

**Reference:** 06/17/0354/F

**Parish:** Gorleston

**Officer:** Mr G Clarke

**Expiry Date:** 28-09-2017

**Applicant:** Mr W Harrison

**Proposal:** Variation of condition 2 of planning permission 06/14/0780/F to allow a variation of design

**Site:** Rear of 33 Nelson Road  
Gorleston

## **REPORT**

### **1 Background / History :-**

- 1.1 The application site is part of the garden of 33 Nelson Road but the dwelling itself is effectively located in Royal Albert Court which is a development of houses between Nelson Road and Bells Road. The dwelling adjoins the access road and parking areas for Royal Albert Court along its north and east boundaries and the rear gardens of houses on Lower Cliff Road on the south boundary.
- 1.2 A planning application for the demolition of an existing garage on the site and the erection of a dwelling (06/14/0780/F) was refused by Committee on 20 January 2015, the applicant appealed against this decision and the appeal was allowed on 5 May 2015.
- 1.3 The dwelling is now nearing completion and this application is for a variation to allow some amendments to the design, the changes are the creation of an additional first floor room over what was originally shown as a car port, a door to the car port to form a garage and some steps to the entrance door.

### **2 Consultations :-**

- 2.1 Highways – no objection
- 2.2 Neighbours – two objections have been received, copies of which are attached. The reasons for objection are the height and bulk of the dwelling, bin storage, land ownership and extra traffic.

### **3 Policy :-**

#### **3.1 POLICY HOU7**

NEW RESIDENTIAL DEVELOPMENT MAY BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE PARISHES OF BRADWELL, CAISTER, HEMSBY, ORMESBY ST MARGARET, AND MARTHAM AS WELL AS IN THE URBAN AREAS OF GREAT YARMOUTH AND GORLESTON. NEW SMALLER SCALE RESIDENTIAL DEVELOPMENTS\* MAY ALSO BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE VILLAGES OF BELTON, FILBY, FLEGGBURGH, HOPTON-ON-SEA, AND WINTERTON. IN ALL CASES THE FOLLOWING CRITERIA SHOULD BE MET:

- (A) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT;
- (B) ALL PUBLIC UTILITIES ARE AVAILABLE INCLUDING FOUL OR SURFACE WATER DISPOSAL AND THERE ARE NO EXISTING CAPACITY CONSTRAINTS WHICH COULD PRECLUDE DEVELOPMENT OR IN THE CASE OF SURFACE WATER DRAINAGE, DISPOSAL CAN BE ACCEPTABLY ACHIEVED TO A WATERCOURSE OR BY MEANS OF SOAKAWAYS;
- (C) SUITABLE ACCESS ARRANGEMENTS CAN BE MADE;
- (D) AN ADEQUATE RANGE OF PUBLIC TRANSPORT, COMMUNITY, EDUCATION, OPEN SPACE/PLAY SPACE AND SOCIAL FACILITIES ARE AVAILABLE IN THE SETTLEMENT, OR WHERE SUCH FACILITIES ARE LACKING OR INADEQUATE, BUT ARE NECESSARILY REQUIRED TO BE PROVIDED OR IMPROVED AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT, PROVISION OR IMPROVEMENT WILL BE AT A LEVEL DIRECTLY RELATED TO THE PROPOSAL AT THE DEVELOPER'S EXPENSE; AND,
- (E) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RESIDENTIAL AMENITIES OF ADJOINING OCCUPIERS OR USERS OF LAND.

(Objective: To ensure an adequate supply of appropriately located housing land whilst safeguarding the character and form of settlements.)

\* ie. developments generally comprising not more than 10 dwellings.

### 3.2 POLICY HOU18

EXTENSIONS AND ALTERATIONS TO DWELLINGS WILL BE PERMITTED WHERE THE PROPOSAL:

- (a) IS IN KEEPING WITH THE DESIGN OF THE EXISTING DWELLING AND THE CHARACTER OF THE AREA;
- (b) WOULD NOT SIGNIFICANTLY AFFECT THE AMENITIES OF ANY NEIGHBOURING DWELLING; AND,
- (c) WOULD NOT RESULT IN OVER-DEVELOPMENT OF THE SITE.

