

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 16 September 2010  
**Report of** Head of Planning Services  
**Subject** 10/01384/F 15 York Street Norwich NR2 2AN

Item  
**6(4)**

### SUMMARY

<b>Description:</b>	Erection of rear extension.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Town Close
<b>Contact Officer:</b>	Miss Sarah Platt Planning Officer 01603 212500
<b>Valid date:</b>	13th August 2010
<b>Applicant:</b>	Mrs L Ward
<b>Agent:</b>	Mr T Linstead

### INTRODUCTION

#### The Site

##### Location and Context

1. The application site can be found to the south side of York Street and forms part of a terrace of Victorian properties. The application premise has a three storey frontage to York Street but a four storey rear elevation. This is due to the sloping topography of the site which will be detailed under paragraph 4. The premises are a painted brick building with replacement upvc windows installed in all elevations. The property is orientated to the South at the rear and as a result benefits from plenty of natural light.
2. Adjacent to the east is number 17 York Street. Although not found on the OS map submitted as a site location plan with this application, a large rear extension protrudes approximately 5-6m from the rear of the original dwelling. Adjacent to the west is number 13 York Street. This property does not appear to have been altered save from additional windows and replacement French doors (with a glazed canopy) to the basement area.

##### Constraints

3. The application site is not in a Conservation Area.

##### Topography

4. York Street has a sloping topography running East to West in a downwards direction with quite a steep gradient. In addition to this there is also a fall of approximately 3.5-4.5m from the front of the site to the rear. This results in the property having 3 storeys to the front elevation (including a loft conversion) and 4 to the rear elevation (Including a loft conversion and dormer window). For the purposes of this application the ground floor at

the front of the property will be referred to as the ground floor throughout the report and the ground floor to the rear of the property will be referred to as the basement.

## **Planning History**

5. Previous application reference 10/00902/F proposed almost exactly the same development with the erection of a rear side extension to extend kitchen and basement and installation of projecting balcony. This application was withdrawn having received objections from neighbouring and nearby properties. The current application seeks to address the concerns raised on the previous withdrawn application.
6. There is no other relevant planning history

## **The Proposal**

7. The proposal is for the erection of a rear side extension to enlarge the basement and kitchen on the ground floor, by extending to the west towards no 13 York Street, with the addition of 2 new rooflights. New French doors facing south will be installed in the basement extension allowing access to the garden. The current kitchen window at ground floor level in the west facing elevation will be relocated into the south facing rear elevation wall and a new door added adjacent with a Juliette balcony.
8. The previously withdrawn application received numerous objections with regards to loss of light, overlooking from the projecting balcony, the scale and design of the proposed extension and the resulting increased overlooking potential to properties on Gloucester Street. Concerns were also expressed regarding the state of repair of the party wall between numbers 15 and 17 York Street, market values of adjacent properties, and, access during building works. Some of these are material considerations, whilst some, e.g. market values, are not.
9. This application has sought to address each of these issues; the loss of light has been mitigated by the use of light reflective paint to the western elevation of the proposed extension and the applicant has advised that they have been in discussions with the adjacent neighbour at number 13 in order to mitigate their concerns. The loss of privacy and resulting overlooking which was of concern on the previous application resulting from the projecting balcony has been addressed by this element being removed and replaced with a Juliette balcony thereby removing the access to outside at this elevated level. Members are advised that there are no permitted development restrictions on this property and that this element (the addition of a door in the south elevation) would be considered to be permitted development. Works to the party wall between number 15 and 17 York Street are underway and are the responsibility of number 17 York Street who is in ownership of the wall. The potential loss of market value of adjacent properties is not considered to be a material planning consideration. The issue of access during building works can be alleviated as it is possible to lift a fence panel at the end of the garden of number 15 York Street which backs onto an area of car parking off Rutland Street. This means that access is not required to the rear of any adjacent properties during the building works.

## **Representations Received**

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 5 letters of representation have been received citing the issues as summarised in the table below.

11.

Issues Raised	Response
Concerns about the building extending out from the rear of the property.	Paragraph 15
Loss of light to habitable rooms (namely, kitchen, dining room and basement) of adjacent properties, particularly number 13 York Street.	Paragraphs
Decrease in market value of adjacent properties.	Paragraph
Loss of a view	Paragraph
The design is not in keeping with the rear elevations of adjacent properties and will not be in keeping with the historic feel or character in this area.	Paragraph
Increased overlooking potential and resulting loss of privacy.	Paragraphs
Concerns regarding subsidence following the building works	Paragraph

## Consultation Responses

12. There were no consultations on this application.

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### Relevant National Planning Policies

PPS1 – Delivering Sustainable Development

#### Relevant Local Plan Policies

#### City of Norwich Replacement Local Plan 2004

HBE12 – High Quality of Design

EP22 – Residential Amenity

### Principle of Development

#### Policy Considerations

13. National Planning Policy Statement 1 (PPS1) states that planning should facilitate and promote high quality development through good and inclusive design. This is reiterated in saved Local Plan policy HBE12 which states that a high quality of design will be sought in new development which will reinforce and complement the character of the City and surrounding area. Appropriate attention should be paid to height, scale, massing and form and appropriate consideration should be given to the choice of materials.
14. Saved Local Plan policy EP22 relates to residential amenity considerations and states that development, including alterations and extensions to existing buildings will only be permitted where it provides for a high standard of residential amenity to existing or potential residential premises in the vicinity

## **Impact on Living Conditions**

### **Overlooking and loss of privacy**

15. Overlooking and loss of privacy has been raised as an issue by many of the residents in the neighbouring properties and some of the residents of properties on Gloucester Street which backs onto the rear gardens of York Street properties. For clarity, these proposals do not involve extending beyond the existing rear wall of the dwelling house. The proposed extension will in-fill the side stepped area to the west.
16. The garden at number 15 York Street is 20m long. There are not considered to be any overlooking issues to the properties on Gloucester Street resulting from the installation of the door at ground floor level in the rear south elevation of 15 York Street. The properties on Gloucester Street are a further 13m away from the rear southern most boundary of the application premises. Even given the elevated position of number 15 York Street there is considered to be sufficient distance (33m) between these properties for there to be no detrimental impact on privacy of the adjacent occupiers. Members are reminded that the installation of a window, or indeed a door, in this elevation (south) would be permitted development under Class A of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995.
17. There are not considered to be any other issues of overlooking as a result of these proposals. These proposals will result in increased privacy between numbers 15 and 13 York Street as a result of removing the window in the existing west facing elevation which looks directly into the kitchen of number 13 York Street at a distance of only 5m approximately.
18. Therefore the proposals are considered to be in accordance with the objectives of saved Local Plan policy EP22.

### **Overshadowing**

19. Concern has been raised with regards to the potential loss of light to adjacent properties. The property at number 17 York Street is not considered to be affected by these proposals being situated approximately 5m higher given the topography of the surrounding area.
20. The adjacent property at number 13 York Street will be most affected by these proposals. Concern was raised by the resident of this property with regards to the reduction of light into the habitable rooms at ground floor level and in the basement, namely the kitchen and dining room and the study respectively. It was noted during the officer's site visit that the kitchen and basement study have dual aspect windows facing both east and south. It is therefore considered that the proposed development will have a minimal impact on the amenity of these rooms given that they are both south facing and receive a high level of natural daylight and sunlight.
21. Concern was expressed to the applicant under consideration of the previous application (reference 10/00902/F) with regards to the light into the habitable rooms of 13 York Street. As a result this new application proposes the application of light reflective paint to the new west facing elevation wall which will be directly opposite the occupant of 13 York Street. It is proposed that a condition be applied to the permission which requires this paintwork to be applied and maintained regularly in order to protect the amenity of the adjacent property.
22. On balance, there is not considered to be a significant loss of light to the first floor kitchen or dining room and basement study in number 13 York Street which would prove sufficient to refuse the application. The orientation of the properties to the south affords excellent daylight and sunlight levels to the rear elevations and therefore the rooms mentioned above, and the applicant has agreed to apply light reflective paint to the west facing elevation wall to ensure that daylight and sunlight are reflected into the habitable rooms of the adjacent property. Therefore the proposals are considered to be in accordance with saved Local Plan policy EP22.

23. Concern has been expressed by a resident that their view will be lost if permission is granted. The right to a view is not a material planning consideration.

