

**Report to** Planning applications committee

**Item**

12 January 2017

**Report of** Head of planning services

**Subject** Application no 16/01215/MA - 115 Newmarket Road  
Norwich, NR2 2HT

**4(f)**

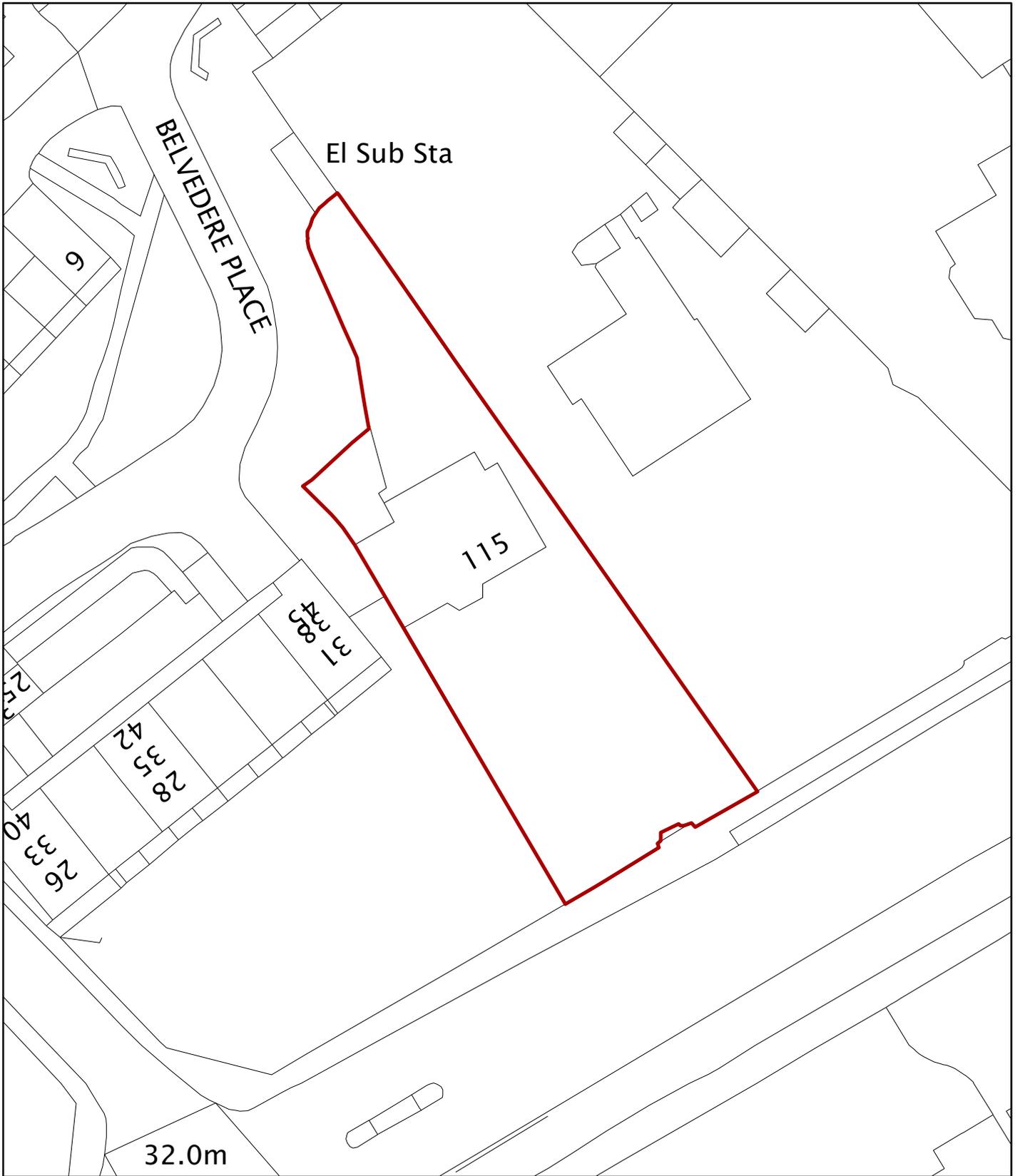
**Reason  
for referral** Objection

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<b>Ward:</b>	Eaton
<b>Case officer</b>	Charlotte Hounsell - <a href="mailto:charlottehounsell@norwich.gov.uk">charlottehounsell@norwich.gov.uk</a>