## 4 Assessment :-

- 4.1 The original application was refused on the grounds of over-development, adverse effect on the character of the area and adverse effect on the amenities of the occupiers of adjoining dwellings. The Planning Inspector did not agree with these reasons for the refusal and allowed the building of the dwelling, as part of the appeal process it was suggested that if the appeal was allowed conditions should be imposed removing permitted development rights for extensions and windows, the car port should only be used for the parking of cars and that bin storage and cycle parking is provided. The Inspector considered that removal of permitted development rights and restricting the use of the car port were not reasonable conditions and other than standard time limit and approved drawing conditions only imposed a condition requiring bin storage and cycle parking to be provided prior to the occupation of the dwelling.
- 4.2 The proposed amendments to the design of the dwelling will involve raising the height of the building over the car port to provide a dressing room that will be accessed off one of the bedrooms, a door to the car port to create a garage and some steps to the front door which are necessary because the front door is further above ground level than originally shown due to the sloping nature of the site.
- 4.3 The height of the roof over the garage will increase by just over one metre with the ridge height being 0.8m below the main roof of the house so the building will still step down at this end. This is the end of the house furthest from the nearest dwellings on Nelson Road so it is difficult to argue that it would have any adverse effect on neighbours or the character of the area.
- 4.4 The garage door is already in place but as the Inspector did not remove permitted development rights a door could be fitted without the need for planning permission once the dwelling is occupied. The submitted drawing shows cycle and bin storage within the garage as required by the condition on the appeal decision.
- 4.5 The original approved drawing showed the site as being level but in fact the ground slopes down from west to east, the slab level of the building has been set at the approved level at the western end of the site which has resulted in

the slab level at the eastern end being approximately 300mm higher. This has resulted in the entrance door being 0.5m above ground level and two steps being built outside the door to give access to the dwelling. The owner of the adjoining car parking space has written to state that these steps and the footings of the garage encroach onto her land. When the application was submitted Certificate A on the application forms was signed to say that all of the land was in the applicant's ownership, following receipt of the letter from the adjoining owner the owner has signed Certificate B and served notice on the adjoining landowner which validates the application. The steps may encroach onto land that does not belong to the applicant but ownership of the land is not a planning matter and this is a matter for the interested parties to resolve between them.

- 4.6 The fact that most of the work that is subject to this application has already been carried out is not by itself a reason to refuse planning permission, the Council has to consider the application on its merits taking into account the effect on the character of the area and amenities of neighbours. The first floor extension and increase in height of the building will not have any adverse effect on neighbours by virtue of loss of light or overshadowing, the roof is still stepped down from the main ridge line and it is not felt that it will have any significant effect on the character of the area. The type of work that could be carried out as permitted development is also a material consideration and bearing this in mind it is felt that it would be difficult to justify refusal of the garage door as this could be carried out as permitted development once the dwelling is occupied.

## **5 RECOMMENDATION :-**

Approve – the proposal complies with saved Policy HOU7.



ACK 30/6/17

S

Sarah Davis  
20 Connaught Avenue  
Gorleston  
Great Yarmouth  
NR31 7LU

30 June 2017

Dear Mr Clarke

**PLANNING APPLICATION NO: 06/17/0354/F  
33 NELSON ROAD, GORLESTON (rear of)**

I refer to the above revised planning application and would like to submit my objection to the proposal to vary Condition 2 of planning application No: 06/14/0780/F (allowed on appeal).

I am the owner of 7 Royal Albert Court which includes the strip of land that runs immediately adjacent to the majority of the boundary of the application site.

As detailed in my previous objections to the two planning applications for this site, I believed that the proposals would encroach on my land and this has been borne out now that the building and garage have been erected. Below is an extract from my previous objection in January 2015:

"...I would dispute the boundary line of the plot as according to the attached Land Registry Plan the applicant has included a strip of land that is owned by myself – the boundary is actually in a straight line where their existing fence is erected rather than as they have shown in the plans. If they don't have access to this strip I don't see how the application can even be considered yet alone approved bearing in mind the plans would need to be revised to make the dwelling narrower and to bring the garage back into line rather than it's currently proposed extended size."

The house itself has been built within the applicant's boundary, however, I believe that the steps up to the front door of the new dwelling and the footings of the garage encroach onto my land. I am, therefore, currently in dispute with the applicant over land ownership.

In relation to the current application, I would point out that the applicant has not accorded with the existing drawings which form part of the planning permission granted on appeal for this site. Firstly the house was built approximately 3 foot off the ground necessitating two steps (on my land) up to the front door. Secondly, the car port has been changed to a garage (which he has already built up to first floor height) and this has been extended in length to encroach further on my land. I believe this shows a complete lack of respect for the planning process, Committee members who considered and refused the appeal, together with local residents' concerns and objections. If the applicant wished to vary the condition why has he not done so before carrying out the works? In addition, the applicant's plan show a dressing room above the garage but it is currently being marketed by William H Brown, Estate Agents as a study/playroom and I was informed by one of the labourers at an early stage that it was a third bedroom!

Continued...

Many concerns were expressed by residents at the time the first two applications were submitted in relation to the appearance and impact of the proposed dwelling and car port on the immediate surroundings bearing in mind that it was surrounded by smaller terraced one and two bedroomed properties. I remain concerned now that the building is almost complete that it is far too bulky for the surrounding area especially given the raised height of the house and this will be exacerbated if the open car port is changed to a closed garage with additional roof height to allow a room above it rather than just storage space.

I am also concerned in relation to where the bins will be stored as the Inspector was clear that this and cycle provision needed to be determined before the dwelling was occupied. The garage (for which the applicant is currently seeking permission) is already being marketed as such and there is no mention of where the bin storage will be – the garage is not big enough to get a small car in as well as bins and a cycle. There is no other space within the curtilage of the application site to store the bins and cycle other than in the “garage” and I cannot see from the submitted drawings that provision has been made for them which leaves me concerned that the applicant will try to store them on my land given that he seems to have no compunction in using land not in his ownership.

I would also draw your attention to my objections to the earlier applications which I have now updated as they are still relevant:

- The property is dominant in the street scene bearing in mind that even without including the adjoining garage the frontage is larger than all the surrounding properties, including the host property 33 Nelson Road and is therefore out of keeping with the area. My fears have been borne out now that the house has been built and I feel it has been exacerbated by the additional height due the floor levels being raised and would suggest that the applicant should be made to reduce the height to that previously agreed. In addition, approval of the proposal to change from an open car port to a closed garage and to raise the height of the room above the garage will significantly add to this bulky appearance and be detrimental to the amenities of the local residents.
- It is an overdevelopment of the plot bearing in mind that it extends nearly the entire width of the previous garage and garden with no space to the front of the property to divide the plot from the Royal Albert Court private road and in particular my strip of land. The overdevelopment is also demonstrated by the fact that the applicant has had to use part of my land in order to construct his steps.

Continued...

- All other properties are quite a distance away or in a row rather than being one (tall) property surrounded by gardens or parking spaces. I would ask whether the initial planning permission for Royal Albert Court had any restrictions on the positioning of the properties because there are none that can be seen if you look directly into the site from Bells Road – there are only car parking spaces and the single storey garage of 33 Nelson Road. I do not believe this issue was ever investigated and if there was a restriction then this development would be contrary to that as there would be a large two storey detached property in a direct visual line from the entrance.
- The positioning of the lounge/dining room window is adjacent to my car parking space and I am concerned as to any overhang from an open window and the possibility of complaints from any future property owners if I chose to park a high sided vehicle in my space or erect a fence to protect my boundary. This would pose an obvious fire risk to future occupants of the property.

I should be grateful if you would meet me on site to view the application site, what has already been built and to discuss my objections in detail.

I would also urge you to refuse the application on the grounds that it is contrary to Policy HOU7.

If you are minded to recommend approval for the application, I would request that it be considered by the Development Control Committee and that a site visit be held to see first hand the scale of the development in the context of the surrounding properties and open space and, in addition, the impact it has in terms of my parking space.

Yours sincerely,



Sarah Davis

To: Mr Graham Clark, Planning Officer

Cc Ward Councillors Fairhead and Wright

Ack 30/6/17

S

Application Reference 06/17/0354/F

Attachments

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name Clive Brown

Address 1 Royal Albert Court

Gorleston

Post Code NR31 6HZ

Telephone 07925 382347

Email Address clivebrown1952@gmail.com

For or Against NOS Subject to Condition

Speak at Committee

I am concerned about possible extra traffic to this road which is private i.e. the property in question only has one parking space which is the garage

Date Entered 29-06-2017

Internet Reference OWPC1172



© Crown copyright and database rights 2016  
Ordnance Survey 100018547

Great Yarmouth Borough Council

Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

06/17/0356/F  
Leav of Nelson Road.

Mapping Browser Export

1:1,250