The Planning Inspectorate

Appeal Decision

Site visit made on 25 July 2014

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 July 2014

Appeal Ref: APP/Y3805/D/14/2220801
145 Old Shoreham Road, Shoreham-by-Sea, West Sussex BN43 5TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Groves against the decision of Adur District Council.
- The application Ref AWDM/1484/13, dated 10 February 2014, was refused by notice dated 10 April 2014.
- The development proposed is to extend existing balcony on south side.

Decision

1. I allow the appeal and grant planning permission to extend existing balcony on south side at 145 Old Shoreham Road, Shoreham-by-Sea, West Sussex BN43 5TF in accordance with the terms of the application, Ref AWDM/1484/13, dated 10 February 2014, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Sheet 1 of 3 showing plan of balcony extension, Sheet 2 of 3 showing front elevation, east elevation and west elevation, and Sheet 3 of 3 showing site location plan, side elevation of extension to balcony, plan of balcony floor and block plan. Each sheet is stamped Adur and Worthing Planning Services 1484/13, 15 February 2014.

   3) The materials to be used in the construction of the balcony extension hereby permitted shall match those used in the existing balcony unless otherwise shown on the approved plans.

   4) No development shall take place until full details a privacy screen have been submitted to and approved in writing by the Local Planning Authority and the approved screen shall be in place prior to the first use of the balcony extension and shall be retained in place thereafter.

Main Issues

2. These are;

   - The effect of the proposal on the character and appearance of the Old Shoreham Road and Adur riverside area of Shoreham-by-Sea.

   - The effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to privacy, noise and disturbance.

Reasons

Character and Appearance

3. The application is described on the Refusal Notice as being retrospective, and the application form refers to the removal of a temporary wooden structure. It is presumably this structure that the Notice refers to as being of 'rudimentary materials and design'. This structure had been removed by the time of the site inspection but the new south-side balustrade had been left in place and this gave an indication of the extent of the proposed balcony in views from the neighbouring properties and elsewhere. The application drawings are clear that the balustrade and the slab for which permission is sought would appear the same as that used in the present narrower balcony and that could be secured by condition.

4. This limited extension in matching materials and even allowing for the ability to place more items onto it, would have a limited effect on the character and appearance of the area and that effect would be sympathetic to both the original dwelling and the area in general, a requirement of saved Local Plan Policy AH7. There does not appear to be any reason not to allow the modest extension in terms of its effect on the open area to the west, or the closer views available from the riverside path. The removal of vegetation that is referred to as allowing these open views appears to have been of some invasive species such as buddleia, and to have been carried out by the County Council, responsible for rights of way, and is off the site in any event.

Living Conditions

5. There is already a balcony in place across the rear of the dwelling, serving the lounge through a patio door, which is on the first floor, and with access to it by way of an external staircase on the side nearest number 143. It is the case that the balcony is narrow and that were the staircase to be in regular use, this would limit the degree to which the balcony could be used for sitting out, but not stop it altogether, as folding chairs and tables could be used.

6. It is also the case that as 145 and 147 are later additions to the end of the row of houses on Old Shoreham Road, such narrow balconies were part of the design. However, even with this narrow width, it is clearly possible to overlook the rear gardens of both neighbouring houses, whether standing or sitting, and to allow activity, and possibly some noise. The greater size would permit more use and possibly people on it, but in this residential area and having mind to the still limited size, the likely additional effect of noise and hence disturbance is considered acceptable.

7. The ground floor extension to number 143 means that the sitting-out area immediately to the rear of the back door, the area where particular privacy may reasonably be expected, is further to the rear of that dwelling, but the balcony extension would allow only a limited additional angle of view of this area. The effect on number 147 would be less still due to the set back of that building and the distance involved.

8. With regard to a possible view into windows, this would not change with respect to 147, whilst with 143 the extended balcony would be a location further from the neighbouring rear and side windows and hence a slightly more direct angle of view. The difference is however very limited in its effect on

privacy due to the depth of frames and reveals, so that little more of the activity inside the room would become visible, and there would already be a closer view into the side windows. It is accepted here that the ability to sit, and hence linger, may increase, rather than the balcony and steps being merely access routes, but as previously stated, the present balcony would be capable of being used for more than just access.

9. The appellant has offered a sight screen described as opaque Perspex, that is to say, not capable of passing light. The neighbour at 143 considers that as this would be only to the height of the balustrade, the effect on privacy would not be sufficiently mitigated. Nevertheless, whether translucent or truly opaque, such a screen could remove the harmful effect from a sitting position, limited though those effects have been determined to be, and the effect from standing would be little different from that already possible. The use of a screen could be secured by condition, as could its detail design to ensure that no harm is caused to the presently acceptable appearance of the proposal. The extended balcony would accord with the requirements of Policy AH7 to not result in an unacceptable degree of overlooking, loss of natural light or overbearing effect on neighbouring dwellings.

10. In conclusion, the effect on the character and appearance of the area is acceptable as is that on the privacy of the occupiers of number 147. With regard to 143, there would be more of a change to the mutual relationship of the balcony to the neighbouring garden and rooms, but with the use of a sight screen and bearing in mind the present arrangements and ability to overlook without such a screen, the effect on privacy is also considered acceptable. In addition to conditions already mentioned regarding materials and the screen, a condition is required listing the drawings for the avoidance of doubt and the proper planning of the area. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR