

Application Number:	2011/396	Application Type:	Full
Proposal:	Construction of second floor balcony to rear of property	Location:	227 Market Street, Whitworth, OL12 8TF
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	11 October 2011
Applicant:	Mr John Paul Mayoh	Determination Expiry Date:	07 October 2011
Agent:			

Contact Officer:	Rebecca Taylor	Telephone:	01706-238640
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REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:

Reason for Call-In:

3 or more objections : YES

Other (please state):

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

	RECOMMENDATION(S)
	Approval, subject to the conditions detailed in Section 9 of the report.

APPLICATION DETAILS

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1. SITE

The application relates to a mid terrace property with a two storey frontage on Market Street and three storey elevation to rear. The property is of stone/slate construction.

To the rear of the property there is a garage site and no residential properties to the rear. A number of other properties have first floor balconies although only the balcony at No.201 Market Street has the benefit of planning permission.

The property has a modest rectangular garden to rear separated from the adjoining neighbours on each side by a 1.2m timber fence.

2. RELEVANT PLANNING HISTORY

2007/653 Erection of balcony to rear (at No.201 Market Street)
Approved

3. THE PROPOSAL

The applicant seeks permission to erect a balcony at first floor to the rear of the property. The balcony would be approximately 3.3m above ground level supported on steel supports with a black paint finish.

The balcony would extend from the rear of the property by 1.8m and be 2.7m wide. The balcony is set in from the two neighbouring properties by 0.2m. The balcony would have a 1.1m balustrade.

4. POLICY CONTEXT

National

PPS1 Sustainable Development
PPS3 Housing

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9 Spatial Principles
RDF1 Spatial Priorities
EM1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria

Other Material Planning Considerations

Draft National Planning Policy Framework (2011)
RBC Submitted Core Strategy DPD (2010)
RBC Alteration and Extensions to Residential Properties (SPD)

5. CONSULTATION RESPONSES

None Consulted

6. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 25/08/2011 and 9 neighbours were notified by letter on 15/08/2011.

5 letters of objection and comments have been received raising the following concerns;

1. The balcony is an unacceptable size
2. The balcony would be a invasion of privacy in gardens and habitable rooms
3. Not in keeping with neighbouring properties and an eyesore
4. A smaller balcony may be more acceptable in terms of design and impact upon privacy
5. Impact on neighbour outlook as would be seen from neighbours property
6. The balcony would cast a shadow and would therefore impact on the sunlight received by neighbours
7. The design of the steel supports is not in keeping
8. The balcony would go over a public right of way and hinder access

7. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Visual Amenity and 3) Neighbour Amenity

Principle

The application site is within the defined Urban Boundary and, as such, is acceptable in principle.

Visual Amenity

The balcony proposed would not be prominent in the street-scene due to its siting to the rear. There are also a number of other properties in the row that have balconies of varying design and dimensions. However, only one has the benefit of planning permission. No.201 Market Street was granted permission for the erection of a similar balcony to the one proposed under planning application 2007/0653. This permission was granted prior to the adoption of Rossendale Borough Council's Alterations and Extensions to Residential Properties (SPD).

Taking into account the above, and mindful that the other balconies in the row have been erected without planning permission due to the siting of the balcony to rear and the balcony permitted at No.201 the balcony is considered acceptable in terms of visual amenity.

Neighbour Amenity

Section 3.13 – Balconies of the Council's Alterations and Extensions to Residential Properties SPD states;

Balconies should be sited or screened so as not to cause loss of privacy to neighbours.

The proposed balcony would enable overlooking into gardens of nearby neighbours however a degree of overlooking is already possible. It is considered that the proposed balcony due to its size and considering other balconies on the row would not be unacceptably detrimental to the privacy of neighbours. The scheme is therefore considered unacceptable in terms of neighbour amenity.

Information being submitted by agent to show it is not possible to obtain views into

neighbouring windows.

8. SUMMARY REASON FOR APPROVAL

The proposed development would not have an unacceptable impact on the privacy enjoyed by neighbouring properties. Neither would the development detract to an unacceptable extent from visual amenity and highway safety. The development is therefore considered in accordance with PPS1/PPS3, Policies RDF1/RDF2/EM1 of the Regional Spatial Strategy, Policy DC1 of Rossendale District Local Plan, and the Council's Alterations and Extensions to Residential Properties (SPD).

9. CONDITIONS/REASONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the drawing date stamped 02/08/2011, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans and to protect visual and neighbour amenity, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.
3. All materials to be used in the elevations and roof of the proposed development shall match in colour, form and texture those stated on the application forms and plan date stamped 02/08/2011 unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.
4. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason: To protect the amenities of neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.