative of an overdevelopment of the site.
36. Several objections have raised concern that the proposed development will lead to increased noise disturbance, citing students as the potential end user of the property. The proposal is for a three bed dwelling and any potential for noise disturbance resulting from domestic activities is not likely to be significant. The potential end users occupying the dwelling does not constitute a material planning consideration.

Compliance with other relevant development plan policies

37. 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.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

Equalities and diversity issues

38. There are no significant equality or diversity issues.

Local finance considerations

39. 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.
40. 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.
41. In this case local finance considerations are not considered to be material to the case.

Conclusion

42. Subject to conditions the development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

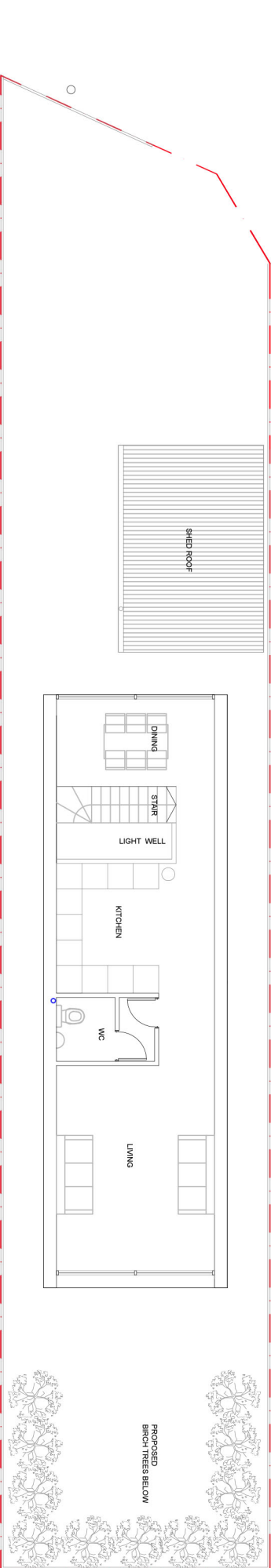
To approve application no. 15/00803/F - Garden land between 35 - 51 Gipsy Lane Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of external materials;
4. Details of landscaping to include scheme for replacement tree planting;
5. Compliance with AIA, AMS and Tree Protection Scheme implemented prior to commencement;
6. Soakaway incorporation;
7. Water efficiency

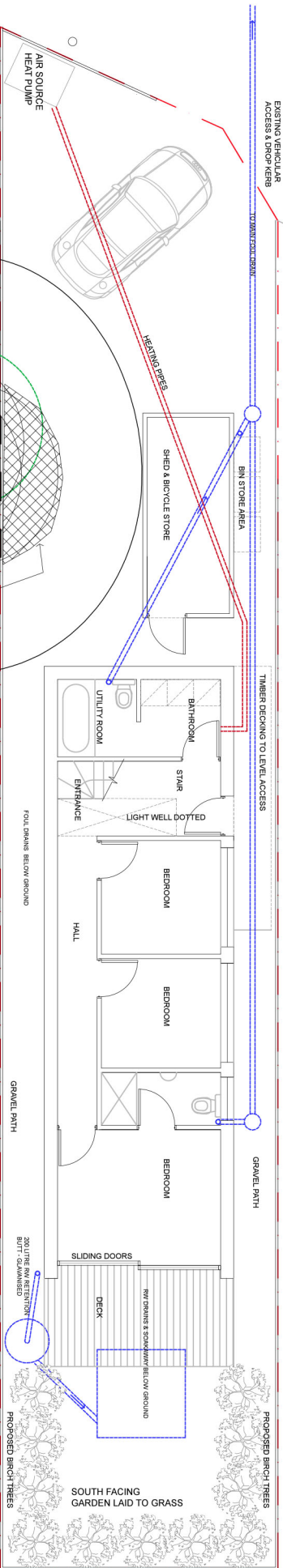
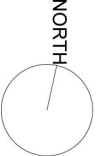
Article 35(2) statement

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 the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

