

**Report to** Planning applications committee

**Item**

29 October 2015

**Report of** Head of planning services

**Subject** Application no 15/01156/F and 15/01157/L - 31 St  
Stephens Square, Norwich, NR1 3SS

**Applicant** Mr Dale Gedge

**Reason  
for referral** Objection

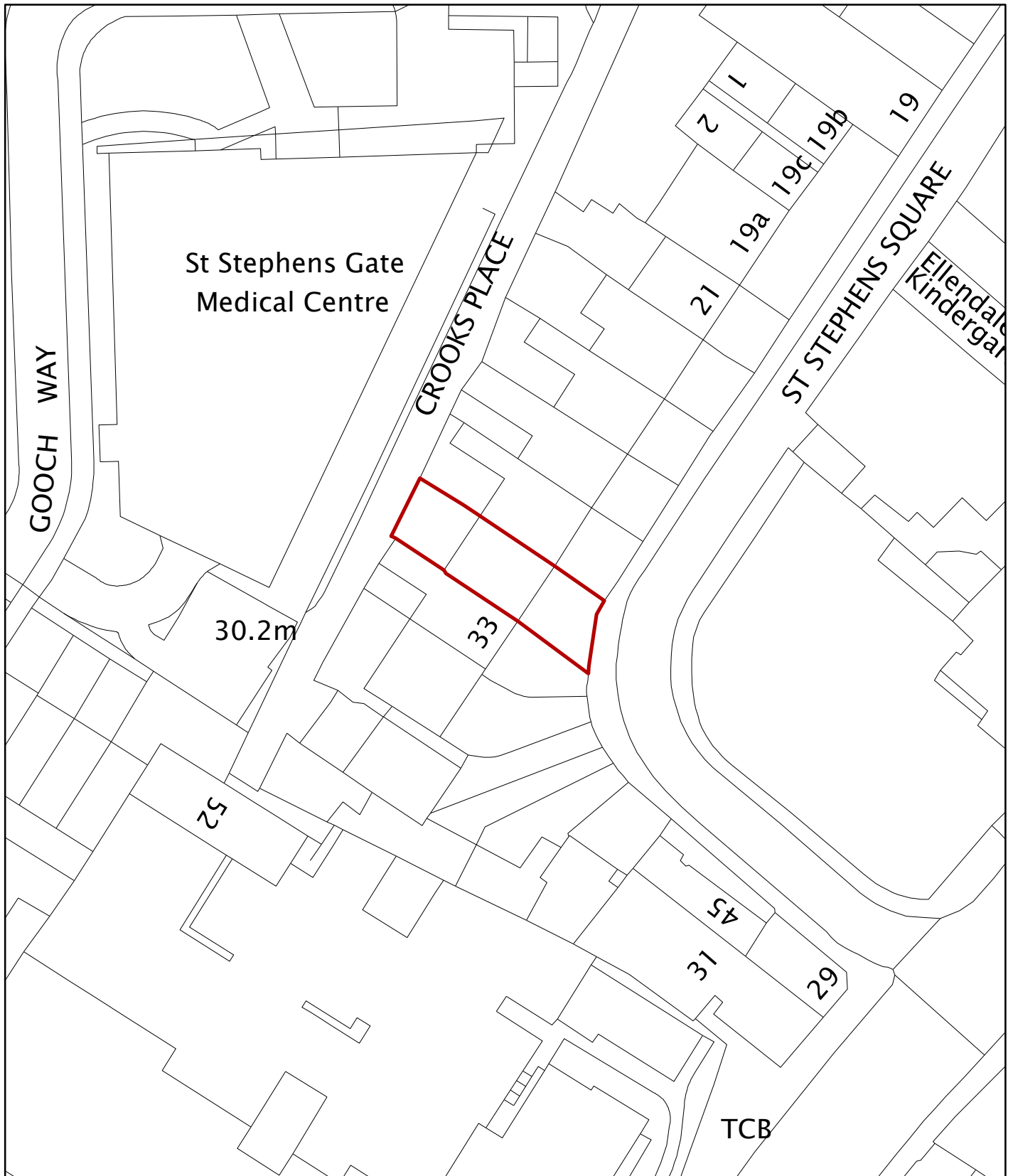
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<b>Ward:</b>	Town Close
<b>Case officer</b>	James Bonner - <a href="mailto:jamesbonner@norwich.gov.uk">jamesbonner@norwich.gov.uk</a>

Development proposal		
Single storey rear extension.		
Representations		
Object	Comment	Support
2		

Main issues	Key considerations
1 Design and heritage	Impact on character of listed building and conservation area; loss of fabric
2 Amenity	Neighbouring amenity (loss of daylight, outlook; overshadowing)
<b>Expiry date</b>	23 October 2015
<b>Recommendation</b>	Approve



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Planning Application No 15/01156/F & 15/01157/L

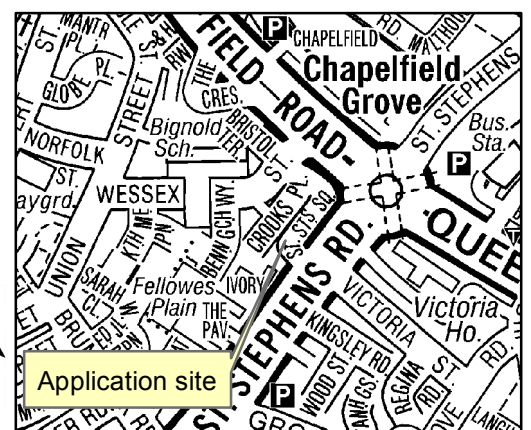
Site Address 31 St Stephens Square

Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. Number 31 is a mid-terrace dwelling on the west side of St Stephens Square. The proposal affects the rear of the property which is accessed via Crooks Place. Facing the rear of the property is St Stephens Gate Medical Centre.

## Constraints

2. As with the rest of the terrace, the property is a grade II listed building as a group listing with three other buildings, with the following list description:

Terrace of 4 houses. Early C19. Red brick with rendered plinth; slate roof; 3 brick ridge chimneys and one end stack. 2 storeys; 8 first-floor windows. Doors to right of each unit alternate with 16-pane sash windows under slightly cambered brick arches. 6-panelled doors (some glazed; No. 25, C20) have overlights (Nos. 29 & 31, with lattice glazing bars) in panelled reveals flanked by fluted pilasters.

3. There are a number of other listed buildings nearby, for instance the Norfolk and Norwich hospital buildings, but given the distances involved and the scale of the proposals these are not considered to be affected.
4. The site is within the Newmarket Road conservation area.

## Relevant planning history

5.

Ref	Proposal	Decision	Date
14/00692/L	Installation of a damp proofing membrane in the basement with a timber stud wall in front. Installation of encaustic tiles in the hallway, replacement of internal panelled wooden doors.	APPR	30/06/2014

## The proposal

6. Proposed is a single storey extension projecting 3.14m from the rear elevation. At 5.65m wide it spans practically the entire width of the garden. It is of mono-pitch roof design measuring 3.15m to the ridge and 2.4m to the eaves. Materials are brickwork, red pantiles and grey powder coated windows and doors. Three rooflights are also proposed.
7. The design has been revised slightly to lower the ridge to ensure a more satisfactory gap between it and the bottom of the windows cills. A section has also been provided to clarify that a downstand will be retained on the existing wall.

## Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received (one from neighbour and one from NPS as landlord of adjacent property) 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
Issues highlighted from previous extension at No.27 regarding digging-out and underpinning along Party Wall. This led to cracking across front and back walls, exacerbated by opening and closing of bi-fold door.  Concerns raised over subsidence and continued structural issues from new extension given lack of foundation information.	See paragraph 28
Issues raised over informally discussed plans of raising boundary wall. The wall has collapsed before and is compromised by the roots of a shrub. It remains highly unstable and we are concerned about the wall's ability to bear any additional load.	The proposed plans do not show any increase in the height of the wall and as such is not being assessed. Any changes to the wall which would require permission will have to be dealt with at a later date.  It is worth noting that with the exception of the first ~5 courses, the wall is of no particular historical significance.
Loss of light to habitable rooms; we believe the rear dining room and the kitchen have acquired Right to Light.	Loss of daylight is a material consideration and is addressed in main issue 2. Right to Light is not a material consideration and is a civil matter between neighbours.
Loss of outlook / enclosing effect of extension	See main issue 2.
Loss of sunlight to garden	See main issue 2.

## Consultation responses

9. 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**

10. OS map of 1885 shows all properties in terrace as having rear outbuildings. On the application site this appears to have been removed in the latter part of the 20<sup>th</sup> century and not replaced. The proposals lead to the removal of some historic fabric which constitutes less than substantial harm. In line with the NPPF this should be balanced up with the public benefits of the scheme. As a private dwelling these public benefits are limited however the works will improve the living space in a way which is not visually harmful to the listed building. This is part of the listed building evolution. Careful choice of traditional materials and a traditional form help the structure be subservient to the main listed building along with taking consideration of local character and distinctiveness.
11. It would be preferable to retain the nibs and downstands of the previous wall to indicate the former outline of the rear of the building. Slate and brick samples should be submitted for discharge via condition as well as rooflights.
12. The drawings indicate that the roof will be directly adjacent to the boundary wall with No.29. Any structural implications of this should be covered by building control.

