

**Report to** Planning applications committee

**Item**

15 June 2017

**Report of** Head of planning services

**Subject** Application no 17/00533/F - 101 Highland Road,  
Norwich, NR2 3NW

**5(e)**

**Reason  
for referral** Objection

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<b>Ward:</b>	Nelson
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>

<b>Development proposal</b>		
Single storey rear extension.		
<b>Representations</b>		
Object	Comment	Support
11	0	0

<b>Main issues</b>	<b>Key considerations</b>
1 Scale and Design	The impact of the development within the context of the original design / surrounding area
2 Residential Amenity	The impact of the development on the adjoining property (103 Highland Road) loss of light, over dominant building, loss of privacy / overlooking
<b>Expiry date</b>	6 June 2017
<b>Recommendation</b>	Approve



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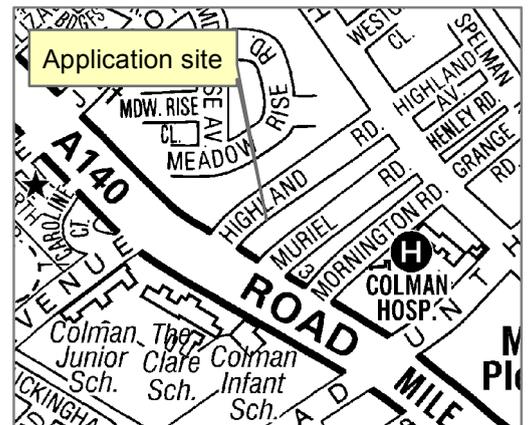
Planning Application No 17/00533/F  
 Site Address 101 Highland Road

Scale 1:500



**NORWICH**  
 City Council

PLANNING SERVICES



## **The site and surroundings**

1. The site is located on the eastern side of Highland Road to the south-west of the city. The predominant character of the area is residential, primarily consisting of two-storey terraced and two storey detached dwellings with most properties having been constructed circa 1920. The terrace properties to the east side of the street have been constructed with 'L' shaped footprints created by shared two storey rear gables, resulting in shared side returns to the rear. All of the terrace properties also have bisected gardens created by shared accesses from the highway by shared covered passageways. A number of the properties have previously been extended or altered by way of small single storey extensions and conversions of roof spaces.
2. The subject property is a two storey mid-terrace dwelling constructed as part of the wider terraced development. The property was constructed using red bricks and red coloured pantiles. The property features a small front garden area and a bisected rear garden accessed via a shared passageway and path. The property has previously been extended by way of a small lean-to extension to the rear of the two storey gable.
3. The site is bordered by the adjoining terrace properties on both sides, no. 99 to the north and 103 to the south, with which the side return is shared. Both the subject property and 103 Highland Road feature kitchens located within the rear sections which face one another across the shared side return with a distance of approximately 3m between them.

## **Constraints**

4. Critical Drainage Catchment: Nelson and Town Close.

## **Relevant planning history**

5. There is no relevant planning history.

## **The proposal**

6. The proposal is for the construction of a single storey extension to the rear of the subject property. The extension measures 1.4m x 3.25m in plan form, effectively filling in the original side return. The design is of a simple flat roof with a maximum height of 3m. The design includes a roof light and a rear door providing access to the rear alleyway / garden. The proposal is to create an enlarged kitchen and bathroom.
7. It should be noted that construction on the proposed extension commenced soon after the receipt of the planning application. The original plans included a flat roof height of 3.2m which has since been reduced to 3m. Advice was provided by the LPA to cease construction until the determination of the planning application however it is understood that the construction of the extension has been largely completed.
8. Notwithstanding this, legislation does allow for retrospective applications to be submitted. The fact that development has commenced without planning permission being granted is not material to the consideration of the application.

## Summary information

<b>Proposal</b>	<b>Key facts</b>
<b>Scale</b>	
Total floorspace	4.55m <sup>2</sup>
No. of storeys	Single storey
Max. dimensions	1.4m x 3.25m x 3m
<b>Appearance</b>	
Materials	Red brick

## Representations

9. Adjacent and neighbouring properties have been notified in writing. 11 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.