<b>Development proposal</b>		
Amendment to approved plans and variation of condition 3 to address non-compliance with pre-commencement of previous planning permission 15/01782/F.		
<b>Representations</b>		
Object	Comment	Support
2	0	0

<b>Main issues</b>	<b>Key considerations</b>
1 Design and Heritage	Changes to the size Changes to the position Impact of the changes on the listed building and conservation area
2 Trees	Whether adequate tree screening can be provided Impact on surrounding trees
<b>Expiry date</b>	12 October 2016
<b>Recommendation</b>	Approve



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Planning Application No 16/01215/MA

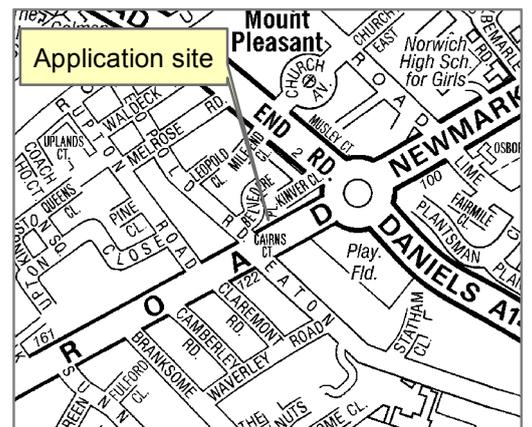
Site Address 115 Newmarket Road

Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. The subject property is located on the North side of Newmarket Road adjacent to the junction with Leopold Road. The property is a Grade II Listed Building. The property is constructed of buff brick and slate roof tiles. There is a large front garden, which previously had several trees along the frontage. Consent was granted for the removal of these trees under the consents detailed below. The property now has a front boundary wall and fence with gate piers, which was regularised under the previous consent (15/01782/F). The properties in the surrounding area are of differing age and design; however these are generally set well back from the road with large front gardens and green frontages.

## Constraints

2. The property is a Grade II listed building
3. The property is located within the Newmarket Road Conservation Area
4. The property is a Tree Preservation Order site
5. The property is located within a Critical Drainage Area.

## Relevant planning history

- 6.

Ref	Proposal	Decision	Date
14/00496/L	Removal of partition between first floor bathroom and wc.	APPR	28/05/2014
14/00676/TCA	T1, T2 & T3 Limes: Repollard back to previous pollard points; T4, T5, T6 & T7: remove to as near ground level as possible; T11 Elm, T12: Leyland Cypress, T14: Lawson Cypress and T15: Portuguese Laurel: Remove to as near as ground level as possible; T16 Tree of Heaven: Canopy reduced to give 2m clearance over roof; T17 Holly, T18: Lime & T19 Sycamore: dismantle to as near ground level as possible.	NTPOS	28/05/2014
14/00793/F	Demolition of rear single storey extension; extension of existing rear extension; relocation of garage and	APPR	01/08/2014

	widening of access.		
14/00794/L	Demolition of rear single storey extension; extension of existing rear extension; re-roofing and re-facing of existing single storey extension and removal of some internal walls.	APPR	01/08/2014
14/01335/TPO	T17 Holly: dismantle to ground level. T18 Lime: dismantle to ground level. T19 Sycamore: dismantle to ground level.	REF	03/11/2014
15/01782/F	Erection of double garage and retention of previously erected front boundary wall and fence.	APPR	29/03/2016
15/01784/L	Erection of double garage and retention of previously erected front boundary wall and fence.	APPR	29/03/2016
16/00678/F	Erection of double garage and retention of previously erected front boundary wall and fence.	WITHDN	07/07/2016
16/00679/L	Erection of double garage and retention of previously erected front boundary wall and fence.	WITHDN	07/07/2016

## The proposal

7. This application is an amendment to a previous consent. Application 15/01782/F and 16/00679/L was submitted for a new garage within the curtilage of the property which was granted consent.
8. This consent included a pre-commencement condition requiring details of materials to be submitted which was not discharged. The finials from the front gate piers were also required to be re-instated or replaced within three months of the date of that permission. The finials have currently not been re-instated or replaced.
9. The garage was subsequently built however not in accordance with the approved plans. A further application was then submitted to regularise this which the applicant then chose to withdraw.
10. An enforcement case was registered through several public and counsellor comments regarding the unauthorised garage. Additional correspondence with the applicant outlined that an application should be forthcoming by a certain date otherwise formal enforcement action would be taken. The appropriate application was submitted within the specified deadline.

11. The current application is to regularise the amendments to the scheme and to reword the conditions imposed on the original consent as necessary. The changes from the original consent are as follows:
- a) The garage has been built approximately 0.50m closer to the front boundary wall
  - b) The garage is of slightly larger dimensions
  - c) Please see the conditions section for reworded conditions

### Summary information

Proposal	Key facts
<b>Scale</b>	
Max. dimensions	Approximately 7.60m x 6.40m, 2.40m at the eaves and 4.40m at its maximum height.
<b>Appearance</b>	
Materials	The garage is constructed of buff brick with slate roof tiles The garage door is a metal door with panelled wood effect.
<b>Transport matters</b>	
Vehicular access	The vehicular access is extant.

### Representations

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received from two objectors 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
The proposed garage is an inappropriate addition in this location – highly visible	See main issue 1
The garage causes harm to the conservation area	See main issue 1
The garage has resulted in the removal of a tree stump on site	See main issue 2
Inadequate space for the trees to grow or survive	See main issue 2
Insufficient information submitted regarding the replacement trees	See main issue 2

Issues raised	Response
The location of the garage will compromise the sustainability of other protected trees in the area	See main issue 2

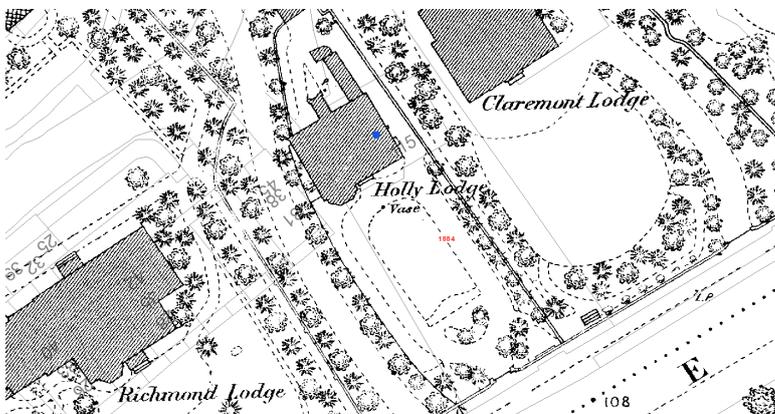
## Consultation responses

13. 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.

### Design and conservation

14. Comments from the design and conservation officer:

- a) The property has been Grade II Listed since 1972. It is a detached, single-family dwelling house located within the Newmarket Road Conservation Area. The list description for the building states: -
- b) *House. Mid C19. Yellow brick; slate roof; 2 brick chimneys. 2 storeys, 3 first-floor windows. Rusticated brick quoins. 2 steps up to central double-leaf doors with plain overlight. Rendered reveals are flanked by pilasters with plain entablature. Canted 2-storey bay to left has dentilled stringcourse and large-paned sash windows under flat gauged brick arches Other windows have similar sashes in rendered moulded architraves. Box cornice. C20 single-storey redbrick extension to left has flat roof and picture window.*
- c) The building is indicated on the 1884-6 OS map as 'Holly Lodge' a substantial residential dwelling located on the northern side of Newmarket Road. The building is set within substantial gardens with a front boundary wall with centrally placed opening and gate piers to the southern boundary of the site.
- d) The front garden was landscaped with substantial trees lining the perimeter of the site. This garden setting contributed to the setting and significance of the listed building. Substantial detached dwellings set within relatively undeveloped garden settings with strong boundary treatments/substantial trees/foliage fronting Newmarket Road forms part of the character, appearance and significance of the conservation area.



Consent is sought for the following works: -

1. Erection of double garage upon the south western corner of the site fronting onto Newmarket Road, the removal of one tree and the reinstatement of 3 new Lime trees along the southern boundary, retrospective consent for the retention of the existing (modern) front boundary treatment, the installation of fencing across the entire width of the garden.