## **Assessment of planning considerations**

### **Relevant development plan policies**

13. **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
  - JCS12 The remainder of the Norwich urban area including the fringe
14. **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
  - DM9 Safeguarding Norwich's heritage
  - DM11 Environmental hazards

### **Other material considerations**

15. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
  - NPPF0 Achieving sustainable development
  - NPPF7 Requiring good design
  - NPPF12 Conserving and enhancing the historic environment

### **Case Assessment**

16. 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.

17. The principle of a residential extension is acceptable. The main considerations relate to the design and heritage implications (main issue 1) and any impacts there may be on amenity (main issue 2). It is worth noting that in terms of requiring planning permission, the addition projects 0.14m further from the rear elevation than permitted development limitations allow. If the extension projected only 3m from the rear but was 3m to the eaves and 4m to the ridge then it would not require planning permission. Either way it would require listed building consent.

### **Main issue 1: Design and heritage**

18. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66. Heritage key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
19. The design of the single storey extension is appropriate, particularly in its subservient scale. Its proposed form is relatively traditional with subtly modern detailing such as metal windows and doors. Alongside the reduced ridge height, this approach is considered acceptable. In terms of the impact upon the significance of the listed buildings, this should be assessed in two ways: the visual impact on the external appearance; and the impact upon the internal character, including on fabric.
20. Externally, the rear of the terrace has much less significance than the front. This is due to the obvious factor of the terrace's original design but also the presence of existing development nearby, including the substantially sized medical centre just ~14m away from the terrace itself. Also of importance to the assessment of significance are the existing rear extensions, a number of which are relatively large in footprint: extensions at numbers 27 and 33 take up the entire length of the rear gardens. Neither of these extensions are particularly well designed. No.27's dual-pitched roof awkwardly intersects the corner of the first floor window and No.31's flat roof extension replaces the boundary wall and its rudimentary design is clearly visible. Alongside the numerous inappropriate alterations to the rears, including several replacement windows, it is clear there is a relatively low level of significance at the rear considering these are statutory listed buildings.
21. That being said an important consideration is the fact that the rear of No.31 is one of the few remaining unspoilt properties in the row. In this sense there is some merit to an argument that the elevation should be preserved. In reality though, given the surrounding context this would be a difficult position to sustain, particularly given the 1885 OS map shows every property in the terrace having a rear extension, likely a coalhouse and potentially an outhouse. To limit what is an otherwise sensible evolution of a residential – albeit listed – property would be unreasonable given the above assessment. The proposed extension is much more sympathetically designed than many of the neighbouring additions which cause much more appreciable harm. Accordingly the proposal does not undermine the setting of those listed buildings neighbouring, nor does it harm the character of the wider conservation area. This can be helped through the recommended condition requiring detail of materials.

22. The proposal will lead to the loss of some original brickwork and a non-original window to create the opening. This is somewhat mitigated by the inclusion of the downstand and the position of the worktop which helps to retain a clear indication of the building's planform. The proposals would not dilute the understanding of this original planform, nor would it undermine the architectural integrity and special character of the heritage asset. As a result of this loss of fabric and the introduction of a new extension itself, the proposals technically result in less than substantial harm to the heritage asset. However the identifiable public benefits which should outweigh it are limited given the private nature of the scheme and the fact that this is unlikely to be considered necessary to ensure the long-term viable use of the heritage asset. The level of harm is tolerable and given the justification above is not considered to justify refusal. This conclusion is made with special regard and special attention given to the desirability of preserving the setting and features which contribute to the significance of all heritage assets highlighted above.

## **Main issue 2: Amenity**

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
24. Concerns have been raised about the impact of the extension on loss of daylight and outlook to the neighbour to the north (No.29). The impact on the neighbour to the south (No.33) is considered to be less of an issue given the extent of their single storey extension and its lack of windows facing the proposed extension.
25. The occupier of No.29 has provided photographs showing the view from the habitable ground floor rooms judged to be affected by the new addition. This is principally the closest window of the original house (dining room) and the kitchen door and window within their extension which faces the boundary wall. In these views the proposed extension will be clearly visible as a wedge-shaped addition above the height of the boundary wall. Given the fairly tight nature of the properties here, including the presence of No.29's half-width extension, this does have the potential to have a reasonably enclosing effect on the outlook from these windows as well as on the amount of daylight reaching them. It is worth noting that there is an existing impact from the boundary wall and to a greater extent the trees screening the large medical practice to the rear. Given the orientation of the row the majority of the impact of direct overshadowing is already caused by the existing terrace. Towards the end of the day there will be some minor overshadowing to the garden and the windows in question but this would be fairly limited.
26. Any assessment of loss of amenity must be considered against the fallback position of what could be built under permitted development rights (bearing in mind the fact that listed building consent would make no assessment of amenity). The additional 0.14m is very unlikely to cause an appreciable loss of daylight or outlook over and above the impact that a 3m extension would have on neighbouring quality of life. Alternatively if the same ridge height was retained and the eaves raised by 0.6m, the extension would still not require a planning application if it was reduced by 0.14m in depth. Bearing in mind that the amount of daylight is influenced by the amount of visible sky available, this theoretical extension would arguably have a similar, if not greater, impact upon neighbouring amenity compared to a shorter extension which was marginally deeper (i.e. the proposed extension). The same can be said for direct overshadowing on the garden: the fallback position of a permitted development extension renders the amenity impact of the proposed extension satisfactory.

27. A sufficient amount of external amenity space is retained and occupier amenity is also acceptable.

### **Other matters**

28. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:

**Structural matters:** Concern has been raised over the structural and subsidence issues and on a development of this scale this is a matter for building control. While an indicative drawing of the foundations has been submitted, it would only be indicative. Without trial holes to ascertain ground conditions and the proximity of adjacent foundations it would be almost meaningless. The architect has indicated that a lot of thought has gone into the design, including pre-application discussions with a design and conservation officer to minimise any adverse impacts. The two gable ends of the extension are not designed to be load bearing, with the new front wall instead serving this purpose. It is therefore claimed that the foundations will be minimal on these boundary walls. Understandably the applicant wants to secure planning permission and listed building consent before paying engineers to finalise the foundation design and so this is to be confirmed. For this particular planning assessment it is critical to emphasise that this is a matter for Building Control and for Party Wall negotiations. Without any evidence to suggest serious and exceptional risk of subsidence and/or ground instability, it would be difficult to argue that this development is contrary to DM11. The policy's subtext states:

*Additional to the specific risk from chalk workings, it is known that the underlying geology of Norwich can cause a small degree of risk to foundations throughout the city, mainly resulting from undermining from water leakage. The existence of such workings does not imply that development is inappropriate or undesirable. Rather, the highlighting of this issue within the policy is intended to indicate to prospective developers that there may be some degree of risk.*

This and DM11 in general relates to larger developments which may require some clever design elements or engineering works/mitigation measures to overcome the issues. This is clearly not the case for a very small-scale extension which would not require planning permission if 0.14m smaller. As there is no objection in principle from design and conservation, no concerns for the integrity of the listed buildings are apparent and this is not a planning issue.

### **Equalities and diversity issues**

29. There are no significant equality or diversity issues.

### **Local finance considerations**

30. 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.
31. 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.

32. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

33. While there are elements of less than substantial harm, the level of harm is relatively low and the extension represents a logical evolution of the listed building as a private residential property. It is of sympathetic scale, form and detail and within the context of the considerably more inappropriate surrounding developments, this is a suitable addition. Where there is harm, for instance through loss of fabric, it has been reduced to an acceptable level. Although there may be the perception of loss of amenity to the neighbouring occupier, in reality it is extremely close to what is allowable under permitted development rights, which would have essentially the same impact on living conditions. Accordingly 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. 15/01156/F - 31 St Stephens Square Norwich NR1 3SS and grant planning permission subject to the following conditions:

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

### **Informative:**

Considerate construction

### **Article 35(2) statement**

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

### **AND**

To approve listed building consent application no. 15/01157/L - 31 St Stephens Square Norwich NR1 3SS and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Repair any damage to listed building within 3 months;
4. Notwithstanding what is shown on the plans, details of materials.

**Reason for Approval:**

While there are elements of less than substantial harm, the level of harm is relatively low and the extension represents a logical evolution of the listed building as a private residential property. It is of sympathetic scale, form and detail and within the context of the considerably more inappropriate surrounding developments, this is a suitable addition. Where there is harm, for instance through loss of fabric, it has been reduced to an acceptable level. Accordingly 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.