## **Design**

### **Layout**

24. One objector has identified that four of the properties on the lower section of York Street were built by Colonel Thomas Unthank for his employees and they all followed a uniform design. No evidence from the objector has been supplied to support this view and whilst Design & Conservation colleagues confirm that the Colonel did indeed own the land, there is no evidence in our records to attribute these properties directly to him.
25. The layout of the building at present takes that of a typical Victorian terraced dwelling, (albeit the varying topography giving rise to many level changes across the site). The frontages of these terraced properties are relatively unchanged with a few exceptions such as upvc windows and small porches having been erected on properties further along the street.
26. The rear of the properties in the terrace has a different character with many of the buildings having undergone significant alterations. The property adjacent at number 17 York Street has had an extension to the rear (granted permission in 1991) and a further extension (believed to be carried out under permitted development rights). However, this is considered to be unsympathetic to its surroundings and houses a large window on the south elevation in closer proximity to the rear of the properties on Gloucester Street than the proposals for consideration before you. It is finished in modern brick and makes little attempt to blend in with the surrounding buildings. The property at number 13 York Street appears relatively unchanged although some alterations to the windows have been made with the installation of a modern window facing east and French doors with a glazed canopy. Alterations to the rear of the properties at 11, 9, 7, and 5 York Street result in a "hotch-potch" of rear elevation treatments varying from render to brick extensions. Not only do the rear elevation finishes vary but also the height of the extensions. Some extensions have been carried out over 2 or 3 storeys of the 4 floors, some full height, and some having only been carried out over one half of the "pairs" of terraces, resulting in a visually 'odd' projection. In conclusion, it is considered that the character of the rear of this terrace has arguably already been lost throughout the years.
27. It is considered that the design of the proposed extension will not result in any detrimental impact to the character of the row of terraced dwellings or surrounding area. The design and proposed materials are considered acceptable and to be in accordance with the objectives of PPS1 and saved Local Plan policy HBE12.

## **Other Considerations**

### **Market Value and Building works**

28. An increase or decrease in market value of a property, as a result of these proposals, is not a material planning consideration and cannot be taken into consideration.
29. With regards to the concerns of adjacent residents to the potential for subsidence as a result of these works, the terrace is not in an area of known subsidence due to former chalk works across the city. The applicant has advised that they will have a structural engineer on hand to oversee each phase of the development. In any event, should planning permission be granted, Building Regulations will afford control over the operational works.

## **Conclusions**

30. The proposed rear side extension and installation of a new door and Juliette balcony at first floor level are not considered to result in any detrimental impact to the character of the existing building or wider area. A number of properties in the area have undergone

significant and sometimes unsympathetic alterations but the design and proposed materials of this extension are considered to complement the existing dwelling and achieve a cohesive design.

31. There are not considered to be any resulting issues of significant loss of privacy, overlooking, or loss of light to adjacent or neighbouring properties which are of a sufficient nature as to warrant a refusal of these proposals. The most significant impact of these proposals is on the light availability to three rooms within 13 York Street but this has been mitigated to the satisfaction of the planning officer with the utilisation of light reflective paint being applied to the western elevation of the new side extension and in the knowledge that many of the rooms have alternative windows giving natural light.

## **RECOMMENDATIONS**

Recommended to APPROVE planning application 10/01384/F, subject to the following conditions and reasons:

Conditions:

- 1) Standard time limit
- 2) The development hereby approved shall be carried out in accordance with the plans and details as specified on this decision notice.
- 3) Prior to the commencement of the development hereby permitted, full details of the light reflective paint to be applied to the west facing elevation of the extension, including a sample and details of regular maintenance, shall be submitted to and approved in writing with the Local Planning Authority: The development shall then be constructed in full accordance with the agreed details and retained as such in perpetuity.
- 4) The roof tiles to be used on the side extension hereby permitted shall match that of the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reasons

- 1) Standard reason
- 2) For the avoidance of doubt
- 3) In order for the Local Planning Authority to be satisfied that the materials used will be visually appropriate for the approved development in accordance with saved policy HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and to ensure enhanced residential amenity to the adjacent property at number 13 York Street in accordance with saved policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).
- 4) To ensure the satisfactory appearance of the development in accordance with saved policy HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