***Erection of double garage upon the south eastern corner of the site fronting onto Newmarket Road***

- e) Planning permission and listed building consent were granted for very similar proposals in 2015 under ref: 15/01782/F and 15/01784/L.
- f) The current proposals are not vastly different from the approved scheme. The garage will have a slightly larger footprint and will be in closer proximity to the front boundary wall and highway. The approved two garage doors are replaced with a single enlarged roller-shutter garage door. The door is approx. 5.2m wide with a faux wood effect.
- g) Concern has been raised with that the limited space between the front boundary wall and the new garage and whether this area will allow sufficient space for trees to survive. These trees are imperative to help mask views of the new development from the street and to ensure that the character and appearance of the conservation area and setting of the listed building is maintained. The applicant needs to demonstrate to the satisfaction of the tree officer that the lime trees will be able to survive in this location.
- h) The development will have a very slightly greater street presence from the road as a result of its increased scale and closer proximity to the southern boundary. The character of this part of the conservation area comes (in part) from the well screened front gardens and boundary treatments fronting Newmarket Road, in addition to substantial detached buildings set within largely undeveloped ardent garden settings. It is therefore imperative that sufficient greenery is planted to mask views of the development from the street.
- i) It is recommended that a condition be added to any consent to ensure that the trees will be installed within a specific timescale and that they will be so maintained thereafter.
- j) The proposed approx. 5.2 m wide roller shutter garage door with a faux wood effect is rather large. Two standard size garage doors with genuine timber doors would be more in keeping with the character and appearance of the conservation area. However, when viewed from the street (at an oblique angle) the doors do not appear to be disproportionately large to the scale of the garage itself.
- k) The materials will be buff brick to match the main house along with natural slate. These materials should be approved and a condition applied to ensure that they are so maintained.

***The removal of one tree and the reinstatement of 3 new Lime trees along the Southern boundary.***

- l) It is understood that the removal of T1 has already been consented. New lime trees welcomed as they will help to screen the garage development. It is unclear as to whether the trees will be able to thrive in the relatively limited space provided. Further detail is required.

***Retrospective consent for the retention of the existing (modern) front boundary treatment.***

- m) Consent is already granted for the redevelopment of the front boundary treatment. New acorn finials need to be provided upon the gate piers. Details of the pier should be required by condition and should be required to be installed within 6 months of the date of any consent.

***The installation of fencing across the entire width of the garden.***

- n) The fencing off and enclosure of half of the front garden is unwelcome, yet it is unclear what has been permitted under the 2015 scheme and what existed before the most recent development. A condition should be added to the consent to ensure that this fencing and gate is stained to match the colour of the existing oak-effect garage doors. A drawing indicating this fencing should be submitted so that it may be formally approved.
- o) It would be advantageous for us to secure a less dominant boundary treatment – a hedge with a metal gate would be preferable for example.
- p) An informative is recommended to be added to the consent to make the applicant aware that any alteration to the existing fences, walls and railings in and around the site would require the prior written consent of the LPA.

**Conclusion:**

- q) The proposed works very similar to those approved in 2015 and as this consent remains extant I would recommend that the application is approved subject to the following conditions:-
- Guttering and downpipes to the garage hereby approved should be painted metal and should be so maintained.
  - Details of the new finials and coping stones to the piers of the front boundary wall should be submitted to and approved by the Local Planning Authority within 3 months of the date of this consent. The new finials and coping stones shall be installed in accordance with the details so approved within 9 months of the date of this consent.
  - The existing timber gate and fence which spans the width of the front garden shall be stained to match the colour of the garage doors hereby approved. This staining should be undertaken within 6 month of the date of this consent and shall be so maintained.
  - A time limit should be required for the installation of the trees requiring the trees to be planted within a specific time frame and requiring replacement should the trees die.
- r) All tree planting forming part of the plans and details approved through this planning permission shall be carried out in the first planting and seeding season following the approval of the development or the completion of the development whichever is the sooner. Any trees which, within a period of five years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy DM3 and DM9 of the Local Plan.**

***Recommended Informative***

Any alteration to the existing fences, walls and railings in and around the site would require the prior written consent of the LPA.

**Highways (local)**

15. No objection on highway/transportation grounds. The vehicle access to Newmarket Road is extant and there appears to be space for a vehicle to exit the site in a forward gear.

**Tree protection officer**

16. Just to confirm my thoughts/recommendations following our site visit the other day.

There is adequate space for tree planting between the garage and boundary wall. This would be dependent on underground conditions though. Consideration should be given to species and future management/maintenance of the trees, in order to avoid any damage to the built structures. For example, maintaining limes as pollards, would be ideal in this situation.