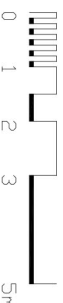
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PROPOSED FLOOR PLAN - SCALE 1:100
FIRST FLOOR



PROPOSED FLOOR PLAN - SCALE 1:100
ENTRANCE LEVEL / GROUND FLOOR



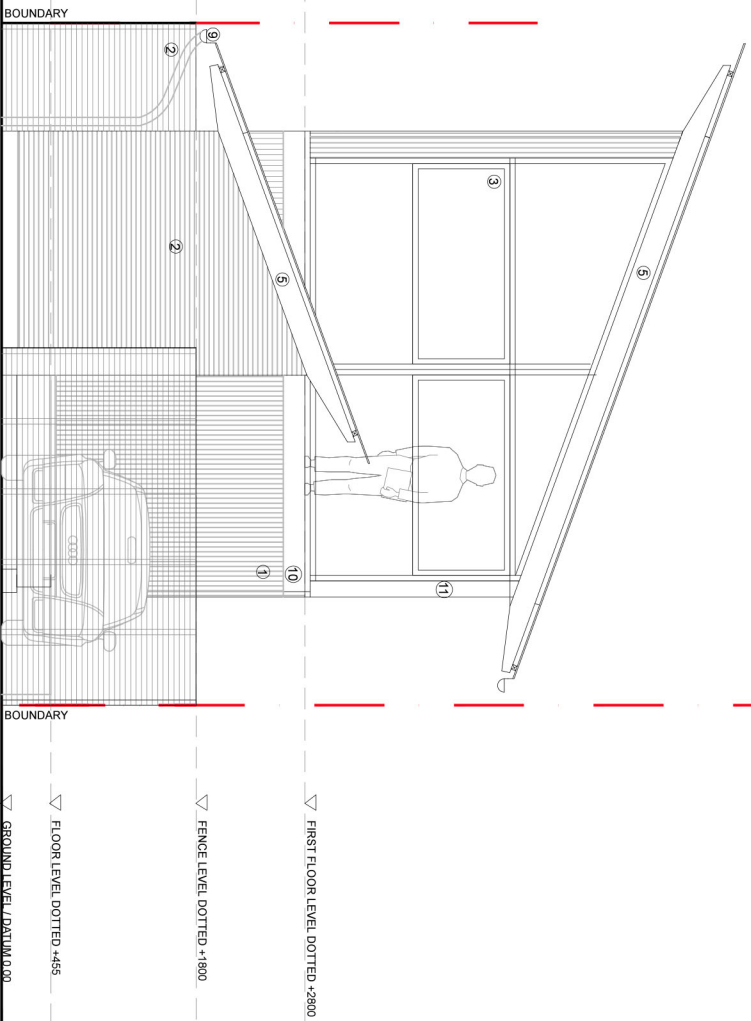
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frithassociates
33 Quebec Rd, Daresbury, North, NR19 2DR
Tel: 01562 897201 or 07885724816 e:frithassociates@yahoo.com