Reasons for Approval:

- 1) The proposed extension and installation of a new door at first floor level are not considered to result in any detrimental impact to the character of the existing building or wider area given that the proposals relate to the rear elevation of the dwelling and adjacent properties have undergone similar extensions. There are not considered to be any resulting issues of significant loss of privacy, overlooking, or loss of light to adjacent or neighbouring properties as a result of these proposals which are of a sufficient nature as to warrant a refusal or that cannot be overcome by the imposition of appropriate

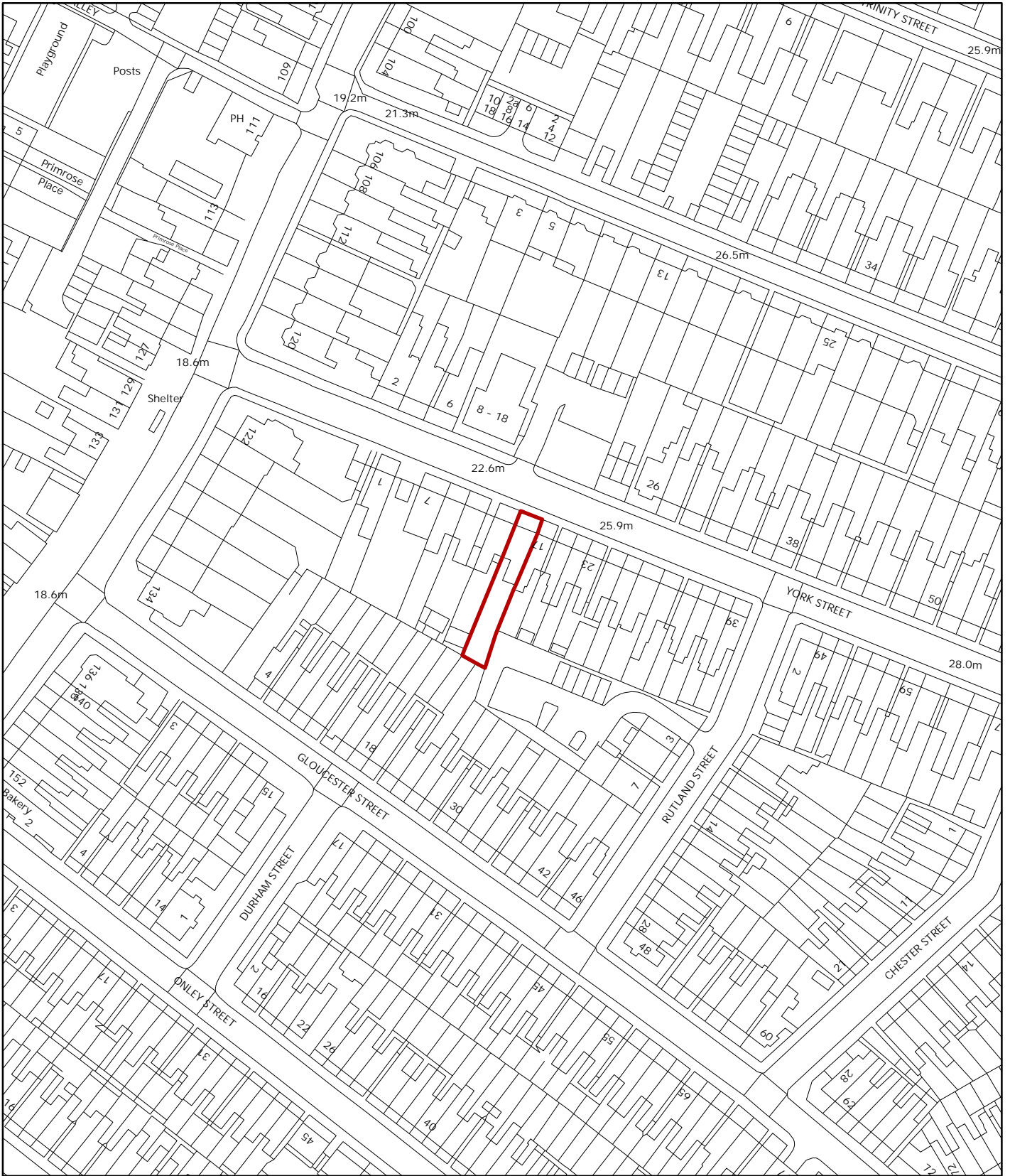
conditions. Therefore the proposals are considered to be in accordance with the objectives of PPS1 and saved policies HBE12 and EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

