

COMMITTEE REPORT

Date: 8 January 2015 **Ward:** Westfield
Team: Householder and **Parish:** No Parish
Small Scale Team

Reference: 14/02576/FUL
Application at: 11 Ascot Court York YO24 3AE
For: Erection of balcony (retrospective)
By: Mr Shaun Barley
Application Type: Full Application
Target Date: 31 December 2014
Recommendation: Approve without Conditions

1.0 PROPOSAL

1.1. This proposal seeks retrospective permission for a balcony at first floor level to the rear of a modern 3-storey block of flats.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

Neighbour Notification and Publicity

3.1. One letter of objection has been received on the grounds that the balcony causes a breach in security, causes overlooking of their property, that it will cause air pollution through barbeques and smoking, that it increases noise pollution, that it causes vibrations in their flat, that it disrupts the cleaning of their windows, that it is structurally unsound, that it could be hit by high-sided vehicles, that there was no consultation with neighbours prior to the erection of the balcony, and that the balcony should not have received approval from the building owner.

4.0 APPRAISAL

KEY ISSUES:

- Visual impact on the building and surrounding area;
- Impact on neighbouring amenity

POLICY CONTEXT

4.1. The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.2. The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. Policy CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours. Policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

4.3. The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. Advice in paragraph 3.4 of this document advises that such developments will normally only be acceptable where they overlook public or communal areas or areas of neighbouring gardens which are not used for sitting out or might have a low level of privacy.

ASSESSMENT

Impact on the surrounding area

4.4. The balcony is already in place. It is considered to be of an appropriate scale and design and utilises appropriate materials, with metal railings finished in black. In relation to the rear elevation of this apartment and of the block it is not considered to harm the visual amenity of the area; in particular longer views towards the building from the playing field behind. It is not visible from the main road.

Impact upon neighbouring properties

4.5. Balconies in the urban area can result in harm to amenity and privacy. The objector raises issues of noise, vibrations, air pollution and overlooking. In this particular case, it is not considered that this addition will cause a materially significant undue loss of outlook nor loss of light/overshadowing to the flat immediately below the host, which only has one window directly below the balcony. The balcony looks out over a communal area and green space to the rear, and is located c.27.5 metres and c. 21 metres from the properties to the south-east and the north-west of the site respectively, therefore not causing a significant loss of privacy. It is considered that there may be a degree of overlooking of the windows at number 14, but that this will be from an oblique angle and not of a sufficient extent to justify refusal. It is considered that the increases in noise, vibrations and air pollution are also not significant enough to warrant refusal given that the windows to the rear of the block of flats look out onto a shared parking area.

4.6. The objector also commented that the balcony disrupts the cleaning of their windows, is structurally unsound and could be hit by high sided vehicles. These are not material planning considerations and thus are not factors for consideration in the assessment of this planning application. It is also noted that the balcony sits within an enclosed section of the parking area adjacent to the entrances to properties and away from the main section of parking spaces. Neighbouring residents have been consulted as part of the assessment of this planning application and the application for the balcony has been assessed objectively, its retrospective status is not a material consideration.

5.0 CONCLUSION

5.1. The balcony is considered to be acceptable for the reasons stated above, that it will not be harmful to the amenity of neighbouring residents or to the character of the area. Therefore the proposal is in compliance with draft policies CYGP1: Design and CYH7: Residential Extensions, and the House Extensions and Alterations SPD.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve without Conditions

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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