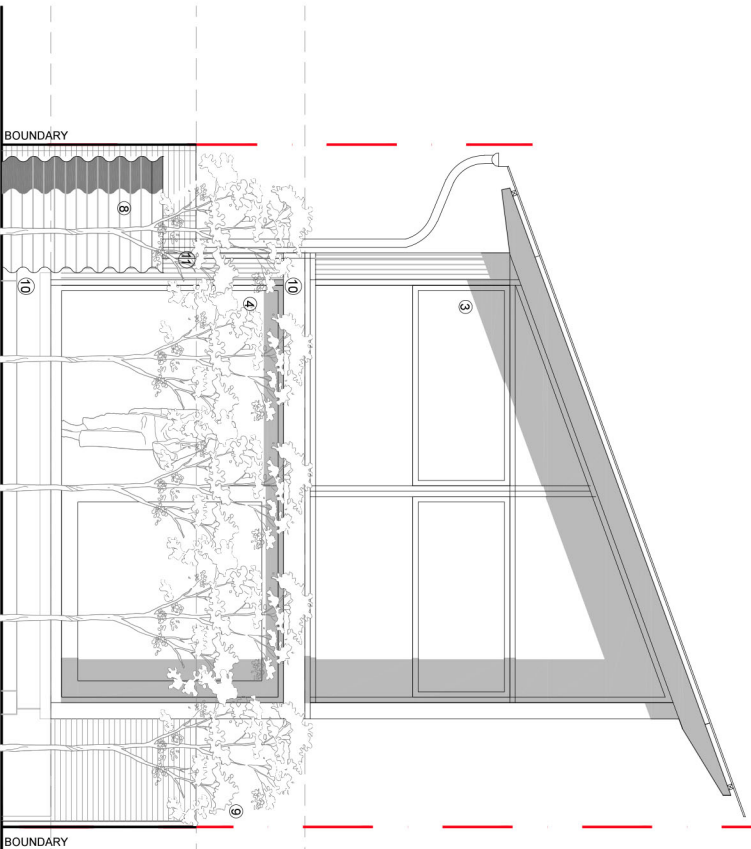


Client	Tremain
Project Name	At House
Scale	1:100
Drawn by	FL
Checked by	FL
Date	05.03.2015
Drawn by	FL
Checked by	FL
Date	05.03.2015
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Date	05.03.2015

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PROPOSED FRONT / NORTH ELEVATION - SCALE 1:50
LOWER GROUND LEVEL DOTTED



PROPOSED REAR / SOUTH ELEVATION - SCALE 1:50
LOWER GROUND LEVEL DOTTED

- 1- 45X18 PLAINED UNTREATED CEDAR FIXED WITH STAINLESS PINS - VERTICAL
- 2- 45X18 PLAINED UNTREATED CEDAR FIXED WITH STAINLESS PINS - HORIZONTAL
- 3- CROSS LAMINATED DOUBLE GLAZED TIMBER WINDOWS - PAINTED GREY
- 4- CROSS LAMINATED TIMBER DOOR - PAINTED GREY
- 5- EXPOSED ROOF STRUCTURE PAINTED GREY
- 6- ROOF MATERIAL CORRUGATED STEEL - GREY
- 7- PV PANELS
- 8- 200 LITRE RAIN WATER BUTT - GALVANISED - GREY
- 9- RAIN WATER GUTTERS & PIPES - GALVANISED - GREY
- 10- GLULAM BEAMS ON STRUCTURAL CONCRETE PADS - GLULAMS PAINTED GREY
- 11- TIMBER CORNER POST - PAINTED GREY

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NO. 1702
DATE 17.02.15
BY 17.02.15
REV 17.02.15

REVISIONS & SCALE
Issued to Client
Issued to Planning
Issued to Planning for Approval
Issued to Planning for Approval

