

**Report to** Planning Applications Committee

**Item**

8 December 2022

**Report of** Head of Planning & Regulatory Services

**Subject** Application no 22/01301/F - 44 York Street, Norwich,  
NR2 2AW

**4C**

**Reason  
for referral** Called in by Councillor Cate Oliver

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<b>Ward</b>	Town Close
<b>Case officer</b>	Danni Howard/ Lara Emerson <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>
<b>Applicant</b>	Mr Luke Miles

<b>Development proposal</b>		
Rear dormer extension.		
<b>Representations</b>		
Object	Comment	Support
7	0	0

<b>Main issues</b>	<b>Key considerations</b>
1	Design
2	Amenity
<b>Expiry date</b>	6 December 2022
<b>Recommendation</b>	Approve



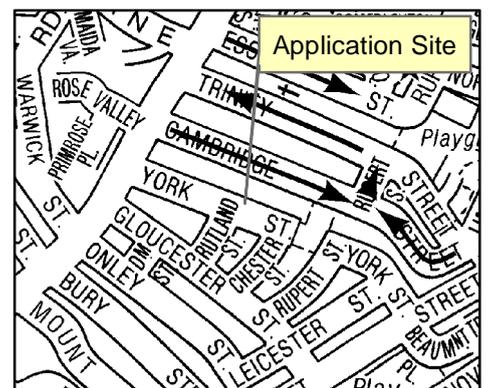
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Planning Application No 22/01301/F  
 Site Address 44 York street

Scale 1:500



**NORWICH**  
 City Council  
 PLANNING SERVICES



## The site and surroundings

1. The subject property is a two storey dwellinghouse located within a Victorian terrace constructed with buff brick and slate tiles to the front and red brick with red pantiles to rear.
2. The rear of the property is constructed over an 'L' shape with a two-storey outcrop adjoining the neighbouring outcrop at no. 46, adjacent the western boundary. This feature is mirrored across the rear of the terrace. The rear of the subject property is painted white, with a later red brick rear extension to the ground floor.
3. The site is located on the north side of York Street, a suburban residential street which is characterised by bay fronted Victorian terraces and consistent use of materials within the frontages. There is a small courtyard garden to the front of the property and a modest rear garden with a slightly raised ground level.
4. The site is bordered on the east and west sides by adjoining nos. 42 and 46 respectively. The rear of site borders 33 Cambridge Street, a locally listed terraced dwelling within the Heigham Grove Conservation Area.

## Constraints

5. Critical Drainage Catchment.

## Relevant planning history

6. The records held by the city council show the following planning history for the site. Of note is the refusal earlier this year, which proposed a much larger dormer extending over the main roof and the roof of the two storey outcrop.

Ref	Proposal	Decision	Date
16/00339/F	Single storey rear extension including demolition of existing single storey extension.	APPR	20/05/2016
22/00633/F	Attic conversion and dormer extension.	REF	07/10/2022

## The proposal

7. The dormer as originally proposed extended 2.8m in height from the existing rear wall of the inset rear elevation, replacing the existing eaves line. The dormer was proposed to have a depth of 4.1m extending from the roof slope and width of 5.6m, creating a cubic content of 32.14m<sup>3</sup>.
8. The proposal was revised following officer comments during the assessment process to bring the rear dormer elevation 0.3m back from the inset eaves line. The dormer is now proposed to have a height of 2.6m, depth of 3.9m and width of 5.6m to create a cubic content of 28.39m<sup>3</sup>.
9. External walls and roof of the dormer are proposed to be grey zinc cladding. There will be 1no. full length aluminium double casement window and 1no. smaller

aluminium double casement window inserted into the rear elevation of the dormer.  
Aside from

10. materials, the proposed dormer is now within the limits of permitted development.

### Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 7no. letters of representation have been received based on the scheme as originally proposed, citing the issues as summarised in the table below.

