Appeal against Refusal of Planning Permission Ref AWDM/1641/23 Sunridge Mill Lane Worthing

This document sets out the grounds for appeal against the Refusal of Planning Permission: Ref AWDM/1641/23, for Sunridge, Mill Lane, Worthing, West Sussex, BN133DF, for a raised deck to rear with external steps and balustrade for one reason stated in a decision notice dated 23/02/2024.

Grounds of Appeal against Worthing Borough Council's decision to refuse planning permission for "Raised deck to rear with external steps and balustrade for one reason stated in a decision notice dated 23/02/2024 - Ref AWDM/1641/23.

Para 02 attached to the decision notice (appendix 1) refers to discussions with the applicant with a view to resolving the Local Planning Authority's (LPA) concerns. It is confirmed that several discussions did take place. However, this contradicts comments made in the LPA's delegated report (appendix 3) and the exchanges of emails attached. (Appendix 2) Further reference will be made later in these grounds.

These grounds of appeal will refer to the Delegated Officer's Report under the same headings (Appendix 3) leading to one reason for refusal.

Site and Surroundings (p1&2/1)

The LPA's description is generally adequate and accepted. However, the rear building line to "Toftwood" is set more than slightly behind the appeal property at approximately 4m, with a 2m high boundary fence covering half of the extension side elevation. The side access footpaths are also at a similar level along this boundary.

Proposal (p2/3)

Para 2. The proposed 1.8 m high privacy screen would overlap the neighbours' existing 1.8 m fence and face substantially blank walls There is an existing 1m high wall continuing this boundary (Sunridge ownership) which could be increased to 2m high as permitted development.

Planning History (p3)

This demonstrates a history of approved decking applications to nearby properties and many others in Mill Lane to take advantage of the situation and change in levels.

Consultations and Representations (p3)

Representations – no comments.
Relevant Planning Policies – no comments.
Planning Assessment – no comments.
Relevant Policy Content – see below.

Local Plan Policy DM5 (p3/4)

The rear gardens of properties in Mill Lane are extremely large and very steep in parts. It is submitted that the proposal would not have an **unacceptable** impact on "Toftwood" by loss of privacy, daylight, sunlight, or other criteria. The policy states that overlooking may be a problem when "principal rooms face each other", which they do not in this case. A secondary side window with blinds looks directly out onto 2 narrow side access paths, a side wall and partly overlooks the appeal property.

Visual Amenity (p5) (Para 2)

This paragraph states that the proposed raised platform would have little effect on visual amenity and is therefore acceptable. There is no objection on these grounds.

Residential Amenity (p5)

The reason for refusal refers to Local Planning Policy DM5 and the issue of overlooking relative to principal rooms facing each other, which is not the case. This point was answered earlier. Reference is made to suggestions made by the LPA to resolve matters but this conflicts with advice provided by emails from the Planning Officer (attached| Appendix 2) who stated that no platform would be acceptable adjacent to the southern boundary. However, the delegated report suggests reducing the depth by 1m leaving a platform depth of 4m when at the upper level it would be 3.5m. A privacy screen is proposed to overcome any privacy issue relative to Toftwood. Photographs of the site are attached as appendix 4

At present the secondary and relatively small side elevation window at Toftwood looks out onto the side access paths to both properties and partly on to the side elevation and garden of "Sunridge". This is not untypical and this window, with blinds, does not constitute a main source of natural light, which in this case are the patio doors to "Toftwood". There is also no right to outlook across the neighbouring garden creating a privacy issue in itself. It is also submitted that a 2m high fence could be erected on this boundary as permitted development (Town and Country Planning General Development Order 2015 Part 2 Minor Operations) within the "Sunridge" ownership. However it is accepted that should this appeal be allowed with a 900mm balustrade, there would be space on the platform for evergreen plants in containers or an obscure glazed screen of sufficient height to maintain privacy to both properties. It is suggested that this could be covered by planning condition as follows:

Within 3 months of the completion of the proposed platform, a privacy screen or planting shall be installed at the southern end of the platform to the satisfaction of the LPA.

Reason to maintain privacy between "Sunridge" and "Toftwood".

NB Drawing no 1 dated 28.11.23 is not listed as a relevant drawing in the decision notice. However, an unnumbered drawing named "side elevation" (southeast) is. Earlier drawings show a 900mm glass balustrade.

Conclusion

The proposed platform would provide a natural extension to the existing, with steps down to the garden at either end. It would also provide access from the second living room. The existence of a relatively small side window would not constitute a material loss of privacy, overlooking or detriment to the living conditions when considering its proximity to the boundary and flank wall to “Sunridge”. This window does not constitute a right to overlook “Sunridge” in terms of outlook or loss of light when a fence up to 2m high could be erected as permitted development. It is understood that there is no objection to the northern section of the proposed platform and any privacy issue of concern at the southern end could be dealt with by planning condition. It is therefore requested that this appeal be allowed.

19/04/2024.