<b>Issues raised</b>	<b>Response</b>
A proposed extension is of a poor standard of design.	See main issue 1
The impact of the development of the adjoining property to the south (no.103) caused by being an overbearing presence, resulting in a loss of light, loss of privacy.	See main issue 2
Construction commence prior to granting of consent / without consent of owner of neighbouring property (no, 103).  Extension encroaches onto neighbouring land (no. 103).	See other matters.

## Consultation responses

10. No consultations were undertaken.

# 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

### 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

## Other material considerations

### 13. 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
- DM13 Communal development and multiple occupation
- DM31 Car parking and servicing

## 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: Design

15. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
16. The proposal is considered to be of an acceptable design doing little to cause harm to the overall character of the subject property or the surrounding area. The infilling of rear side returns at terrace properties is a common addition across the city. The design with a simple flat roof is similarly typical of such developments.
17. Particular concern was raised that the proposal was of a poor standard of design. The comment was included with reference to the design resulting in the extension being out of scale and overbearing along the shared boundary with 103 Highland Road, the impacts of which have been assessed below.

## **Main issue 2: Amenity**

18. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
19. The extension will impact upon the residential amenities of the adjoining property to the south, no. 103 Highland Road. Particular concern has been raised by the occupant of the neighbouring property and by the majority of the representations received that the extension results in a loss of light to the neighbouring property and is an overbearing presence.
20. It is accepted that the extension does result in some harm to 103 Highland Road by way of a loss of light primarily caused by the 3m tall side wall which has been constructed along the shared boundary, approximately 1.5m from the kitchen window of the neighbouring property.
21. However, a material consideration is that extensions can be built under permitted development rights that provided that they are not more than 3m high and 3m long. The extension is 3.25m long; the fall back of an extension 25cm shorter must be weighed in the planning balance.
22. In light of the above, It is not considered that the 0.25m length requiring planning consent will result in significant harm alone, with the 3m tall x 3m long section of the extension which can be constructed without planning consent causing resulting in similar levels of harm being caused. It is not reasonable to refuse the application on the basis of a 0.25m section of side wall alone.
23. Particular concern was also raised that the proposal would result in a loss of privacy. It is not considered that the proposal will cause significant harm by way of overlooking or loss of privacy as the extension includes only a single roof light and rear facing door. There are no new views of the neighbouring property created by the extension.
24. The extension will assist in enhancing the residential amenities of the occupiers of the subject property as the internal living space is improved without significant loss of the property's external amenity space.

## **Other matters**

25. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
26. Concern has been raised throughout the determination of the application that construction of the extension had commenced prior to the granting of planning consent. Similar concern has also been raised that the construction has commenced without consent from the owner of the neighbouring property to the south, 103 Highland Road to enter their land. The LPA was informed that construction had commenced soon after the receipt of the planning application. A site visit was carried out soon after and the planning agent for the scheme was contacted advising that works ceased until the determination had concluded. At this point the plans were revised to reduce the height of the extension however no assurances were received regarding the ceasing of the construction with it being understood that the application wished to proceed. In this instance, the LPA does

not have the ability to force the ceasing of ongoing construction works and the use of the neighbours land for construction purposes are considered to be a civil matter.

27. Similarly, concern has been raised that the proposal encroaches onto the neighbours land at 103 Highland Road. Following a site assessment it is not possible to definitively determine whether encroachment has occurred and such issues are considered to be civil matters, to be determined separately from the planning application process.

### **Equalities and diversity issues**

28. There are no significant equality or diversity issues.

### **Local finance considerations**

29. 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.
30. 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.
31. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

32. The proposal will result in an extended dwelling which is of an appropriate design, which does not cause significant harm to the character of the surrounding area.
33. The proposed development will result in harm to the neighbouring residential amenities at 103 Highland Road by way of loss of light, however only a 0.25m section of wall requires planning consent. A 3m tall x 3m long extension could be constructed under permitted development which would cause the same harm.
34. 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.

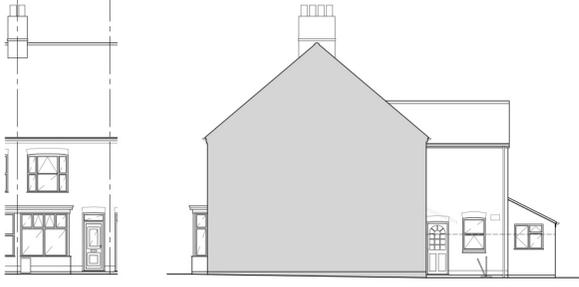
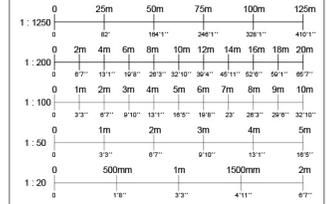
### **Recommendation**

To approve application no. 17/00533/F - 101 Highland Road Norwich NR2 3NW and grant planning permission subject to the following conditions:

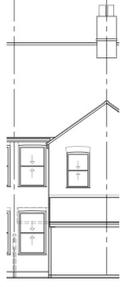
1. Standard time limit;
2. In accordance with plans;

**General Notes**

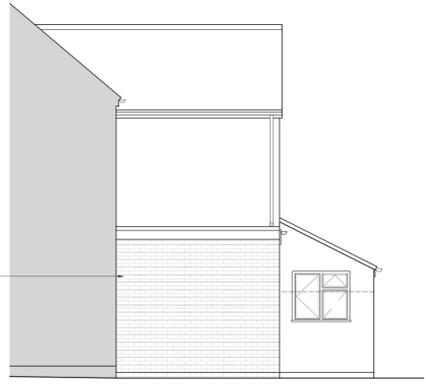
1. This drawing must not be scaled and if in doubt ask.
2. All Contractors are to check all dimensions & levels on site prior to commencing any construction or fabrication.
3. This drawing to be checked and read in conjunction with all Engineers, Architectural, Service Engineers and any specialist drawings, together with any relevant additional Engineers specifications.
4. Where site information or adjoining building details are contrary to issued details then the Engineer is to be informed immediately.
5. No structural members are to be cut, notched, or potted unless shown on the Engineers details. Unless otherwise noted all connections of structural members including laps & anchorage of reinforcement shall be capable of maintaining the full structural capacity of the member.
6. All foot connections shall have a minimum of 100mm of concrete & shall not be confined on site before casting of foundations. Unless informed to the contrary in writing it has been assumed that the sub-soil is not a clay soil that has been collected by Tests & Vegetation & that there is no possibility of heave or shrinkage.
7. The Foundations have been designed to ultimate ground pressure of 100 kN/m<sup>2</sup> & shall not be confirmed on site before casting of foundations. Unless informed to the contrary in writing it has been assumed that the sub-soil is not a clay soil that has been collected by Tests & Vegetation & that there is no possibility of heave or shrinkage.
8. Under the provisions of the Party Wall Act 1996: If the excavations are within 3m of adjacent buildings written agreement for the works from the owner & the tenant (if applicable) of adjacent buildings must be obtained before building works commence & one month's notice must be given before building works commence. If the work applies to the party wall two month's notice must be given. Note: If Foundations are deeper than normal a further notice may have to be given & agreement received. Note: If Foundations, soffits, gutters, etc encroach across the boundary a written agreement from the owner of the adjoining land/buildings must be obtained & the boundary agreed before building works commence.
9. The Construction (Design & Management) Regulations 2015. The client must make suitable arrangements for managing the project, including the allocation of sufficient time and resources.
  - a. The construction work can be carried out (so far as reasonably practicable) without risks to the health and safety of any person affected by the project.
  - b. Suitable suitable written facilities are provided. These arrangements must be reviewed and maintained throughout the project.
 The client must provide pre-construction information to the designer and contractor. The client must ensure that a construction phase plan is in place before the construction phase starts. The client must ensure that the principal designer prepares a health and safety file for the project which is suitable, regularly updated and is available for inspection. The client must take reasonable steps to ensure that the principal designer and contractor comply with their duties. The client must pass the health and safety file to any new owner(s)/occupier(s) and ensure that the new owner(s)/occupier(s) is aware of the nature and purpose of the file.
10. This drawing is Copyright to Building Plans Ltd.



