

Planning Applications Committee: 8 August 2019
Updates to reports

Application: 19/00514/U
Address: 58 Sandy Lane
Item no: 4(a)
Pages: 19-32

Additional Representation:

One additional representation has been received citing the following issues:

- The area cannot cope with the congestion and parking associated with large numbers of visitors
- Resident parking would be compromised. Parking would become dangerous
- Unsociable hours, particularly beyond 11pm.

Officer Response:

The additional representation covers the same issues raised in many other representations. Consideration of the impacts of the proposal on parking and congestion in the surrounding area have been considered in Main Issue 2 of the committee report (pages 27-28 of the agenda) and impacts upon neighbouring amenity in terms of operational hours have been considered in Main Issue 3 of the committee report (pages 28-29 of the agenda). The submission of the additional representation does not alter the assessment of these consideration within the report.

Application: 19/00242/MA
Address: 195 Unthank Road
Item no: 4(b)
Pages: 33-50

Revised plan:

A revised plan (Reference: Sheet 1 Revision G) has been submitted in response to Landscape Officer comments regarding planting of the rear wall of the building. This revised plan now includes 1.80m high planted green screens. This plan supersedes drawing Sheet 1 Revision F which showed wisteria planting only to the rear wall and which is included within the agenda on page 48.

Correction:

As a result of the receipt of revised plan Sheet 1 Revision G, paragraph 38 of the committee report (page 42 of the agenda) should now read:

The previously approved scheme included a green wall to the rear elevation of the building. This was included to contribute towards sustainable drainage of the site and was considered to offer additional privacy to the rear elevation windows. The green wall (in its approved form) is no longer proposed as part of the scheme. Originally

the green wall was proposed to be replaced with wisteria planting to the rear wall. In response to Landscape Officer comments the landscaping to the rear has been amended to include 1.80m high green screens with additional planting and wires to allow the plants to grown up the rear elevation of the property. The screens are proposed to use plant species which the Landscape Officer has identified as having ecology benefits. Therefore, whilst it is a shame that the green wall (in its approved form) has been removed, this is considered acceptable when balanced against the biodiversity benefits of the amended scheme and removal of the rear extension (and therefore the reduced emphasis on dealing with additional surface water on site (See Main Issue 5)).

Application: 19/00301/F & 19/00302/L

Address: 38A St Giles Street

Item no: 4(c)

Pages: 51-60

Additional Information:

An additional point to note is that the residential property at 48 Bethel Street has a bedroom window and front door situated close to the location of the existing & proposed kitchen extract. The proximity of the window and door has been taken into account by Environmental Protection officers and informs the planning assessment set out within Main Issue 2: Amenity.

Application: 19/00383/F

Address: 28 Cotman Road

Item no: 4(d)

Pages: 61-78

Additional Representation:

One additional representation has been received contesting the findings of the daylight/shading report submitted by the applicant in relation to the impact upon 13 High Green. The representation requests clarification on:

- The omission of the beech tree and other shrubbery from the shading report means that the current level of shading is not accurately represented. As a result the additional shading would have a proportionately greater impact than described.
- There is no qualitative description of the impact of the drop in Annual Probable Sunlight Hours (APSH) from 60% to 40% to the ground floor kitchen. This is more than the 20% allowable by Building Research Establishment (BRE) guidelines.
- The reduction of APSH in the winter is closer to 33%, rather than the concluding 3% acknowledged in the report submitted.
- A fortnightly analysis would allow a more accurate timeframe for the shading of the house, as the current analysis uses the 1st of December, January and February as the basis for its analysis.

- The applicant's report does not consider whether the shading of the garden and patio areas is compliant with BRE guidelines.

The applicant has responded with the following:

- The omission of deciduous trees is in accordance with BRE guidelines. The hedge height referred to in the modelling has been taken from site measurements. The majority of shade cast throughout the year is by the Lawson Prunus and Cyprus species within the adjoining garden.
- The figure of 60-40% is given for the winter months only, with the annual figures showing a reduction from 66-64%. This 2% is within the BRE acceptable figure of 5%.
- The BRE guidelines state that at least half of a garden potentially affected by any new building should receive at least two hours sunlight on the 21st of March. This is acknowledged in the report.

In light of this information, the following conclusions have been drawn.