Consideration should also be given to installing root barriers when planting, again to avoid/minimise any potential damage to the built structures.

17. After the submission of additional details: Yes, I'm happy with that.

**Assessment of planning considerations**

**Relevant development plan policies**

18. **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
19. **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
  - DM9 Safeguarding Norwich's heritage
  - DM30 Access and highway safety

## Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

### 21. Supplementary Planning Documents (SPD)

- Landscape and trees supplementary planning document (June 2016)

## Case Assessment

22. 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.

### 23. **Main issue 1: Design and Heritage**

24. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.

25. Under the previous consent, details of materials were required to be provided prior to the construction of the proposal. This condition was not discharged however. The garage has now been built using buff brick and slate roof tiles to match the construction of the main dwelling.

26. The subject property is located within an area that is characterised by large dwellings set well back from the road within sizeable plots. Green screening, particularly trees, are a significant characteristic of this conservation area. The property previously had consent to remove the trees at the very front of the plot which has left the front area looking stark in comparison to the surrounding properties. The previous consent required the provision of replacement planting along the frontage to serve as a screen for the garage but also to re-instate the green frontage at this property so that it would better respond to its surroundings.

27. The garage has increased in size by approximately 0.40m x 0.40m and has been built approximately 0.50m closer to the front boundary wall. This has resulted in an increase in the built form at the front of the site. It is considered that this proposal has a slightly greater street presence than that of the previously approved scheme. However, the Conservation and Design Officer considers that provided sufficient green screening can be provided the revised proposal does not have a significantly detrimental impact upon the character of the conservation area.

28. In addition, this application is to assess whether the alterations to the already approved scheme are acceptable or not. As before, there is an increase in the built

form at the front of this site. However, this is not considered to be significantly different from how the approved scheme would be viewed from the street. Therefore the changes to the size and position of the garage, by themselves, are considered to be acceptable.

## **Main issue 2: Trees**

29. Key policies and NPPF paragraphs – DM6, DM7, NPPF paragraphs 109 and 118, Landscape and trees supplementary planning document (June 2016).
30. Under the previous consent, three new lime trees were proposed to be planted along the frontage of the property to replace those that had previously been lost and to screen the garage. The provision of new trees was thought to result in the improved appearance of the site as previous consents had resulted in the removal of the trees at the front of the site. Concerns have been raised that the garage has resulted in the removal of a tree stump. At the time of determining the previous application, there was one remaining heavily pollarded tree near the front of the site and consent was granted for its removal as adequate replacement planting was proposed.
31. Concerns were raised that the revised size and position of the garage would not leave sufficient room for the planting and survival of the new trees. These concerns related to both the space available within the ground as well as how the trees were to grow past the eaves overhang of the garage. The Tree Officer's original comments echoed these concerns. Objectors also voiced concerns that insufficient information had been submitted
32. Additional information was submitted in the form of a statement from an arboriculturalist outlining that there was sufficient space for the trees to grow and that the particular choice of tree species had been made as they were resistant to pollarding. This should allow them to be grown past the height of the garage before allowing the canopy to spread and reducing the likelihood of conflict with the structure. The Tree Officer reviewed this additional information and stated that this was sufficient.
33. The provision of further trees is also considered to bring biodiversity benefits to the currently un-vegetated frontage, although these are unlikely to be significant.
34. Concerns were also raised that the structure would compromise the sustainability of the other trees in the surrounding area. It is noted that there are trees on the adjacent site with root protection areas (RPA) that conflict with the existing garage. However, the tree officer did not raise any concerns regarding this issue during the consideration of 15/01782/F and the current proposal does not differ significantly from the original proposal.
35. Therefore, it is considered that the concerns relating to trees have been addressed and that the replacement trees will still be able to grow and survive to provide sufficient screening despite the changes in size and position of the garage. A condition is also recommended requiring the replacement of any tree which does not survive within a five-year period of the decision date.

## **Other matters**

36. Key policies and NPPF paragraphs – JCS6, DM2, DM11, DM30, NPPF paragraphs 9, 17 and 39.
37. The vehicular access is extant and no changes are proposed as part of this application.
38. The revised position and size of the garage has the potential to be detrimental to the visual amenity of the area (please also see Main Issues). However, as per the matters already discussed above, the provision of trees is considered to be an appropriate method of screening the garage from view from the highway and is also considered to improve the appearance of the site from its current form.

## **Equalities and diversity issues**

39. There are no significant equality or diversity issues.

## **S106 Obligations**

40. There are no S106 obligations.

## **Local finance considerations**

41. 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.
42. 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.
43. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

44. The principle of the garage in this location is not under assessment as this has already been accepted under a previous consent. The concerns relating to the revised size and position of the garage as well as whether the provision of trees was possible have been addressed. The new size and position of the garage is not considered to be significantly different from what was approved under 15/01782/F and not considered to result in a significant detriment to the character of the conservation area in comparison to that previous consent. The proposed trees are considered to have adequate space to grow and will be managed to achieve a spread that will provide appropriate screening of the garage and will help to restore the green frontage to this site. Therefore the changes proposed as part of this application are considered to be acceptable subject to the conditions outlined at the end of this report.

45. 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.

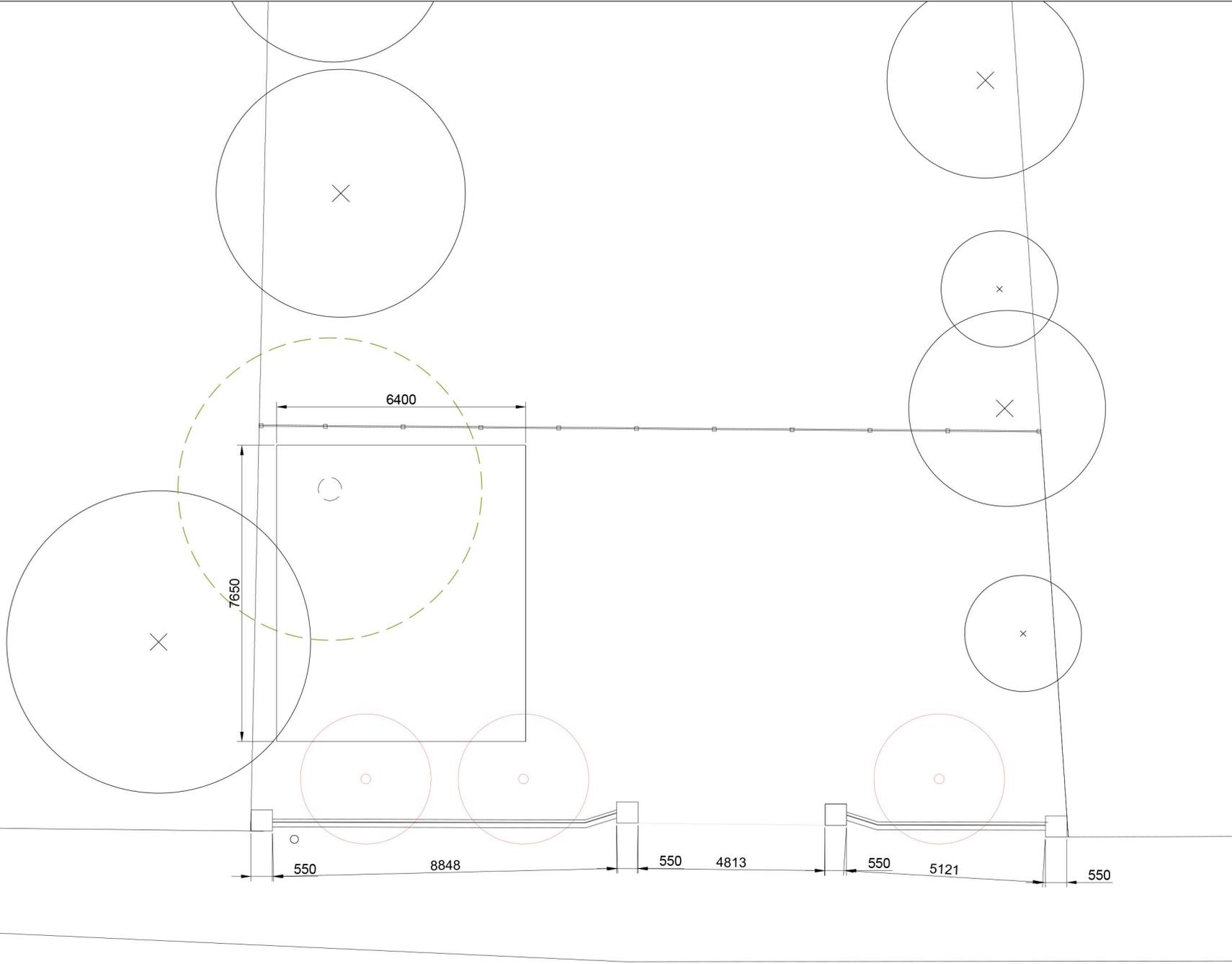
## **Recommendation**

To approve application no. 16/01215/MA - 115 Newmarket Road Norwich NR2 2HT and grant planning permission subject to the following conditions. A number of these conditions have been reworded from the original consent as is appropriate under Section 73, Part 3 of the Town and Country Planning Act 1990.

1. Standard time limit;
2. In accordance with plans;
3. Materials as built are to be retained as such thereafter;
4. Replacement tree planting to be carried out within the next planting season and replacement trees must be provided if any of the trees do not survive within a five year period;
5. Details of the new finials and coping stones to the piers of the front boundary wall should be submitted within a 2 months of the date of the permission and then installed within 6 months of the date of agreeing the details.

### **Informatives:**

1. Any alteration to the existing fences, walls and railings in and around the site would require the prior written consent of the Local Planning Authority.
2. Guttering and downpipes to the garage should ideally be painted metal.
3. The existing timber gate and fence which spans the width of the front garden should be stained to match the colour of the garage doors hereby approved.



Layout Extract  
1-100

Note

SUMMARY

-  Existing trees retained
-  Proposed trees
-  Planting to be removed

Rev F: Building footprint  
dimensions corrected. LB 15.06.16

PROJECT TITLE  
115 Newmarket Road

PROJECT NUMBER  
-

CLIENT  
C & R Leeming

DRAWING TITLE  
Layout Extract

DRAWING NUMBER REV  
002 F

SCALE  
1-100

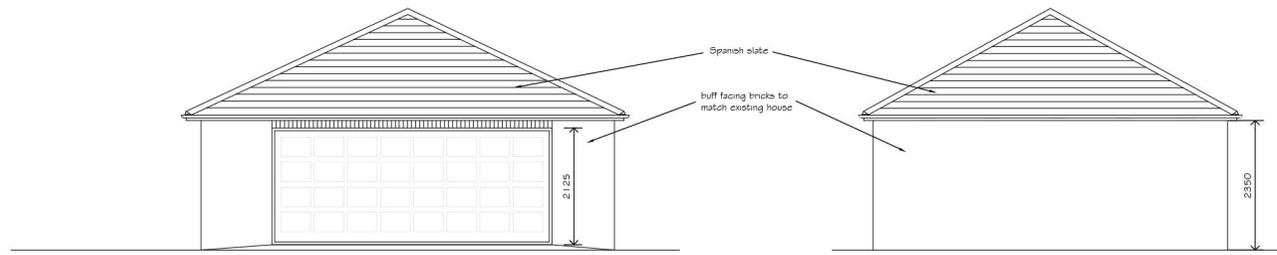
DATE  
Feb 2016

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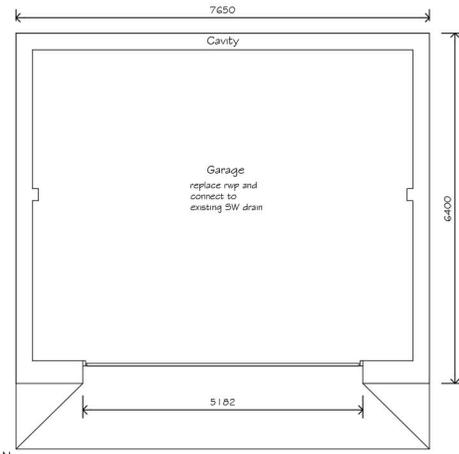


SOUTH ELEVATION from Newmarket Road



EAST ELEVATION

SOUTH (≠ NORTH) ELEVATION



FLOOR PLAN

PROJECT TITLE  
115 Newmarket Road

PROJECT NUMBER  
-

CLIENT  
C & R Leeming

DRAWING TITLE  
Floor Plan and Elevations

DRAWING NUMBER  
003

REV  
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SCALE  
1-100

DATE  
April 2016

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