

## **Report for Information**

**Report to** Planning Applications Committee  
20 January 2011

**Item**  
**8**

**Report of** Head of Planning Services

**Subject** Performance of the Development Management Service:  
Appeals: 1st October 2010 to 31st December 2010  
(Quarter 3: 2010 - 2011)

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### **Purpose**

To report the performance on planning appeals to members of the committee.

### **Recommendations**

That the report be noted.

### **Financial Consequences**

The financial consequences of this report are none.

### **Strategic Priority and Outcome/Service Priorities**

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future” and the implementation of the planning improvement plan.

### **Contact Officers**

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### **Background Documents**

None.

# Report

## Background

1. On 31 July 2008 Planning Applications Committee considered a report regarding the improved working of the Committee which included a number of suggested changes to the way the Committee operates. In particular it suggested performance of the development management service be reported to the Committee and details of appeals provided.

## Performance of the development management service

2. This report is in relation to the Appeals aspect only of the service. Appendix 1a and 1b provide details of appeals lodged which are pending and determined. The paragraphs below attempt to briefly summarise the information.
3. It can be seen from Appendix 1a that there are three planning appeals pending or awaiting decision. All three are due to be determined by written representation, one of which is a Householder appeal. Of these the first appeal is a Committee decision where members have refused planning permission contrary to the officer's recommendation. The application was for the sub-division of curtilage of the property at 111 Newmarket Road for the erection of a four bedroom detached two-storey dwelling and double garage. The two reasons for refusing the application related to the creation of the access to the development which would involve the loss of part of an historic wall and the use of the access already in place would be detrimental to highway safety. The second appeal is a Committee decision where members have refused planning permission in accordance with the officer's recommendation and the third appeal is a delegated officer decision.
4. You will see from Appendix 1b that there have been seven appeals determined in Quarter 3 and in all cases the Planning Inspectorate has Dismissed the appeals. Six of these cases were delegated officer decisions with one appeal being a Committee decision where members have refused planning permission contrary to the officer's recommendation.
5. The case relates to a proposal for the erection of a rear extension at **15 York Street**. As the site is not in a Conservation Area there was no requirement to advertise in the Press or on site but neighbours were consulted. There were five neighbour objections received. The issues raised in the objections were concerning the building extending out from the rear of the property; loss of light in habitable rooms; loss of view; decrease in market value of adjacent properties, which is not a material planning consideration; design not in keeping with rear elevations of adjacent properties; increased overlooking resulting in loss of privacy and concerns regarding subsidence following the building works.
6. Members decided to refuse the application and the following reasons were given:
  - 1) The proposed extension would result in the loss of light to main habitable rooms of the adjacent property at 13 York Street. The loss of light would

have a significant detrimental affect on the amenity of the adjacent property and as such is considered to be contrary to saved policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

- 2) The proposed extension is considered to have an overbearing impact on the outlook of number 13 York Street by virtue of its scale, height and massing. Therefore the proposals are considered to be contrary to the objectives of PPS1 and saved policy HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).
7. At the appeal stage the Inspector considered the main issue to be “the effect of the proposal on the living conditions of occupiers of No. 13 York Street with particular reference to visual impact, daylight and sunlight”.
8. The proposed extension to the kitchen and basement room would be towards the side of no. 13 York Street, which has side windows in the kitchen and basement rooms. Number 13 York Street also has additional south facing windows looking down the garden. It was the Inspector’s opinion that due to the design and scale of the proposed side extension the proposal would have little visual impact when viewed from the side windows and as the rooms have a dual aspect the Inspector did not consider the proposal would cause a materially significant loss of sunlight or daylight to these rooms.
9. The rear projections of both no. 15 and 13 York Street appear as three-storey including the basement rooms. Number 13 York Street has south facing glazed doors at the rear of the dwelling with access to the rear garden. The dining room window is the only south facing window in that room. The Inspector considered that the proposed two-storey extension together with the existing rear projection of no. 13 York Street would create a tunnel appearance and consequently was of the opinion that “the tunnel appearance would restrict sunlight and daylight through the window to a material degree”. The room would be darker and although it was proposed to use light reflective paint on the new west facing elevation, the only benefit would be later in the day.
10. The Inspector concluded there would be no adverse visual impact but there would be an adverse effect due to the loss of daylight and sunlight for the occupiers of no. 13 York Street.
11. The Inspector dismissed the appeal as the proposal would not be in accordance with national Policy in Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and saved policy HBE12, which seeks a high quality of design and saved policy EP22 which requires a high standard of residential amenity, of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

