

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 18 August, 2011  
**Report of** Head of Planning Services  
**Subject** 11/01108/F 89 York Street Norwich NR2 2AP

Item  
**5(3)**

### SUMMARY

<b>Description:</b>	Installation of roof light (lantern) to flat roof (single storey element) of dwelling.	
<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 - Development Management 01603 212500
<b>Valid Date:</b>	2nd July 2011	
<b>Applicant:</b>	Mr Vishnu Joory	
<b>Agent:</b>	Mr Vishnu Joory	

### INTRODUCTION

#### The Site

##### Location and Context

1. The application site can be found on the corner of York Street and Rupert Street and forms the end of the terrace of dwellings on Rupert Street. It has a frontage to York Street. The property is a typical Victorian corner terraced dwelling. Various alterations have been made to the property in the form of the installation of modern windows and doors. The application building is a two storey buff brick grey pantile roofed property with decorative white painted stonework above the windows and doors. Adjoined to the property is a garage also built from buff brick with timber doors.
2. The neighbouring properties are all also typical of the period with some having been altered to the rear with various single storey extensions. The frontages of the surrounding properties are as you would expect on terraced dwellings with small front gardens addressing the street. This is an obviously residential street with no unusual or contemporary buildings in the wider street scene. The property opposite at number 90 York Street has had a single storey extension to the rear which is visible from the street.

## Constraints

3. The application site is not within a Conservation Area nor is it a Listed Building. There is a flat topography to the area. The surrounding streets are residential in nature with continuous frontages giving a rhythm to the street scene common in many of Norwich's residential areas.

## Planning History

4. In 2010 under application reference 10/01664/F planning permission was refused for the 'Raising of the garage roof parapet wall and provision of new railings and screening to provide a roof terrace for the existing dwelling including provision of new first floor door'. It was felt that these proposals would result in a loss of light, potential for increased overlooking and loss of privacy and an overbearing impact on the properties adjoining but fronting Rupert Street. It was also felt that the design of the roof terrace was unacceptable and that the terrace would appear visually inconsistent with the character and rhythm of the street frontage of the surrounding terraces.

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

5. The application seeks the installation of a roof light/lantern to the existing flat roof garage attached to the dwelling.
6. There are other alterations proposed to the dwelling; the conversion of the garage to a studio with new full height windows and doors to replace the existing garage doors. These alterations can be carried out under permitted development rights.

## Representations Received

7. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below.
- 8.

Issues Raised	Response
This new proposal is a second attempt to use the garage roof as a terrace, which could be accessed via an alternative to the originally proposed door.	Paragraphs 17-19
If the roof is used as a terrace the users would have direct vision into the front bedroom window of the property opposite and therefore loss of privacy which would make it difficult to find new occupants.	Paragraphs 17-19
The rooflight would shine un-natural light into the front bedroom window of the property opposite.	Paragraph 20

The value of surrounding properties would be reduced.	Paragraph 21
The alteration is not in keeping with the types of properties in the surrounding area.	Paragraph 13
Loss of privacy to properties on Rupert Street.	Paragraph 16
Concerned that access will be made at a later date in order to gain access to the flat roof.	Paragraphs 16-19

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **Relevant National Planning Policies**

PPS1 - Delivering Sustainable Development

#### **Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008**

ENV7 - Quality in the Built Environment

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

Policy 2 – Promoting good design

#### **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

HBE12 - High quality of design in new developments

EP22 - High standard of amenity for residential occupiers

#### **Written Ministerial Statement: 23 March 2011: Planning for Growth**

Support of enterprise and sustainable development.

#### **Draft National Planning Policy Framework July 2011**

### **Principle of Development**

#### **Policy Considerations**

10. In addition to National policy (PPS1), saved Local Plan policy HBE12 seeks a high quality of design in new development which respects and complements the character of the area.
  
11. Policy 2 of the Joint Core Strategy updates saved policy HBE12 of the Local Plan and states that all development should be designed to the highest possible standard and will respect local distinctiveness as appropriate. There is recognition that development at any scale should make a positive contribution to providing better places for people and that good design is a key aspect of successful development.

