

Planning Committee: 11 July 2006

Item Number:

Application No: W 06 / 0833

Registration Date: 23/05/06

Town/Parish Council: Warwick

Expiry Date: 18/07/06

Case Officer: Penny Butler

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1 Jury Street, Warwick, CV34 4EH

Retention of air conditioning unit in rear yard (retrospective application) FOR
Countrywide Estate Agents

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

SUMMARY OF REPRESENTATIONS

Town Council: Object. "LPA policy requires that development should not have an adverse affect upon residential amenity. The proposal by reason of noise and fumes will be detrimental to the amenity of adjoining residential property. The Town Council also considers that the development is detrimental to the character and appearance of the building."

Warwick Society: Ask that permission is not granted for the installation of air conditioning units in this confined space unless the Council are completely satisfied that there is no noise or heat dissipation nuisance to neighbours. The Council should be even handed in dealing with this application, and the other current application for an air conditioning unit at number 2 Church Street.

WDC Environmental Health: This existing unit is not a nuisance.

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

A projecting hanging sign was approved in 2005. There is no other planning history on the site.

KEY ISSUES

The Site and its Location

This property is an important Grade II* Listed Building, located on the corner of Jury Street and Church Street. There is a small walled courtyard at the rear which is shared with number 2 Church Street. There are three air conditioning units in this yard, two of which are above head height. The unit which is the subject of this application is at low level within 0.5 metres of the ground, in a shallow recess formed by the projecting wall of number two.

Details of the Development

The proposal is for the retention of one air conditioning unit in the rear yard area.

Assessment

The issues to consider are the impact of the unit on the Listed Building and Conservation Area, and impact on the amenity of residential properties.

Given that the unit is located close to the ground, it has less visual impact on the Listed Building than those at high level. The rear yard area is enclosed and visible only from a small number of surrounding properties, and as such there will be little impact on the character of the Conservation Area.

There are a number of residential properties overlooking the yard which may potentially be affected by noise, heat or odour from nuisance air conditioning units, however, a District Environmental Health Officer has visited the site and is satisfied that the unit does not create such problems. These comments were also made at the same time as those for the retention of the unit at number 2 Church Street. In the light of this information there are no grounds for refusal on amenity issues.

RECOMMENDATION

GRANT.

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the approved photographs and letter, and specification contained therein, submitted on 23 May 2006 unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of positioning and design and does not give rise to any harmful effects in terms of noise, heat or odour which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.