Report to	Planning applications committee 4 December 2014	**Item** 4C
Report of	Head of planning services	
Subject	Application ref: 14/01454/F 149 Gipsy Lane	
Reason for referral	Objection	

Site address	149 Gipsy Lane Norwich NR5 8AZ
Ward:	Wensum
Case officer	Mr John Dougan - johndougan@norwich.gov.uk

Development proposal		
Erection of pitched roof to existing outbuilding at rear of dwelling.		
Representations		
Object	Comment	Support
4	0	0

Main matters for consideration	**Key issues**
Principle of development	The extension and alteration of existing ancillary buildings within the curtilage of a dwellinghouse is supported in principle, subject to other issues. Issues with regard the use of the outbuilding are also considered below.
Design	The impact of the proposed raising the of the ridge of the roof of the dwelling upon the character of the surrounding area is also considered below.
Trees	The impact of the proposals upon existing trees are also considered below.
Residential amenity	The impact of the proposals upon the amenity of neighbouring occupiers in terms of daylight, sunlight and privacy are also considered below. Loss of outlook and overshadowing of the adjoining rear gardens
Expiry date	9 December 2014
Recommendation	Approve

The site and surroundings

1. The surrounding area is residential in character comprising two-storey dwellings in render and pan-tile roofs with small gardens to the front and long gardens to the rear.

2. The site comprises a two-storey dwelling which appears to be occupied as a small house in multiple occupation (C4) with a driveway accessing the garden to the rear. The existing outbuilding / garage is located to the rear of the garden being 11.6 metres long by 4.2 metres wide. The building was formally of flat roof construction with the recent alterations creating a dual-pitch roof construction resulting in an increase in height of the building from 2.75 metres to 4.2 metres.

3. At the time of the site visit, the interior of the building was being used for storage purposes.

4. Further revised plans were submitted to clarify slight inaccuracies in the elevations, position of fence and eaves detail relative to the boundary fence.

Constraints

5. There are no specific development plan designations associated with this site.

6. There are mature trees to the rear of the site.

Relevant planning history

7.

Ref	Proposal	Decision	Date
14/00240/F	Conversion of outbuilding to residential dwelling with subdivided plot.	Withdrawn	27/03/2014

8. The former flat roof building was 2.75 metres in height and within 2.5 metres of a neighbouring boundary meaning that its construction would need formal planning approval.

9. There is no record of any formal approval for the building. However, on inspection of aerial mapping it would appear that the building has been in place for some time (at least four years), meaning it is likely that it would have immunity from any enforcement action taken by the Council.

10. Nevertheless, the council's planning enforcement team became aware of the unauthorised increase in height of the roof, inviting the applicant to submit a formal planning application.

The proposal

11. Erection of dual pitched roof to existing outbuilding at rear of dwelling increasing the building's height from 2.75 metres to 4.2 metres.

12. No other works to the house or boundary treatment are the subject of this application.

Summary information

Proposal	**Key facts**
Scale	
Total floorspace	Unchanged
No. of storeys	Unchanged
Max. dimensions	Existing building increased to 4.2 metres high
Appearance	
Materials	Red pan-tile roof
Construction	Dual pitch roof

Representations

13. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received 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
The development is out of character with the existing housing in the area.	See issue 2
The roof is huge	See issues 2 and 4
Too much development in Gipsy Lane	See issue 2
Loss of privacy in my garden	See issue 4
The building is more living space	See issue 1 and 4
Overlooking from the roof lights to our garden	See issue 4
The windows on the north-east elevation look onto the back gardens of two families, resulting in an invasion of privacy.	See issue 4
The roof will drain water onto our property	See para 20

Inadequate access to the site and parking having a detrimental impact on highway / pedestrian safety	These matters are not the subject of this application
The application boundary, building and position of the fence are not accurately depicted on the plans	The plans submitted provide a reasonable depiction of the scale of the roof on an existing building relative to existing boundary treatment. Although, the applicant was asked to iron out these slight inaccuracies by submitting revised set of plans.
I have right of way and other easement rights of the access way. The separate pathways should be reinstated. The Council needs to check conveyancing details to stop cars using the access way.	This is a civil matter and not material to the determination of the application. Although, property services have been informed to investigate if there is any grounds for the council to be involved in this matter.
The house is already over-populated. Any planning approval will just make things worse.	The application is for alterations to an existing outbuilding not an extension of the existing house
The occupants of the dwelling are causing nuisance – parked cars in the access way, untidy site, excessive noise and antisocial behaviour potentially being a danger to children and criminal activity. Social services will be contacted if planning is granted.	These matters are not relevant to the determination of the application. However, the claims are being investigated by the council's environmental protection team. If neighbours believe that that there is evidence of criminal activity, they should contact the police. Similarly, if neighbours believe that are activities which could result in harm to children, we would advise that they contact social services for support.
We have an issue with the sub-standard boundary fencing that currently exists.	This is a civil matter between the two properties.
Does the small parcel of land to the rear make the building a self-contained dwelling? Is this a breach of planning?	The application is not for a self-contained dwelling
There is not currently any security lighting to the rear of the property. Does Mr Wilks propose to add security lighting?	No security lighting is proposed.
How does Mr Wilks plan to connect to his sewer if bathroom and kitchen facilities are being added to the development? Again	These matters are not the subject of this application

these do not appear on the current plans.	
Why was Mr Wilks previous application withdrawn (Ref: 14-00240-F)?	The application was withdrawn by the applicant following officer advice that a proposed self-contained dwelling could not be accommodated on site in a satisfactory manner, alongside the existing dwelling and proposed car parking.

14. An adjoining neighbouring property has expressed concern that the application boundary and position of existing boundary treatment (rear corner) had not been accurately depicted on the site. In addition some of the land within the red line boundary is not within the applicant's ownership and materials had been deposited on adjoining land.

15. The above point was conveyed to the applicant, asking them to check that they did own all of the land within the application boundary. They inspected their land registry details and confirming that they did own all of the land. Procedurally the onus is on the applicant to complete the application form correctly, and officer's are satisfied that the applicant considers this to be the case despite the comments received. Any differences of opinion between the applicant and adjoining landowners with regard to ownership and access are considered to be civil matters and not relevant to the determination of the planning application which is only for the increase in height of the outbuilding.

16. The revised plans also included a slight change to application boundary to the front of this site, the location extending the red line the full width of the access way. The applicant confirmed that all of this land is under their ownership. Any rights of way through this access are not a material planning consideration. However, as the site extents of the site had changed, it was important to make sure that all neighbouring properties were re-consulted, expiry on the 19th November.

17. Concerns about existing activities within the site such as the use of the outbuilding as a dwelling are noted. The applicant has confirmed that the existing use of the outbuilding is for workshop / storage purposes ancillary, to the main house and that following the proposed external alterations the use would remain as existing. As such no change to the use of the outbuilding is proposed and potential impacts with regard to the use of the outbuilding as a dwelling cannot be considered as part of this application.

18. If the applicant were to use the outbuilding either as a workshop independently from the main house, or for self-contained residential purposes, then this would be likely to require planning permission, and the submission of a separate planning application would be required. Potential impacts arising from such a change of use would be assessed at this stage.

19. As no change of use is proposed concern with regard parking activities and noise and upkeep of the site are not material to the assessment of the application. However, the Council's environmental protection are investigating the matter including liaising with all concerned parties.

20. Concerns have also been raised about easement rights relating to the access to the site and the reinstatement of separate pathways to the rear of the properties. This too is a civil matter and not relevant to the determination of the application. In addition comments with regard to drainage from the outbuilding onto adjoining properties are noted. The proposed pitch roof would be capable of accommodating guttering and down pipes and drainage in a similar manner to the previous flat roof. As such this issue is not considered to represent a reason for refusal of the proposals.

21. Further revised plans were submitted to clarify slight inaccuracies in the elevations, position of fence and eaves detail relative to the boundary fence.

Consultation responses

22. 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.

23. Environmental Protection - no objection to the increase in height of the roof, although other the other concerns raised by the objectors are being investigated.

Assessment of planning considerations

Relevant development plan policies

24. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)
    JCS2 Promoting good design

25. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)
    DM2 Ensuring satisfactory living and working conditions
    DM3 Delivering high quality design
    DM7 Trees and development

Other material considerations

26. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):NPPF7 Requiring good design

Case Assessment

27. 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 polices 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.