- The report explicitly ignores the shade provided by deciduous trees but does include coniferous. The failure to include the shading implications of the large Birch tree in the technical report do not impact upon the acceptability of the proposal. The argument that the development will have a proportionately larger impact on the existing property to the rear can be argued either way – the shading generated by the extension is proportionately smaller when considered alongside existing sources of shade if the tree is included.
- The large Birch tree is deciduous, and will therefore provide a less intense form of shading during the winter months, which are the most critical as accepted by the objector.
- The BRE guidance indicates that windows should receive 25% of APSH, and above 5% between 21 September and 21 March. The report indicates that these figures will be achieved with and without the development. The guidelines also note that in both periods, if the window receive less than 25% and 5% APSH **AND** the difference between the with and without development scenario is greater than 20% then the occupant of the room would notice the difference. The guidelines also state that they apply to living rooms and that kitchens and bedrooms are less important. According to the survey report, all the windows at the rear of 13 High Green meet the BRE guidelines albeit technically they only apply to the ground floor living room window.
- The worst affected window is the ground floor kitchen window, which experiences a drop in winter from 60% APSH in winter to 40.5% APSH after the development. The point raised by the objector refers to this being greater than the 20% difference allowed by the guidelines. However, the guidelines state that the change will only be noticeable if it is less than 5% **AND** the difference between the before and after levels of sunlight are greater than 20%. One of these criteria is met, so the development complies with the BRE guidelines on winter sunlight.
- It should be noted that the annual loss of APSH is less than 4%, the acceptable level recommended by BRE.

- The objector is of the view that a more detailed analysis of loss of light would be achieved if the analysis period was fortnightly rather than monthly. Whilst this is true, the method of assessment is compliant with the BRE guidelines, which are recognised as an appropriate standard. The BRE method does demonstrate that there will be no shadowing to the ground floor living room window on 1st November and the 1st March.
 - It is concluded from the information submitted that the loss of light and shading to the property at 13 High Green is not sufficient to warrant refusal of the application, due to the restricted times of day and year in which the development will impact upon the neighbouring property. The recommendation to approve the application remains.
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Application: 19/00851/F

Address: 9 Weatherby Road, Norwich NR5 9NH

Item no: 4(e)

Pages: 79-90

Additional Representation

Summary of points made in response to the Officer's Report by neighbour/objector:

- The garden of no.7 is significantly shorter than that of no.9 (to allow access to no.9). While the extension only takes up a third of the garden at no.9, it is significantly longer in relation to the garden at no.7.
- The loss of direct sunlight, as identified in the report and previously raised by the objector, is a negative impact on neighbouring amenity going against Policy DM12(b).
- The report provides no explanation in support of its description of the development as 'modest'. Further explanation is required as to what constitutes a 'modest' development.
- While the report suggests that the times when direct sunlight is blocked by the extension would be a small proportion of the total, there "should be no restriction on times that natural light should be enjoyed", particularly as some people work shifts.
- No explanation has been provided as to why overshadowing to the garden is of "limited materiality".
- Loss of outlook is arguably a significant loss of amenity and, unlike trees which can lose their leaves or be cut back, loss of light from an extension is permanent.
- No evidence is provided as to why the enhanced amenity for no.9 should outweigh the loss of amenity for no.7 in terms of impact on natural light, overlooking and a "closed feel".
- Due to the proximity of trees to the rear, loss of light to no.7 may necessitate their removal which would impact on wildlife and the local environment.
- The NPPF (para 122(d)) makes clear that "maintaining an area's prevailing character and setting (including residential gardens)" must be properly considered when determining planning applications. The response has

acknowledged how the proposals will affect the neighbouring garden but not adjusted the plans to allow for compromise acceptable to both parties.

Officer's Response

Matters relating to the amenity of the neighbouring property at no.7 are covered in the report. The properties have a south facing aspect and no.7 will retain a high level of amenity, satisfying the policy test.

In our assessment of the case, we have to separate impact on the garden from impact on the dwelling itself, the latter of which is foremost in our consideration. Though there will be some acceptable impact on the window closest to the boundary, the larger area of glazing toward the opposite side of the neighbouring property would be little affected, thus retaining a high level of overall light levels and outlook for the ground floor.

The proposal is typical of many small extensions on residential properties, many of which can be constructed under permitted development rights. The impact is considered to be minor and some way short of a level of impact which would warrant refusal under policy DM2.