Development Management – Delegated Officer Report

Application Number: AWDM/1209/24 Recommendation: Refuse

Site: Land Between 40 And 44 Brighton Road, Lancing

Proposal: Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans), 14 (no use of first floor front area as balcony) and 15 (first floor front patio doors to be replaced with fixed glazing) of previously approved AWDM/0970/23. Amendment : To use the flat roofs as balconies and revert to sliding doors and glazed balustrading. Additionally, side elevations would feature an opaque, glazed screen up to 1.8m from finished floor level to maintain privacy to the side elevations.

Date of Site Visit: 23 September 2024

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

The application site is on the south side of Brighton Road backing onto the beach. Planning permission was granted in 2022 (AWDM/0923/21) for the demolition of an original bungalow on the site and the construction of a 4-bedroom 2 storey flat roofed dwelling (when viewed from Brighton Road) with a lower ground floor at the rear, resulting in three storeys at the rear. At the rear, there was to be a raised terrace adjacent to the house with a lower garden level beyond, before stepping up again to a garden room sited at the southern end of the garden. At the front a two storey detached garage with guest accommodation above was proposed.

Following commencement of the works it was apparent that the development was not being built in accordance with the approved plans. Permission has been granted for a number of amendments which are an increase in height of house by 0.85m, addition of lightwells to front, increase in height to garage block by 0.37m and addition of cladding to the garden room (AWDM/0970/23).

Works have also taken place at the front of the house resulting in the provision of first floor balconies in place of previously approved planted areas. During the course of the application AWDM/0970/23, the applicant agreed to reinstate the planted areas at the front and the use of these areas as balconies was no longer proposed. The front patio doors were also to be replaced with fixed glazing with side opening lights with a restricted opening of 100mm. Permission was granted for AWDM/0970/23 on this basis with Condition 14 stating:

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no part of the area identified on the approved first floor plan as sedum flat roof shall be converted into or used as a balcony or terrace nor shall any access be formed thereto other than for purposes of maintenance.

Condition 15 states:

The house shall not be occupied until the patio doors at first floor level at the front of the house have been replaced with fixed glazed panels and side opening lights with a restricted opening of 100mm, in accordance with the details shown on drawing no.A2-03 Rev. O received 26th April 2024, and they shall not subsequently be altered in any way.

This application seeks permission to retain the balconies as built and to not change the glazing or restrict access to the balcony areas. The supporting statement submitted within the application states that there is sufficient separation to the new dwelling at 44A Brighton Road and that there is no material difference in overlooking between someone standing on the balcony or 1m further back behind the window. 1.8m high opaque glazed screens are proposed on the sides of the balconies to prevent direct overlooking to the side boundaries.

Planning History:

AWDM/1288/20 - Demolition of existing bungalow and construction of 2 detached 4 bedroom dwellings over 3 storeys each with detached garages and associated landscaping works - approved but not proceeded with.

AWDM/0923/21 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north - approved

AWDM/0776/22 - Application for Approval of Details Reserved by Condition 6 (Drainage) of previously approved AWDM/0923/21 - approved

AWDM/0970/23 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Increase in height of house by 0.85m, addition of lightwells to front. Increase in height to garage block by 0.37m; addition of cladding to garden room - approved

AWDM/0163/24 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Inclusion of a trellis/privacy screen along the area of terrace next to the sunken seating as part of proposed

landscaping scheme - refused

Consultations:

Lancing Parish Council: No comments received

Representations

Letter of objection received on behalf of the occupiers of 44 Brighton Road:

- There are no examples of balconies facing new dwellings which sit to the front of houses in the vicinity of the site
- Site layout in this instance means that a front-facing balcony would have significant and unacceptable overlooking impacts on amenity of future residents of 44A
- Impacts of overlooking from a balcony are significantly more intrusive and harmful than from a window
- Perception of overlooking is a material consideration
- Condition 14 was imposed on well founded and reasonable grounds following consideration by Planning Committee

Relevant Planning Policies

Adur Local Plan 2017 Policy 15
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (December 2023)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the area.

Visual amenity

In visual terms there is only a slight difference between the use of the area as balconies and their use as a planted roof. The changes to the glazing also do not have a significant visual impact.

Residential amenity

The main concern with the use of the areas in question as balconies is the overlooking that will be caused to neighbouring dwellings, specifically 44A Brighton Road, a new dwelling which has recently been completed at the front of the adjoining site to the east. While not resulting in direct face-to-face overlooking, views are nevertheless clearly possible towards the ground floor living area and decked area in the rear garden, which faces south.

It is noted that overlooking also appears to be possible from the first floor front windows of 44 Brighton Road towards No. 44A, but the main difference in this case is that the balconies would enable someone to stand or sit for a longer period of time in full view of the occupiers of 44A. This would result in direct overlooking from a raised position which would be more intrusive than that typically experienced from a fleeting glimpse out of a window.

To the west, 40 Brighton Road has a swimming pool in the front garden which has the potential to be overlooked.

The use of the first floor front areas as balconies with access via patio doors would therefore result in unacceptable overlooking and loss of privacy, causing harm to the residential amenities of the neighbouring occupiers. The existing conditions which have been imposed to prevent such harm should therefore be retained.

Recommendation

REFUSE, for the following reason:

The use of the first floor front flat roofed areas as balconies with access via patio doors would result in unacceptable overlooking and loss of privacy, causing harm to the residential amenities of the neighbouring occupiers. The proposal would therefore be contrary to policy 15 of the Adur Local Plan and the relevant paragraphs of the NPPF.

Is recommendation contrary to letter(s) of representation N

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

Case Officer: Peter Barnett Date: 16 October 2024

Authorised by: Gary Peck Date: 16 October 2024