Main issue 1: Principle of development

28. The principle of extending an existing residential outbuilding are acceptable subject to the development being of an appropriate scale and design which is sympathetic to the character of the area, the appearance of the outbuilding and the amenities of neighbouring properties.

29. The proposal is not for the conversion of the building to become separate independent living space. In addition the installation of new doors and windows within the building is also indicated on submitted plans. However the applicant has stated that these are not part of the application for planning permission as they are to be carried out under permitted development rights. As such the application is being assessed solely on the basis of potential impacts arising from the proposed alterations to the roof.

30. It is acknowledged that outbuildings can be used for various purposes under permitted development rights as long as they are incidental to the enjoyment to the main dwelling house. It is therefore recommended that an informative be added to any approval advising the applicant that should they wish to adapt the building for residential use, or use independently of the main dwelling, they would be required to submit a further application for planning permission and potential impacts could be assessed at this stage.

Main issue 2: Design

31. Policy DM3 requires that development be sympathetic to the character / local distinctiveness of the area and also be of an appropriate height, scale, form and detailing.

32. The area is residential, the majority of the dwellings being two-storey detached and semi-detached many cream render walls with red pan-tile roofing. Many of the outbuildings in the surrounding area are relatively small scale.

33. The outbuilding was formally of a flat roof construction. The works are substantially completed except for the laying of the pan-tiles and the eaves.

34. The profile and height of the roof is still relatively small scale being proportionate to the size of the original structure. No additional land within the plot will be used.

35. The development is also small scale and in a rear location which will not comprise the visual amenities of the street scene or the character of the area.

36. The applicant has indicated that they wish to use clay classic pan-tiles in red, which are considered appropriate for a small scale building in a rear garden setting.

37. The addition of doors and windows on an existing outbuilding do not require planning permission, provided that the outbuilding is used for ancillary purposes, incidental to the residential use of the main house.

Main issue 3: Trees

38. Policy DM7 requires that any trees to be retained be adequately protected.

39. It is acknowledged that there are mature trees in close proximity to the footprint of the outbuilding. However, as no excavation works are proposed, no significant harm to those mature trees is expected. The remaining works (tiling of the roof), is a relatively low impact operation, so no significant harm to the nearby trees is expected.

Main issue 4: Amenity

40. Policy DM2 requires that the development will not result in an unacceptable impact on the amenity of the area or the living or working conditions or operations of neighbouring occupants. Particular regard will be given to:

    - the prevention of overlooking and the loss of privacy;
    - the prevention of overshadowing and loss of light and outlook; and
    - the prevention of disturbance from noise, odour, vibration, air or artificial light pollution.

41. The existing outbuilding is being assessed on the basis that it is incidental to the enjoyment of the main dwelling house displaying characteristics which indicate that it is being used for storage purposes. Such would be considered to be ancillary and incidental to the residential use of the house.

42. As the existing building is an ancillary outbuilding, the insertion of new doors and windows within this outbuilding would be permitted development under class E of the General Permitted Development Order (GPDO). However the height of the proposed roof is in excess of that permitted by the GPDO and it is this element which is the subject of the application.

43. The key issue is whether or not the increase in height of the roof would result in significant demonstrable adverse impacts on the amenity of neighbouring properties. Specifically in this case, whether it be significantly overbearing or result in significant overshadowing.

44. The outbuilding is located to the rear of the garden, so there will be no additional overshadowing or loss of light of any habitable rooms of the adjoining properties. Furthermore, its position to the rear of the plot coupled with it still being of a relatively modest height will mean that it will not appear significantly overbearing from the perspective of neighbouring dwellings. Its prominence is reduced further by the fact that it is set against a backdrop of mature trees to the south of the site.

45. Whilst, the increase in the height of the roof is in close proximity to private amenity spaces of adjoining properties, the area in question is not considered to be the main primary external living space for those properties. The use of a dual-pitch roof is considered sympathetic and will not appear significantly overbearing from the perspective of adjoining occupants using the rear extents of their gardens.

46. It is acknowledged that the increase in height of the roof in such close proximity to the boundaries may project some additional overshadowing to part of the rear amenity areas of adjoining properties specifically nos. 147 and 151 – the key receptor being no.151. However, as the areas in question are already overshadowed by the line of mature trees to the south, the impact is not considered to be significant.

