

Application No:W13 / 0062

Town/Parish Council: Warwick

Case Officer:

Penny Butler

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Registration Date:17/01/13

Expiry Date:14/03/13

Albion House, 2 Emscote Road, Warwick, CV34 4PP

Retention of a balcony at first floor level to rear and relocation of external stairs approved under application W/06/1803 (retrospective application). FOR Mrs PhilippaKelham

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

Retention of a balcony at first floor level to rear and relocation of external stairs approved under application W/06/1803.

THE SITE AND ITS LOCATION

This is a large Regency style dwelling which adjoins the wide pedestrian entrance to St Nicholas Park off Coten End. The property has a long rear garden separated from the park by a tall brick wall. The neighbour at number 4 projects significantly further to the rear with their blank side wall adjoining the boundary.

PLANNING HISTORY

In 2006 planning permission was granted for the erection of a single storey rear garden room extension with a balcony above, new external stairs and a raised walkway (W06/1803). Amendments were subsequently approved which provided for the relocation of the external stairs from adjacent to the single storey extension, to the right hand side of the main rear elevation (5.7m from the boundary with the neighbour).

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Comments awaited.

Environmental Health: Following a complaint from the neighbour about noise associated with the balcony, a simple noise test was been conducted to establish whether impact noise from the balcony was likely to be a statutory nuisance in the neighbour's house. Such a nuisance could not be demonstrated. Normal conversation on the balcony was not intrusive into the neighbouring house. Reasonable use of the balcony by the residents of 2 Emscote Road for social, domestic and pleasure purposes is unlikely to give rise to statutory nuisance. Were the use of the premises to change to commercial catering or entertainment then the extended hours or intensification of use could foreseeably give rise to nuisance.

ASSESSMENT

Impact on visual amenity of Conservation Area

Policy DAP8 of the Local Plan requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. Policy DAP9 requires alterations or extensions to unlisted buildings in Conservation Areas to not adversely affect the character, appearance or setting of the Conservation Area. The proposals relate to an unlisted building that currently makes a positive contribution to the character of the Conservation Area.

The visual impact of the proposed balcony on the Conservation Area is not significant since it is sited 14m from the boundary with the park, which is the only public vantage point from which the development can be seen. The balcony is sited in a corner of the garden between two walls, and adjoins an area of approved walkway. The proposed balcony projects 3.1m from the rear wall of the house instead of the 1m of the approved walkway therefore it is significantly larger, but given the relatively small size in relation to the entire rear elevation of the house, it is not considered that there would be a significant adverse impact on the rear elevation of the house or the Conservation Area. From public vantage points the proposed balcony will be viewed in the context of the approved lower and much larger balcony above the single storey extension which is closer to the boundary with the park. The style of the railings which enclose the balcony match those enclosing the walkway and other balcony therefore it is considered that there would be no material harm to the character of the dwelling or its surroundings.

In summary it is considered that the proposed balcony will not adversely affect the character or appearance of the dwelling or its setting in accordance with Policies DAP8 and DAP9. It would also comply with Policy DP1 which requires development to respect local architectural distinctiveness, adopt appropriate materials and details, and respect surrounding buildings in terms of scale and form.

Impact on neighbouring amenity

Policy DP2 requires development to not lead to an unacceptable adverse impact on the amenity or nearby residents, and to provide acceptable standards of amenity for future users of the development. The Residential Design Guide also requires development to take account of the impact on neighbouring properties and for consideration to be given to reducing the risk of noise nuisance. Policy DP9 does not permit development which gives rise to noise pollution which could cause harm to sensitive receptors.

Balconies are only permitted within residential gardens where they would not lead to loss of privacy for adjacent occupiers. The proposed balcony would not lead to overlooking of the neighbours garden, since it adjoins their side wall which blocks views onto their land. The level of the bottom of the neighbours roof light is 2.2m above the level of the deck, which precludes overlooking into this roof light from normal use of the balcony .

The remaining issue to consider in terms of neighbour impact is that of the noise and disturbance generated by use of the balcony area. The size of the balcony permits the siting of outdoor seats and tables and therefore use as a sitting out area by several people. The Environmental Health Officer (EHO) has visited the site and assessed noise levels inside the neighbours property whilst officers created loud conversation and heavy footsteps on the balcony and steps. It is his assessment that this level of noise, and reasonable residential use of the balcony, is unlikely to constitute a statutory noise nuisance. On this basis there is no justification for refusal of consent on the grounds of noise or disturbance, and it is concluded that the development would comply with Policies DP2, DP9 and the Residential Design Guide.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted relates strictly to the details shown on the site location plan and approved drawings (MJH 28/06/11 submitted on 25 January 2013 and Proposed Balcony Plan & Stair Plans submitted on 17 January 2013) and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011.