Standard Informative:

- 1) You are advised that the council expects the following measures to be taken during any building operations to control noise, pollution and parking:
  - (a) Work that is audible beyond the site boundary shall only be carried out between 7.30am and 5.30pm Monday to Friday, between 7.30am and 1.00pm Saturday and not at all on Sundays or Bank Holidays;
  - (b) The quietest available items of plant and machinery shall be used on site. Where equipment such as generators are necessary, they should be enclosed to reduce noise levels, if applicable.
  - (c) Deliveries shall only be received within the hours detailed in (a) above.
  - (d) Adequate steps shall be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
  - (e) There shall be no burning on site;
  - (f) Only minimal security lighting shall be used outside the hours stated above;
  - (g) Building materials and machinery shall not be stored on the highway and contractors' vehicles shall be parked with care so as to not cause an obstruction or block visibility on the highway.

Any divergence from these recommendations should be referred to the councils environmental protection department for approval.

The council also recommends membership of a scheme, such as the Considerate Constructors Scheme.



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Planning Application No - 10/01384/F  
 Site Address - 15 York Street  
 Scale - 1:1,250



**NORWICH**  
 City Council

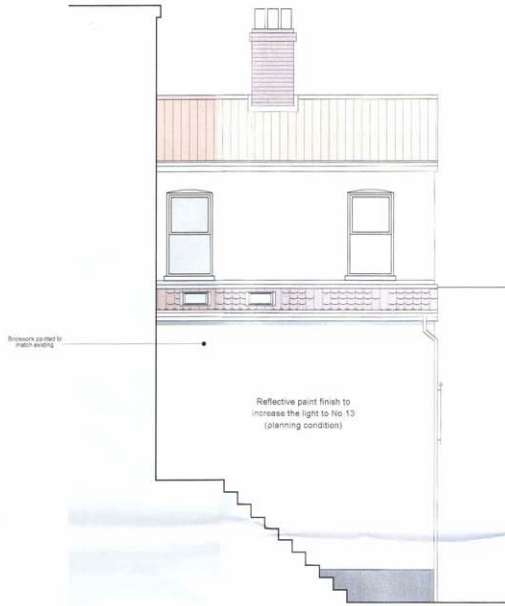
PLANNING SERVICES







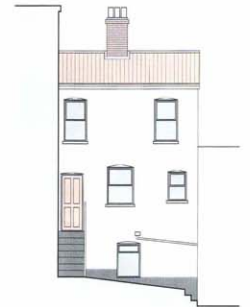
Proposed Rear Elevation 1:50



Proposed Side Elevation 1:50



Existing Rear Elevation 1:100



Existing Side Elevation 1:100



Existing Rear Elevation



Existing Rear Elevation

CORPORATE RESOURCES  
19 JUL 2010  
POST ROOM

PLANNING APPLICATION ISSUE

**Proposed Residential Extension**  
**15 York Street, Norwich, Norfolk.**  
**For Mrs. L. Ward**  
Date: April 2010 Scale: 1:100, 1:50 Dwg No. TL-2990-10-2A  
**Existing & Proposed Elevations**

**Anglia Design**

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Site Location Plan 1:1250



Site Location Plan 1:500

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Existing First Floor Plan 1:100

Existing Second Floor Plan 1:100



Proposed Basement Floor Plan 1:50



Proposed Ground Floor Plan 1:50



Site Layout Plan 1:200



Existing Basement Floor Plan 1:100

Existing Ground Floor Plan 1:100

Organisational Development  
12 AUG 2010  
Post Room

**PLANNING APPLICATION ISSUE**

**Proposed Residential Extension**  
**15 York Street, Norwich, Norfolk.**  
**For Mrs. L. Ward**  
 Date: April 2010 Scale: 1:100, 1:50 Dwg No. TL-2990-10-1B  
 Existing & Proposed Layout Plans

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