NORTH WEST EXISTING ELEVATIONS 1:100

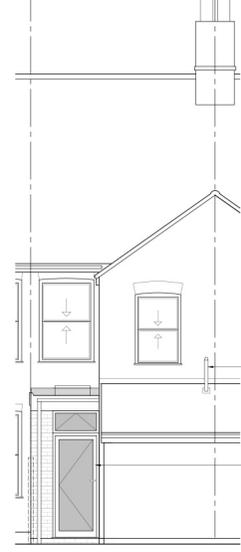


SOUTH EAST



Red facing brickwork to match existing

SOUTH WEST PROPOSED ELEVATIONS 1:50



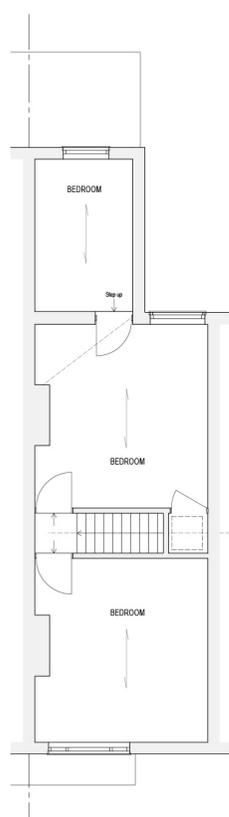
Relocated boiler flue

White uPVC door and window to match existing

SOUTH EAST



EXISTING GROUND FLOOR 1:50



EXISTING FIRST FLOOR 1:50

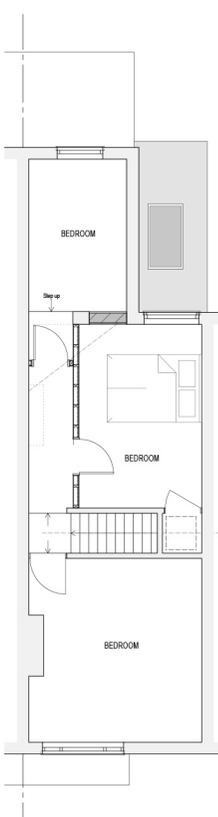


Proposed extension

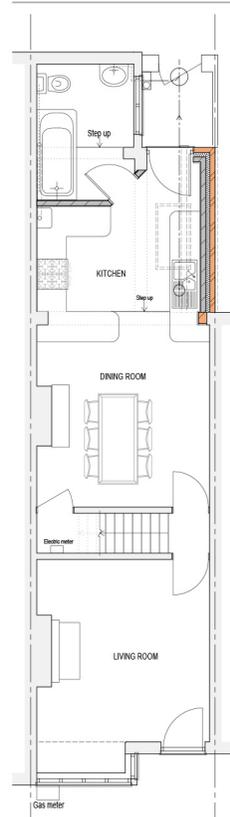
SITE PLAN 1:200



LOCATION PLAN 1:1250



PROPOSED FIRST FLOOR 1:50



PROPOSED GROUND FLOOR 1:50

B	22/04/2017	Parapet wall removed.	PB
A	10/04/2017	North arrow added.	PB
Rev	Date	Amendment	Dwn

**Architectural Design,  
Building Surveys and  
Planning Services**  
**Building Plans Ltd**  
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 Telephone: 01603 868377

Client:	Mr D Smith
Project:	Extensions & Alterations
Site address:	101 Highland Road Norwich NR2 3NW
Contents	Existing & Proposed Elevations Existing & Proposed Floor Plans Site & Location Plans
Scale @ A1:	1:20, 1:50, 1:100, 1:200, 1:1250
Date:	March 2017
Signed/checked:	PB/JLN
Revision:	B
Project No:	3186 0217N
Sheet No:	1