PLANNING

frithassociates

33 Quebec Rd, Dunham, Norfolk, NR13 2DR
101392 897201 m.0788724918 e.frithassociates@virgin.com

Art House

Proposed Elevations

Client: Tremain

Scale: 1:50

Project: Art House

Sheet: 0114

Page: 003

Date: 06.03.2015

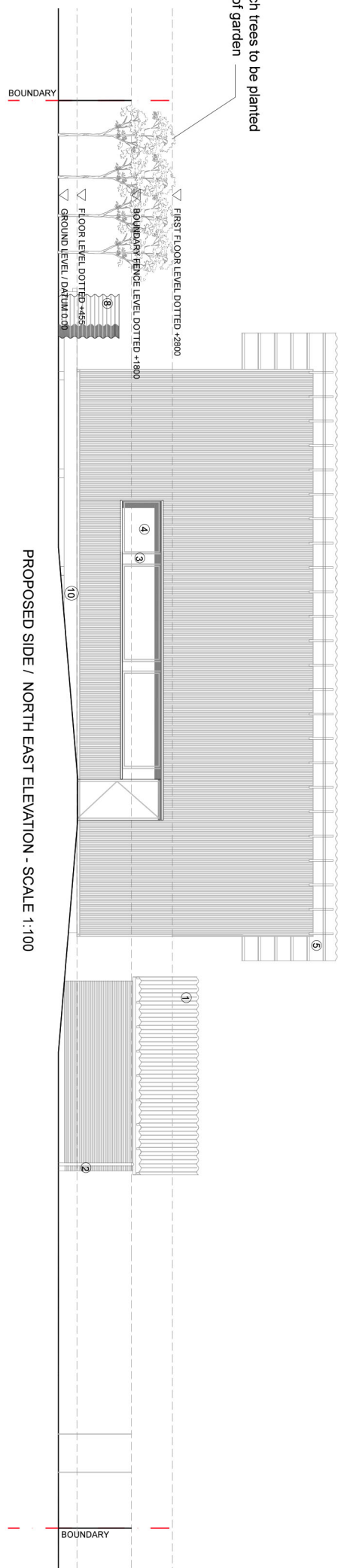
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Checked by: J.A.

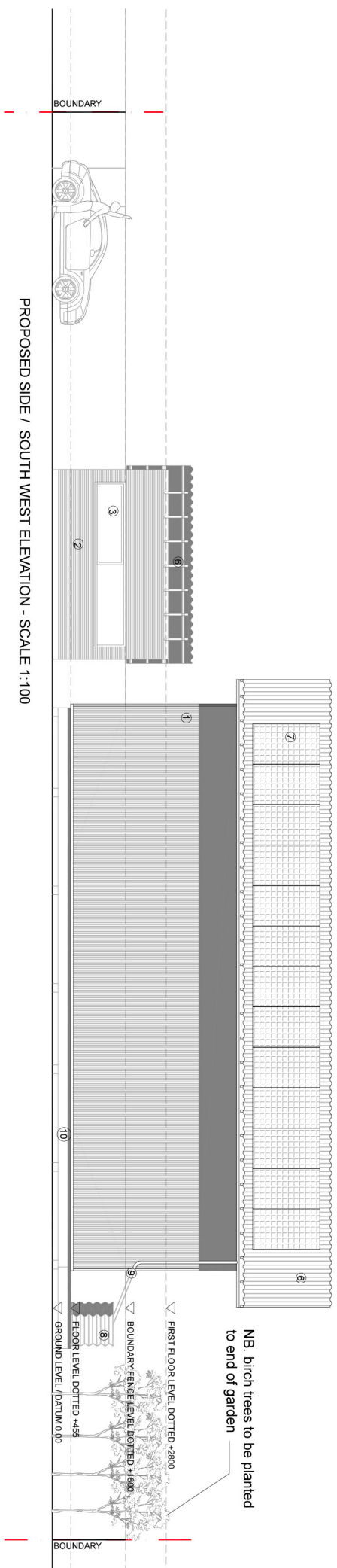
Printed by: J.A.

File: A04

NB. birch trees to be planted
to end of garden



PROPOSED SIDE / NORTH EAST ELEVATION - SCALE 1:100



PROPOSED SIDE / SOUTH WEST ELEVATION - SCALE 1:100

- 1- 45X18 PLANED UNTREATED CEDAR FIXED WITH STAINLESS PINS - VERTICAL
- 2- 45X18 PLANED UNTREATED CEDAR FIXED WITH STAINLESS PINS - HORIZONTAL
- 3- CROSS LAMINATED DOUBLE GLAZED TIMBER WINDOWS - PAINTED GREY
- 4- EXPOSED ROOF STRUCTURE PAINTED GREY
- 5- EXPOSED ROOF STRUCTURE PAINTED GREY
- 6- ROOF MATERIAL CORRUGATED STEEL - GREY
- 7- PV PANELS
- 8- 200 LINE RAIN WATER BUTT - GALVANISED - GREY
- 9- RAIN WATER GUTTERS & PIPES - GALVANISED - GREY
- 10- GLULAM BEAMS ON STRUCTURAL CONCRETE PADS - GLULAMS PAINTED GREY