47. The building the subject of the application is an outbuilding and not habitable living space. Therefore, the roof lights will not result in loss privacy of adjoining properties.

Other matters

48. None

Equalities and diversity issues

49. There are no significant equality or diversity issues.

Local finance considerations

50. None

Conclusion

51. The development is of a scale, design and location which will not result in significant harm to the character of the area or the amenities of neighbouring properties.

52. 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

For the reasons outline above the recommendation is to approve Application ref: 14/01454/F 149 Gipsy Lane subject to the condition listed below:

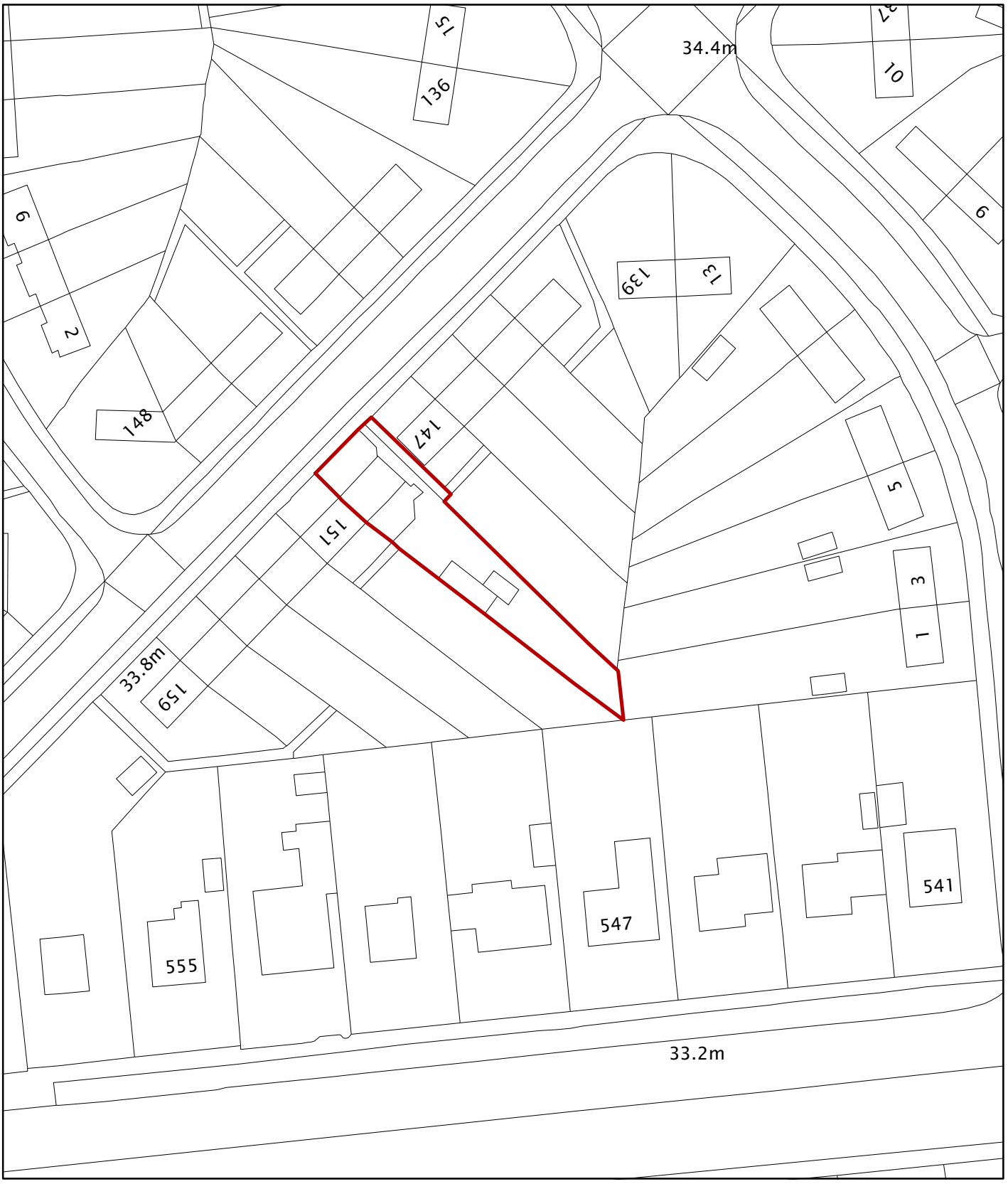
1. In accordance with plans

Informative

Should the outbuilding be used as a workshop independently of the main house or for residential purposes as a residential dwelling or annexe, then such a change would be likely to require planning permission, and a application should be submitted for consideration by the local planning authority prior to any such change of use taking place. In addition any occupation of the site (including the main house) by more than six unrelated individuals would also constitute a change of use and would require planning