<b>Issues raised</b>	<b>Response</b>
The proposed extension is disproportionate to the area and is out of keeping with the Victorian terrace.	See Main Issue 1 – Design.
The dormer will significantly overlook several neighbouring houses.	See Main Issue 2 – Amenity.
The height essentially creates a third storey which is out of character with the existing terrace.	See Main Issue 1 – Design.
The full height window is intrusive and dominating due to the relatively short back gardens and will be close enough for views into upstairs windows and vice versa.	See Main Issue 1 – Design and Main Issue 2 - Amenity.
Impact on neighbours' privacy from full length window.	See Main Issue 2 – Amenity.
Existing dormers in the area are ugly and should not be allowed to set a precedent.	See Main Issue 1 – Design
The proposal is too large for its location.	See Main Issue 1 – Design
The full length window will have direct views into neighbouring gardens and straight views into first floor windows of opposite properties.	See Main Issue 2 – Amenity.
The existing sloping roof is much less obtrusive than the vertical façade the development presents its neighbours in an intimidating fashion.	See Main Issue 1 – Design
The proposal turns a two storey house into a three storey house which appears overly large and intrusive.	See Main Issue 1 – Design
The scale and density of the third floor will have an oppressive impact.	See Main Issue 1 – Design
Concerns regarding the impact of the proposal on the structural integrity of neighbouring houses and the terrace.	This would be a matter of building regulations and is not a planning consideration.
The proposal will irrevocably change the character and roofline of a long row of houses and dominate the view from dozens of its neighbours.	See Main Issue 1 – Design

The revised scheme has been consulted on and one additional letter of representation has been received from an existing objector, reiterating that their original concerns still stand, as summarised in the table above.

### **Consultation responses**

12. 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.

### **Natural areas officer**

13. The same report has been submitted under 22/01301/F and was submitted under 22/00633/F. My comments remain largely unchanged-

In the event of any approval I would ask for the following -

B15 In accordance with report

B16 Mitigation Details

IN27 Protected Species

I would support the proposed installation of a bird box; this would equate to an enhancement rather than mitigation. Given the location a more suitable bird box could be for garden species such as sparrows rather than swifts. Exact details have not been provided, but can be requested under B16 Mitigation Details, as above.

### **Assessment of planning considerations**

#### **Relevant development plan policies**

14. **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
15. **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
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment

#### **Other material considerations**

16. **Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**
- NPPF12 Achieving well-designed places
  - NPPF14 Meeting the challenge of climate change, flooding and coastal change
  - NPPF15 Conserving and enhancing the natural environment

## **Case Assessment**

17. 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 Policy Framework (NPPF), the Council's 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**

18. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
19. Concerns were raised regarding the scale and impact of the proposal in its original form. The extension of the rear wall and loss of the eaves line was considered incongruent to the character and design of the terrace and overly dominant in appearance.
20. The proposal was revised to bring the rear elevation away from the eaves, so the overall height and scale of the dormer is reduced although the width remains. While the width of the dormer remains substantial, the reduced scale of the revised proposal appears less disruptive to the sloping roof of the outcrop and is less visually dominating within the terrace by maintaining the existing eaves line. The dimensions of the revised scheme meet the size requirements to be considered permitted development under Schedule 2, Part 1, Class B of the GPDO, however permission is still required due to the chosen materials.
21. The proposed cladding is not in keeping with materials typically seen within the immediately surrounding roofscape. The use in conjunction with the smaller scale of the revised proposal adds a modern contrast to the existing clay roof tiles and is not considered to cause a level of visual harm that should warrant refusal of the application.

### **Main issue 2: Amenity**

22. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
23. Several concerns were raised regarding a loss of privacy to the surrounding gardens and rear facing windows of nearby dwellings on Cambridge Street, north of the subject site. There will be an increase in overlooking to private amenity spaces as a result of the full-length windows, however there is likely to be sufficient distance to the rear of the properties north of the site to reduce the loss of privacy to rear facing windows.
24. There will be no notable impact on residential amenity by virtue of loss of outlook or overshadowing from the proposed development.
25. The scale of the dormer proposed, along with the insertion of windows, is permitted development, and the works only require consent due to the chosen materials. It is therefore unreasonable to require any changes to the proposals on amenity grounds.

## Other matters

26. The site is located within a Critical Drainage Catchment. As there is no increase in impermeable floorspace there is no need to manage surface water runoff as part of this development.
27. An ecology report submitted has shown no sign of roosting bats have been found in the existing roof and that the site provides negligible habitat for nesting birds. The proposal is therefore unlikely to cause any negative biodiversity impacts. Enhancements by way of installing a bird box as suggested within the report are encouraged, and a condition requiring installation a bird box will be added in accordance with the ecology comments received.
28. **Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)**

Site Affected: (a) Broads SAC/Broadland Ramsar

(b) River Wensum SAC

Potential effect: (a) Increased nitrogen and phosphorus loading

(b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must undertake an appropriate assessment to determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads SAC, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

(a) Broads SAC/Broadland Ramsar

Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND

Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer:NO

The proposal is for works to an existing dwelling and will not impact upon the average occupancy figures for dwellings across the catchment and will therefore not impact upon water quality in the SAC.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

(b) River Wensum SAC

Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND

Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer:NO

The proposal is for works to an existing dwelling and will not impact upon the average occupancy figures for dwellings across the catchment and will therefore not impact upon water quality in the SAC. In addition, the discharge for WwTW is downstream of the SAC.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

### **Equalities and diversity issues**

29. There are no 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. 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. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

31. The proposal is acceptable in terms of design and will not cause an impact on amenity that warrants refusal of the application. 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.

