expires 11/5

Development Control – Delegated Officer Report

Application Number: ADC/0101/09 **Recommendation - Application Permitted**

Site: **40 Old Fort Road Shoreham-by-Sea West Sussex BN43 5RJ**

Proposal: **First-floor rear balcony**

The Application

The application property is a detached two storey dwelling on the south side of Old Fort Road, the rear of which faces onto Shoreham Beach. It has a flat roofed area over the living room at the rear of the dwelling on which it is proposed to construct a timber deck 1.1m high steel balustrade, to be accessed from a bedroom in a large dormer within the roofspace. The balcony will run across the entire width of the dwelling and be 1.8m deep. Opaque glass panels 1.7m high are to be provided on both the east and west sides of the balcony to prevent direct overlooking towards the rear of the neighbouring properties.

The neighbour to the east, no.42 Old Fort Road, has recently had permission refused to construct a larger balcony than is proposed here (ADC/0066/09).

Consultations and Representations

Consultations/Comments

None

Third Parties

1 letter of objection received from the occupiers of 55A Old Fort Road (opposite), raising the following concerns which appear to relate to the balcony and extension proposed at No.42 rather than the application site:

- Concern at possible loss of sea view if an extension is built above the garage and swimming pool (*NB, loss of view is not a valid planning consideration. In any event, no first floor extension is proposed*).

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005): LOC1, DEV1

Adopted Adur District Local Plan 1993 – 2006 (ADC 1996): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.3 'Extensions and Alterations to Dwellings'
PPS1 'Delivering Sustainable Development (ODPM 2005)

Planning Assessment

Policies

Structure Plan policies seek to protect, and where possible, enhance the character and distinctiveness of an area, requiring high standards of design, layout and construction (DEV1). Policy AH7 of the Local Plan states that extensions and alterations should be designed so as not to result in an unacceptable degree of overlooking, a loss of natural light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general. The proportion of the garden area taken up by a proposal should not be excessive.

DC Standard No.3 states that the addition of a balcony to a property anywhere near the boundary would be likely to lead to problems of overlooking. Balconies on terraced or semi-detached properties will therefore usually be resisted.

Government policy is set out in Planning Policy Statement PPS1 'Delivering Sustainable Development'. Relevant paragraphs are 17, which refers to the commitment to protecting and improving the environment; 18 which states that planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design; and 34 which states that good design is indivisible from good planning and that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area, should not be accepted.

Visual amenity and character

The proposed balcony will not be visible from the street but will be seen from the beach. However, balconies are common features in the area and it is not considered to be unduly visually harmful. The balcony will be a transparent feature with stainless steel tension wire between the posts helping to give it a light appearance.

Residential amenity

The balcony is not considered to be likely to result in a loss of privacy to the neighbours at either nos. 38 or 42 Old Fort Road. The depth of the balcony is quite modest and privacy screens at either end will prevent any direct overlooking of the garden areas nearest to the houses. The balcony proposed at no.42 was, by contrast, much larger and was likely to result in a loss of privacy to no.40.

Recommendation

APPROVE for reason that :-

1PPi

Subject to

1. C1Ci
2. The balcony hereby approved shall not be used until privacy screens have been erected on its western and eastern ends in accordance with the approved plans. Such screens shall be permanently retained thereafter.
   Reason – To protect the privacy of the adjoining occupiers having regard to policy AH7 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan

Case Officer.. [redacted] Date..23/4/09

Planning Services Manager [redacted] Date..27/4/09

Chair of DC Committee [redacted] Date..27/04/09