

Planning Applications Committee: 11 April 2024

Updates to reports

Application no 23/01598/F, 15 St Margarets Street, Norwich NR2 4TU
Item no: 4
Pages: 21-49

Correction: paragraph 70

Whilst it is appreciated there would be a substantial increase above the existing (from 3.3 4.2 metres maximum to 6.8 metres maximum), the overall height would remain subservient to the surrounding buildings, and this is considered an appropriate relationship on this landlocked site.

Additional representation from an existing objector:

I am writing to request that tomorrow's meeting of the Planning Applications Committee be deferred until next month, and I set out my reasons below.

It is clear from the report that the Planning Committee intends to grant Approval to this Application tomorrow, despite concerns expressed in it that a single-storey building would be more appropriate. If I have understood the report correctly, Approval is going to be granted despite those reservations, mainly because it was granted several years ago.

One concern that I have about this is that the previous Approval was given before the twenty-year "prescription" time under the ROLA (1959) had elapsed; however, it has now done so. Judging by my dealings with the previous owner (who lived here when the previous Planning Permission was issued) I'm pretty sure that he lacked the wherewithal to object. Had he done so and had he had the loss of light accurately quantified, I think the Committee might well have taken a different view, given that their own report this time around expresses the opinion that a single-storey building would be more appropriate.

I note that the Law Commission report's statement that "an unused right to light should not be treated as abandonment". I interpret this as meaning that the previous owner's omission is not grounds for the current Planning Committee to automatically renew the previous Approval this time around.

Another of my concerns is that your report seems to accept unquestioningly the Applicants' notion that a one-metre reduction in the height of the two-storey roof at the northern end of the new-build is sufficient for it to be considered a single-storey which will therefore ameliorate the loss of light into my property. Referring to the impact of the other properties in The Hines, paragraph 89 of your report states that "...an established method of assessing whether there is likely to be any harmful impact and, if it suggests there is, further detailed analysis should be undertaken." Paragraph 90, again discussing the impact of the roof ridge says "... but the impact on neighbouring occupiers at The Hines and other neighbouring dwellings does not justify further detailed analysis...". The impact of the ridge of the new-build's roof is

less relevant to my own property than the sheer bulk of the proposed northern wall, which is going to almost double in height to two-storeys-minus-one-metre. To my mind, therefore, "further detailed analysis" is most certainly required and I would ask that this be considered again – or that I be allowed time before demolition commences to arrange my own detailed analysis.

In summary, the situation I find myself in is this:

My rights under the Rights Of Light Act (1959) are being set aside, and I don't understand the legal basis for this;

The advice in the Law Commission's report is being overlooked;

Your report states that you (not you, personally!) are not prepared to properly assess the loss of light that I will incur;

This enormous new-building is going to seriously affect both the light and outlook from the only south-facing rooms in my property; and

The monetary value of my property is going to be seriously reduced.

Since the decision to approve has already been made, and since you do not allow appeals your decision to approve, there seems to be little point in tomorrow's Meeting, other than to put lipstick on a pig, so to speak. This leads me to assume that my only recourse will be to seek an injunction. I therefore need to get legal advice on my position here. I also assume that in order to proceed, my own claim of overshadowing and loss of light needs to be quantified. I also need to arrange an estate agent's opinion on the impact on the value of my property.

Obviously, this will take time. I would request, therefore, that tomorrow's 'hearing be delayed until the next Committee meeting in May, to allow me time to get legal advice, a (surveyor's?) assessment of loss of light, and an estate agent's valuation. (Would it be too much to ask that your Committee might wish to help by changing its opinion on the desirability of "further detailed analysis"?)

Officer's response:

The recommendation for approval has been informed by an assessment of the proposal and consideration of all the representations and consultation responses which have been received.

Representations have suggested a single storey building would be more appropriate, however the application must be determined as submitted.

The Right of Light Act (ROLA) 1959 relates to the rights of landowners to receive light in their buildings. This is a legal consideration separate to the assessment of planning considerations.

The assessment of whether there is a loss of a legal right to light is different to the planning consideration of whether there would be a loss of light that would result in

an unacceptable impact on the amenity of neighbouring occupiers with regards Policy DM2. Any grant of planning permission for this development does not preclude neighbouring land owners from pursuing a claim for rights to light. This would be a private legal matter between the land owners.

The northern end of the building is single storey insofar as it would only offer ground floor level floorspace and there would be limited space under the slope of the roof to include a first floor above this.

The increase in height from the existing ridge height at the northern end of the building to the proposed is 1.6 metres. The top of the parapet at eaves level would be 0.3 metres higher than existing.

Building Research Establishment guidance has been followed and no further quantitative analysis of the loss of light is considered necessary. The proposal has been assessed by officers by visiting the site, neighbouring properties and analysing the drawings. The conclusion is that the impacts on neighbouring amenity are not unacceptable with regards DM2.

Impact on property values is not a material planning consideration.

There is no third party to appeal planning decisions. Judicial review of procedure is the only means for a third party to challenge a planning decision.

For information, this application was first submitted in December 2023 and has been subject to two rounds of public consultation.

Application no **24/00176/F – Eaton Hand Car Wash, Ipswich Road, Norwich, NR4 6QS**
Item no: **5**
Pages: **51-72**

Officer note: For clarity the site boundary has been updated as the plan in the agenda erroneously included part of the public footpath. The correct red line plan is therefore attached on the following page of this updates document.



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Scale: 1:500

Planning Application No:
Site Address:

24/00176/F
Eaton Hand Car Wash
Ipswich
Norwich



NORWICH
City Council
PLANNING SERVICES