Article 31(1)(cc)

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 and has approved the application subject to appropriate conditions and for the reasons outlined above.



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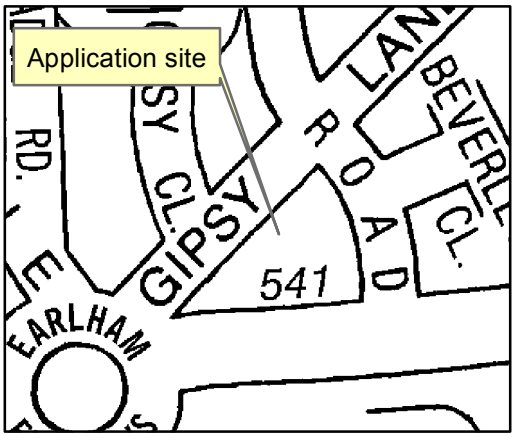
Planning Application No 14/01454/F
Site Address 149 Gipsy Lane

Scale 1:750



NORWICH
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PLANNING SERVICES

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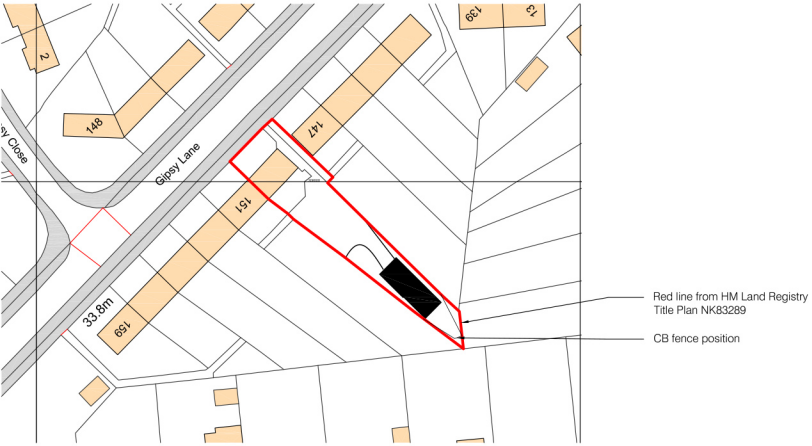
Proposed North-West Elevation
1:50

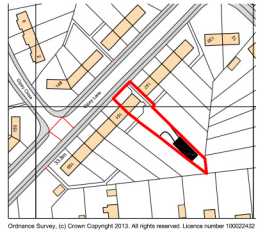
Proposed North-East Elevation
1:50

Proposed South-East Elevation
1:50

Proposed South-West Elevation
1:50



Site Plan 1:500



Location Plan 1:1250

REV	DATE	NOTE	BY
D	27/10/14	red boundary line amended	
C	24/10/14	fence included on site plan	
B	24/10/14	red boundary line updated	
A			

BUILDING REGS

ANY CHANGES OR MODIFICATIONS TO THIS CONSTRUCTION DRAWING NEEDS TO BE CLARIFIED BY THE UNDERSIGNED IN WRITING TO CLAYLAND ARCHITECTS

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CONTRACT
New Roof
149 Gypsy Lane,
Norwich, Norfolk,
NR5 8AZ

DRAWING TITLE
PROPOSED ELEVATIONS
SITE PLAN & LOCATION PLAN

SCALE	1:50 @ A1 1:500, 1:1250	DRAWING NUMBER	REVISION
DATE	Oct 2014	04	D
DRAWN	HID / OH		
JOB NUMBER	CHECKED	CLIENT APPROVED	
1336	-	-	

THE ABOVE SIGNED APPROVED CONFIRM ACCEPTANCE OF ISSUED DRAWINGS