## **Design**

### **Layout**

12. The design and position of the proposed roof lantern is considered acceptable. The lantern is proposed to be positioned centrally to the garage roof towards the northern most end in order to bring natural light into the converted garage room which is proposed to be used as a study.
13. The lantern proposed is 1400mm by 2000mm and 625mm tall and is a frameless contemporary design so as to render it as visually unobtrusive as possible. The design is not considered to result in an alien or visually detrimental element in the street scene and is not considered to detrimentally interrupt the character and rhythm of the continuous street frontage in this area.
14. There are no opening elements to the roof lantern.

## **Impact on Living Conditions**

### **Overlooking and Loss of Privacy**

15. Saved Local Plan policy EP22 states that a high quality of residential amenity should be achieved in new development, including the avoidance of noise, light, and air pollution and ensuring no loss of privacy or issues of overlooking arise from development proposals.
16. The position of the lantern will be to the northern most end of the flat roof. The proposed roof lantern will be approximately 17m from the rear first floor window of number 127 Rupert Street and 10m from the rear first floor windows of number 125 Rupert Street. The lantern will not be visible from the rear first floor windows of either property. In addition, given that the lantern will at its lowest point be positioned 2.9m above ground level there are not considered to be any views out of the lantern. Indeed its main purpose is to provide natural light into the property, not an outlook from the property. Therefore there is not considered to be a loss of privacy to the habitable rooms of the properties fronting Rupert Street.
17. Concerns have been raised that access may be added to the flat roof at a later date, either via alterations to the proposed lantern or through the addition of a door. Members are reminded that there are no openings to this lantern and its design does not lend itself to being openable.
18. The addition of a door access to the garage roof at first floor level could be performed under permitted development rights and as such it is recommended that permitted development rights for the addition of new doors or windows at first floor level or above are removed by condition on any permission if granted approval.
19. Given the previous refusal under application reference 10/01664/F it is not the applicant's intention to use the garage roof as a terrace. However, it is not possible under planning legislation to condition that occupiers cannot use certain parts of their properties for certain uses. If the roof were to be used as a terrace Building Regulations would require a railing for health and safety purposes which would also require planning permission and any such proposals would be considered under a separate application. It is therefore considered that there will be no loss of privacy to properties on the opposite side of York Street as a result of these proposals as it is not intended the roof is used as amenity space.

### **Loss of light**

20. Concern has been raised that the proposed lantern will reflect un-natural light into the bedroom windows of the properties on the opposite side of York Street. Given the 12m distance between the front of the application property and the nearest property on the opposite side of York Street there is not considered to be any

detrimental impact on the amenity of the occupiers or surrounding properties by virtue of reflected light.

### **Overbearing Nature of Development**

21. The market value of property and the potential for re-letting or re-sale are not material planning considerations and cannot be taken into consideration in the determination of this application.

### **Conclusions**

22. The proposed design and position of the roof lantern is considered acceptable and is not considered to result in an alien or visually detrimental element in the street scene. The roof lantern is not considered to detrimentally interrupt the character and rhythm of the continuous street frontage in this area.
23. There are not considered to be any arising issues of loss of privacy or un-natural reflected light to neighbouring properties as a result of the proposed roof lantern given that the lantern's outlook will be so restricted and is it non-openable.
24. Therefore the proposals are considered to be in accordance with the national policy, the objectives of PPS1, policy ENV7 of the East of England Plan (May 2008), policy 2 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policy HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

### **RECOMMENDATIONS**

To approve Application No 11/01108/F 89 York Street and grant planning permission, subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2) The development hereby approved shall be carried out in accordance with the plans and details as specified on this decision notice.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order)(with or without modification), unless shown on the details hereby approved, no window or other opening shall be installed at first floor level or above in any elevation, flat roof or roof slope of the existing dwelling house.

Reasons for approval:

The proposed design and position of the roof lantern is considered acceptable and is not considered to result in an alien or visually detrimental element in the street scene and is not considered to detrimentally interrupt the character and rhythm of the continuous street frontage in this area. There are not considered to be any arising issues of loss of privacy or light to neighbouring properties as a result of the proposed roof lantern given that the lantern's outlook is restricted and the lantern itself is non-openable. Therefore the proposals are considered to be in accordance with the objectives of PPS1, policy ENV7 of the East of England Plan (May 2008), policy 2 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policy HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).



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Planning Application No 11/01108/F  
Site Address 89 York Street, Norwich NR2 2AP  
Scale 1:1,000



**NORWICH**  
City Council

PLANNING SERVICES