**Planning Appeals In Progress – Quarter 3: (1st October to 31st December) 2010 / 2011**

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
10/00015/REF	APP/G2625/A/10/2133082/WF	111 Newmarket Road Norwich NR2 2HT	Refusal of planning permission for Sub-division of curtilage to accommodate the erection of a four bedroom detached two storey dwelling and double garage with access from Kinver Close.	30th July 2010	WRITTEN	IN PROGRESS

W= Written statements only

I = Informal Hearing

P = Public Inquiry

Date Produced: Wednesday, 12 January 2011

Decision Codes – ALLOW =Allowed, DISMISS = Dismissed, PTAPD=Part allowed part dismissed, INPROG = In progress

Appendix 1a

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
10/00019/REF	APP/G2625/A/10/2138479/NWF	31 St Stephens Road Norwich NR1 3SP	Refusal of planning permission for Change of use from shop (Class A1) to restaurant/cafe (Class A3) including the installation of an extraction flue system to the rear.	15th October 2010	WRITTEN	IN PROGRESS
10/00021/REF	APP/G2625/D/10/214332	11 Heartsease Lane Norwich NR7 9NP	Refusal of planning permission for Conversion of garage and workshop to additional living accommodation including glazed link extension to dwelling.	26th November 2010	WRITTEN (HOUSEHOLDER)	IN PROGRESS

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**Planning Appeals Dismissed – Quarter 3: (1st October to 31st December) 2010 / 2011**

<b>Application Ref No</b>	<b>Planning Inspectorate Ref No</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
10/00001/REF	APP/G2625/A/10/2121144/WF	20 Elm Hill Norwich NR3 1HG	Refusal of planning permission for Change of use of ground floor from shop (Class A1) to residential (Class C3).	25th January 2010	WRITTEN	DISMISS
10/00013/REF	APP/G2625/A/10/2129526/NWF	Chiswick House 3 Christchurch Road Norwich NR2 2AD	Refusal of planning permission for Extension and alterations.	3rd June 2010	WRITTEN	DISMISS

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Appendix 1b

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
10/00014/REF	APP/G2625/A/10/2131292/WF	189 Earlham Green Lane Norwich NR5 8RF	Refusal of planning permission for Erection of a new 2 bedroom property attached to existing property at 189 Earlham Road.	30th June 2010	WRITTEN	DISMISS
10/00016/REF	APP/G2625/A/10/2134497/NWF	37 St Augustines Street Norwich NR3 3BY	Refusal of planning permission for Change of use from shop (Class A1) to one studio/apartment (Class C3).	17th August 2010	WRITTEN	DISMISS

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Appendix 1b

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
10/00017/REF	APP/G2625/A/10/2134497/ NWF	35 St Augustines Street Norwich NR3 3BY	Refusal of planning permission for Change of use from shop (Class A1) to one studio/apartment (Class C3).	17th August 2010	WRITTEN	DISMISS
10/00018/REF	APP/G2625/H/10/2134961	9 Dereham Road Norwich NR2 4HY	Refusal of advertisement consent for Retrospective application for: (1) display of 1 No. Internally illuminated free standing double sided display unit.	26th August 2010	WRITTEN	DISMISS
10/00020/REF	APP/G2625/D/10/2140651	15 York Street Norwich NR2 2AN	Refusal of planning permission for Erection of rear extension.	26th November 2010	WRITTEN (HOUSEHOLDER)	DISMISS

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