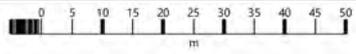
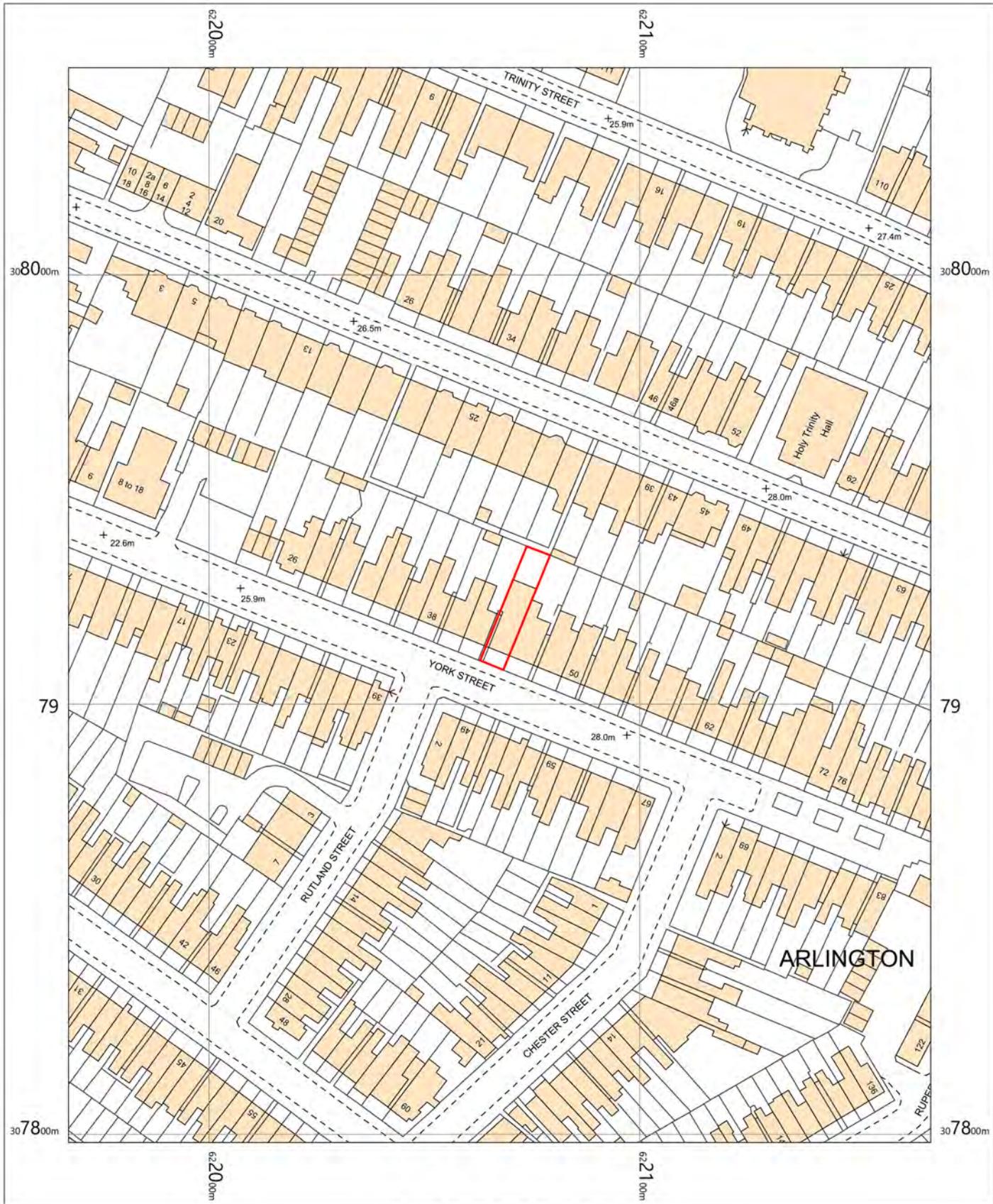
### **Recommendation**

To approve application 22/01301/F - 44 York Street, Norwich NR2 2AW and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Installation of Bird Box

Informative:

IN27 – Protected Species.



OS MasterMap 1250/2500/10000 scale  
 Tuesday, April 12, 2022, ID: BW1-01032103  
[maps.blackwell.co.uk](http://maps.blackwell.co.uk)

1:1250 scale print at A4, Centre: 622067 E, 307923 N

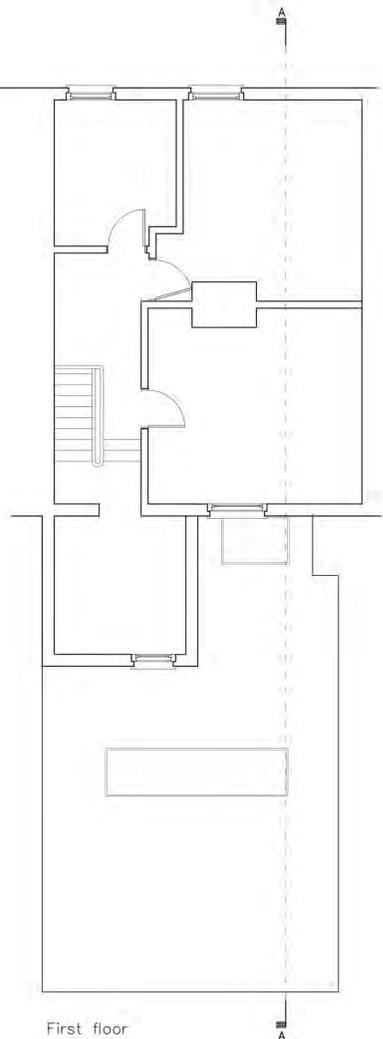
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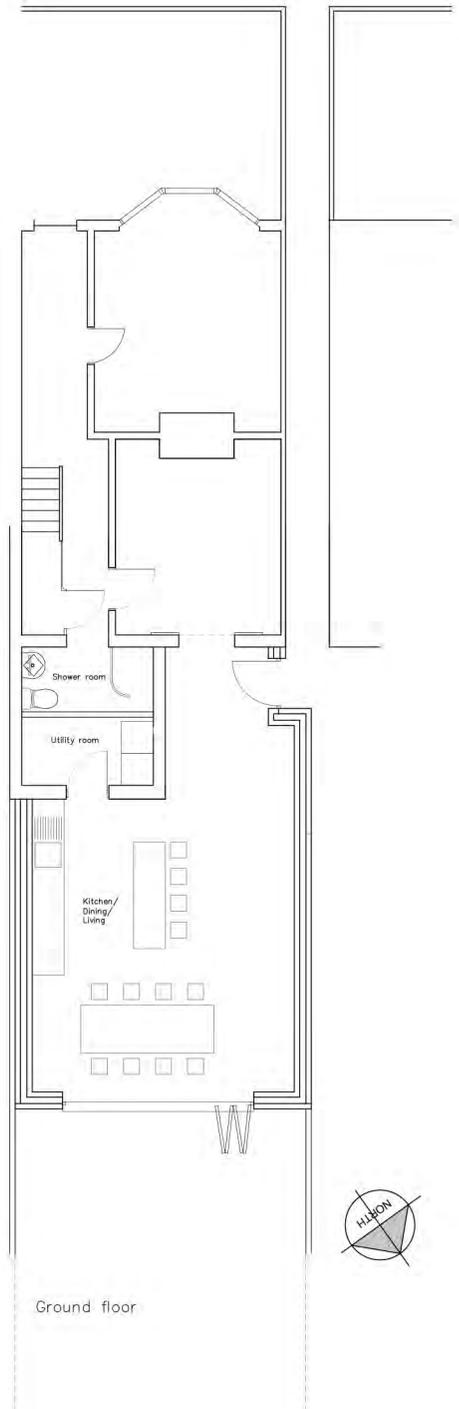
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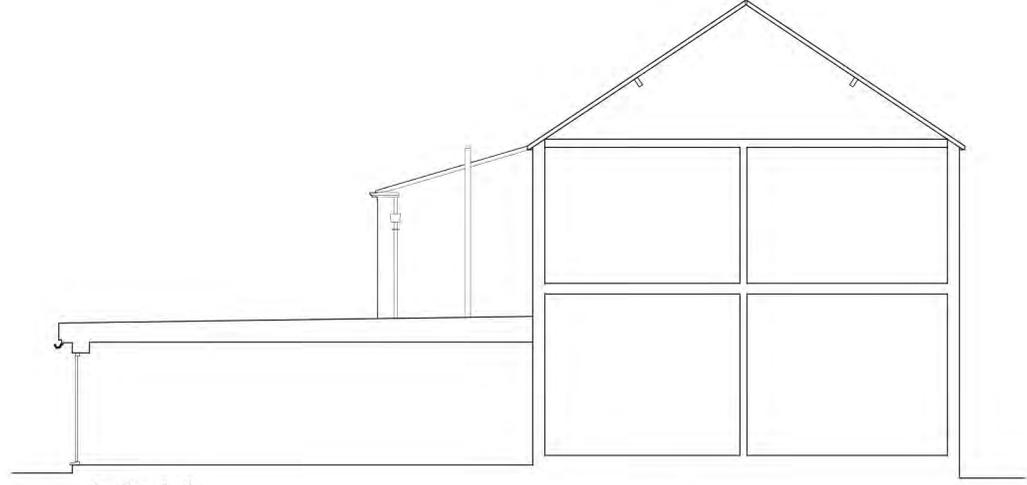




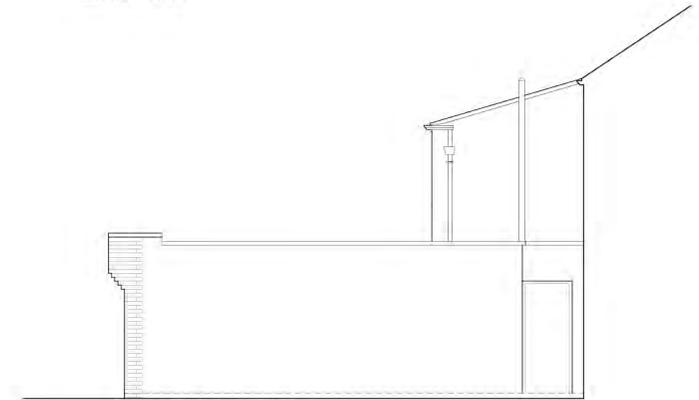
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Ground floor



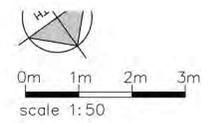
Section A-A



North West Elevation



North East Elevation

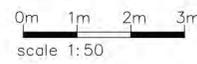
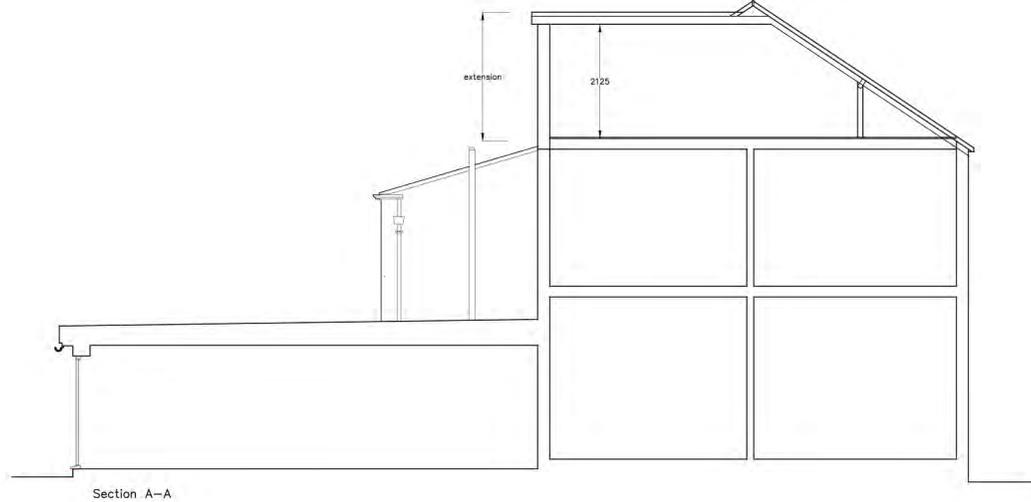
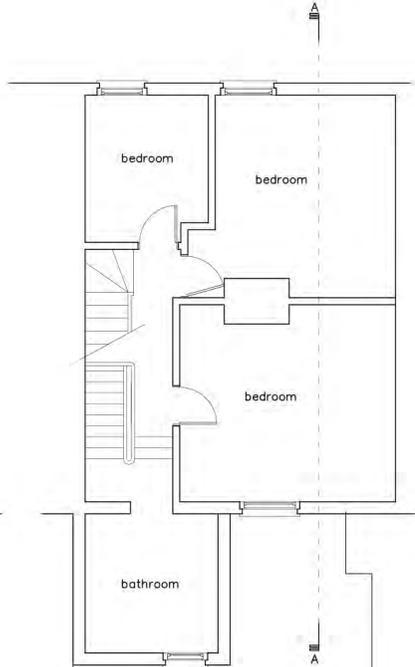
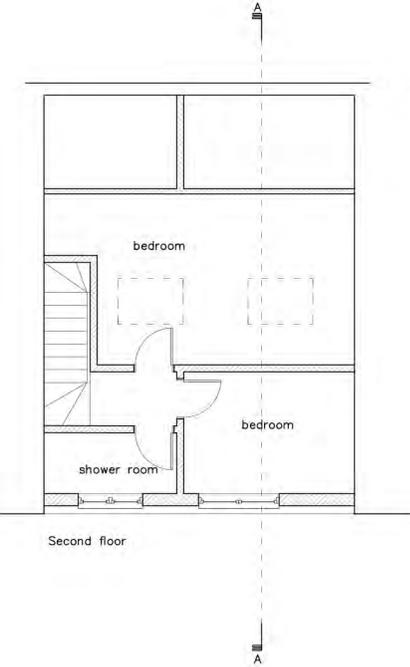


Revisions:

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Drawing Title:	Existing building		
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Job Number:	Drawing Number:		
4997	01.0		

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Revisions:

Client: **Mr & Mrs Miles**

Job Title: **44 York Street attic conversion**

Drawing Title: **Proposed plans and section**

Scale: 1:50 @ A1      Drawn By: ms      Date: Nov 2021

Job Number: **4997**      Drawing Number: **02.D**

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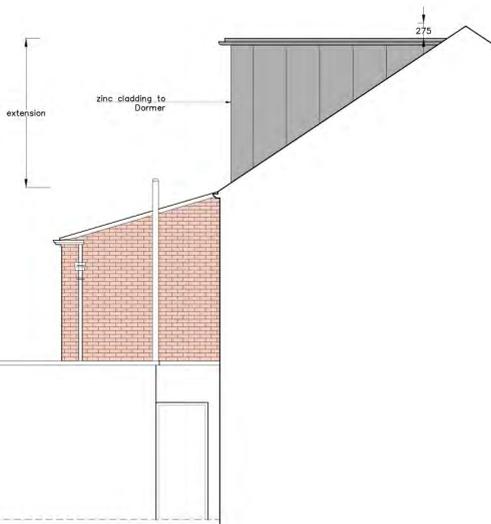
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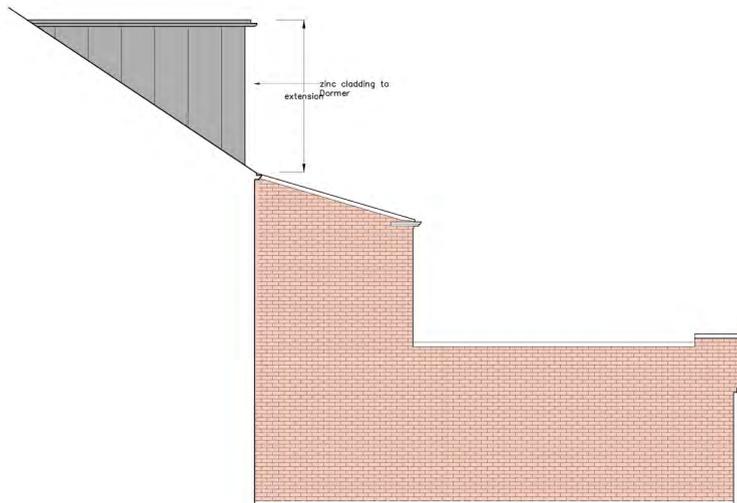
North East Elevation



South West Elevation



North West Elevation



South East Elevation



Revisions:

Client: **Mr & Mrs Miles**  
 Job Title: **44 York Street attic conversion**  
 Drawing Title: **Proposed elevations**  
 Scale: 1:50 @ A1      Drawn By: ms      Date: Feb 2022  
 Job Number: 4997      Drawing Number: 03.D

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