

Application No: W 12 / 0085

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

01926 456533 emma.spandley@warwickdc.gov.uk

Registration Date: 14/05/12

Expiry Date: 09/07/12

9 Cross Road, Leamington Spa, CV32 5PD

Removal of chimney and formation of balcony extension after removal of chimney and roof over existing bedroom 3 FOR Mr Neil Crabb

This application is being presented to Committee due to an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - Objection raised as the balcony extension will have an adverse and intrusive impact on neighbouring properties.

Conservation Area Advisory Forum: No objection raised

Policy Projects and Conservation: No objection raised concerning the removal of the chimney

Environmental Protection: No objection. A noise insulation condition is not required as long as there is a solid wall between the two properties.

WCC (Ecology): Bat note.

Public response: A neighbour made the following comments:-

The second bedroom of their property currently shares a party wall with the 'bedroom 3' of this application. Obviously this wall is an internal wall at the moment. Also there is a certain amount of shared roof drainage which runs along the joint of the two existing roofs, discharging into drainpipes at the rear of the properties.

This application changes the nature of the shared wall from an internal to an external wall, and the removal of the roof above bedroom 3 will require changes probably to the roof drainage arrangement. They require confirmation that the plans include for the weatherproofing of the exterior of their bedroom 2 and any rectification works to the roof drainage system.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DAP6 - Upper Floors within Listed Buildings and Conservation Areas (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)

PLANNING HISTORY

W/94/0595 - Erection of a garage to the rear of No.9,

W/11/1639 CA - Removal of chimney and formation of balcony extension in area of roof removed to existing bedroom 3; Planning permission not required.

KEY ISSUES

The Site and its Location

The application property is a two storey attached dwelling located within Leamington Spa Conservation Area. The property currently only benefits from a small balcony area which provides the existing house with amenity space.

The property is adjoined to No.8.

Details of the Development

The application proposes to remove the roof over the existing third bedroom and wall to create an enlarged balcony area. The proposal also includes the removal of a chimney.

Assessment

The main issues relevant to the consideration of this application are as follows:

- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the conservation area.

The impact on the living conditions of neighbouring dwellings

The Residential Design Guide states balconies, patios and/or roof gardens on flat roofed extensions are not generally acceptable since there is a serious potential for overlooking. The whole paraphernalia of outdoor fixtures and fittings can become visually intrusive.

The proposed balcony extension will be created by removing an external wall and roof from an existing bedroom. The external wall which fronts on the street will be retained with the existing window being blocked up. It is considered that the proposed balcony would not therefore, be highly visible from the street scene as it will be obscured by the existing external wall.

The Residential Design Guide also states, generally balconies at roof level can also be considered extremely intrusive visually and result in considerable and inappropriate overlooking problems. Leamington Town Council's objections are noted; the existing property already benefits from an existing one which is located to the southern end of the property. This balcony looks out on to an existing parking area. The proposed balcony will be located to the west of the existing balcony, adjacent to the road. It will not overlook any of the amenity

space of the neighbouring properties. It is considered the proposed balcony which is situated on the western side of the property will not have an additional adverse impact on the occupiers of the neighbouring properties through increase loss of privacy.

Environmental Protection have been consulted. No objections have been raised with regards to the potential for noise disturbance.

The impact on the character and appearance of the conservation area

The comments raised by Leamington Town Council are acknowledged. The Conservation Officers has raised no objections to the removal of the chimney as it is to the rear of the property and would not significantly alter the street elevation of the property. The Conservation Officer has raised no objections to the formation of the balcony. It is therefore considered the proposed balcony would not have a detrimental impact on the setting of the conservation area.

Other matters

The neighbouring property, No.8, has queried that as the wall between the two properties is at present an internal wall with shared roof drainage, how will the wall, which will be now an external wall, be weatherproofed and what is to happen to the drainage arrangements?

Confirmation has been received from the applicant for No.9 which states the high level gutter to No.8 will be retained with the existing down pipe and discharge point. The existing plaster on the party wall will be removed and with the brick work exposed the condition will be assessed and pointed and painted to match the remainder of the house. If the wall is not in a suitable condition the wall will be weatherproofed, rendered and painted.

Lead flashing will be dressed to the roof abutment to the party wall with the balcony deck flat roof, water will discharge via a hopper.

A party wall agreement will be drawn up between the owners of No.8 to cover all aspects of the work to the wall.

CONCLUSION/SUMMARY OF DECISION

In the opinion of the District 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.

RECOMMENDATION

GRANT, subject to the conditions below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing No.11.094.01 & 11.094.02, and specification contained therein, submitted on 26th January 2012.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
-