DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO: 11/0029/FULL	Recommendation – Refuse Application
Site	30 West Parade Worthing West Sussex BN11 5EF
Proposal:	Alteration to balcony area and glazed screening to same (revision to planning permission ref. WB/10/0681/FULL).

DATE OF SITE VISIT:

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): N

SITE AND SURROUNDINGS & DETALS OF PROPOSAL:

DELEGATED APPLICATIONS ASSESSMENT SHEETAPPLICATION NO./ADDRESS: WB/11/0029/FULL – 30 West Parade DATE OF SITE VISIT: 16/02/11 NEIGHBOURS CHECKED: YADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): NSITE AND SURROUNDINGS: The application site is immediately off a busy coast road along the seafront promenade, close to the junction with Grand Avenue. The application property is a detached two-storey family home. It has a tiled roof with shallow pitch. There is a single roof light in its front slope. The first floor balcony is entirely enclosed by glazing with an ornate neo-classical balustrade.PROPOSAL:The development has been advertised as alteration to balcony area and glazed screening to same (revision to planning permission ref WB/10/0681/FULL)Planning permission is sought for the creation of an outdoor seating area atop an existing flat roof, enclosed by a glazed balcony screenRELEVANT PLANNING HISTORY: 10/0342/FULLAlterations to roof on south elevation to provide balcony, new placement window in existing dormer to north elevation and new window to first floor on west elevationRefused 21-06-201010/0681/FULLAlteration to roof on south elevation to provide recessed door to new balcony area, and glazed screening to same. New replacement window in existing dormer to north elevation, new window to first floor on west elevation (re-submission of WB/10/0342/FULL)Grant conditional consent 27-09-2010

Consultations and Representations

Consultations/Comments

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:One letter of objection received from occupier of No. 31 West Parade, summarised below:•

Register strong objection• Previously spoke of my concerns that original permission would allow my privacy to be invaded. You persuaded me would not an issue• Now that passed, another application submitted. Would completely overpower the small door access recently installed on applicant's home• Ask you to control this as this would greatly affect my privacy especially when our balcony in use. Recent conditions imposed with our application completely inappropriate if granted. Only 2 people live in the house so balcony of proposed size too large

PLANNING ASSESSMENT:

PLANNING ASSESSMENT: IntroductionThis application follows approval for alterations to the front roof slope which was granted (10/0681/FULL). Like previously, the principle planning concerns with this proposal is its visual impact and upon neighboursVisual An attribute to the architectural integrity of the application property is its simple and unaltered roof form. The previously approved balcony area logically terminated where the main roof line meets the flat roof front protrusion and was of a low height at some 1.1 metres. Its height, small footprint, and entirely glazed design created sufficient outdoor space to serve the needs of the applicant, expressed in a clean simple solution that was unobtrusive visually in the street.Now it is proposed to expand its size in a substantial manner. This change is entirely client driven. Despite being initially satisfied with the smaller footprint of the outdoor area, they now desire a larger space. This will jut substantially further forward than the previous scheme so it terminates on the near outside edge of flat roof front protrusion. This additional length of some 1.9 metres will run at a uniform height of 1.1 metres. Moreover, it would now exhibit a width of some 6.6 metres when previously its width was negotiation.A balcony of this design would break up the front roof slope of the property. Even as glazed its size would only serve to appear to visually dominate the roof profile. A fact emphasised by the glazing lacking harmony with the present roof materials and finishes. The balcony would rupture the uniformity and continuous slope of the roof, jutting excessively forward of the pitch of the existing roof. What results is an incompatible and obtrusive design feature which is at odds with the design of the existing roof. The balcony frame (denoted by a thick black line on the submitted drawings) would also contribute to the alien design and style of the existing building. In coming so far forward, and given its elevated position on the building, the glazed balcony would be an obtrusive feature on the building to the detriment of the design of the recipient dwelling and its prominent surroundings on the esplanade.Neighbours The desire on the part of the applicant to sit out and enjoy their sea view is understandable. But a previously approved scheme already offered the applicant this opportunity. They no longer wish to implement this and instead have decided on a far larger balcony that would allow sitting and standing space over more than half of the flat section of the main roof.The approved scheme was set high away from the existing front balcony of the neighbouring property to the west. Moreover, it was also well removed from the potential position of this balcony as to be extended (this neighbour has permission to extend their own balcony across the full width of their own property's frontage). This ensured people out on the future balcony at No. 30 would only be afforded oblique views onto the neighbour's balcony and habitable room windows. Thus that neighbour's privacy would be preserved and unacceptable overlooking onto them avoided. In contrast the latest scheme consists of a much wider and deeper balcony that terminates far nearer to the outside edges of the main property's flat roof. It is now some 2.3 metres from the western outside edge of the flat roof compared to some 4 metres as previously approved. The latest scheme is also some 1.9 metres deeper. This would enable occupiers of the balcony at No. 30 far more invasive views onto the neighbour westward, in particular their balcony. The privacy and private enjoyment of their balcony would be negatively impacted to an unacceptable degree, to the detriment of the living conditions of that neighbour. This reduction would occur despite the balcony facing the public street due to the intimacy of the two balconies whereas passer-bys are well away from the property. Equally, the neighbour to the west would be afforded views onto the applicant's balcony making use of their own balcony a good deal less private. The balcony's greater size would also allow for more people to sit out and overlook.Despite its enlarged size and closer position to the neighbour, no attempt has been made to mitigate views by introducing a solid or obscured glazed screen at a substantially greater height than 1 metre (to efficiently screen, any material would have to be some at least some 1.6 metres). Indeed such a screen would not be an acceptable solution because it would be visually intrusive and incongruous with the roof pitch. As well as overlooking, there is the issue of noise and disturbance. Whilst some slight incursion would have occurred with the

previous scheme, this much bigger balcony area would bring noise that much nearer to the neighbour to the detriment of their living conditions. This is because it is much closer to the neighbouring house and the balcony. It is also much larger in size so many more people could potentially occupy the balcony compared to the previous scheme.ConclusionObtaining sea views is desirable given the location of the property. Yet the applicant had the opportunity to build out an approved scheme that would satisfy this. Instead they have chosen to test the position of the local planning authority on a scheme they knew to be unlikely to succeed. They know this because the approved scheme was a result of negotiation with them via their planning agent, wherein the size of the outdoor area was asked to be reduced.For the reason of the visual harm that would arise from the balcony area as now proposed, together with the unacceptable impact upon the neighbour that would also come about, this proposal cannot be supported. The application should be refused for those reasons.RECOMMENDATION:Refuse, for the following reasons:The glazed balcony screen and balustrade, by reason of its jarringly incongruous design lacking harmony with the existing building, result in an obtrusive presence in the street scene that would relate poorly to the architectural form of the property itself to the detriment of the visual amenities of the street scene and the pattern of existing development within it. As such, the proposal conflicts with South East Plan Policies BE1 and CC6, Worthing Core Strategy Policy 16, and Saved Worthing Local Planning Policies BE1, H16, and H18 together with allied Worthing Borough Council Supplementary Planning Guidance 'Extending or Altering Your Home'The installation of the balcony screen and balustrade to enable the majority of the flat roof to be used as an outside amenity area would, by reason of the close proximity of the development to the immediate neighbour to the west, encourage people to use the flat roof area to such an extent as to result in unacceptable visual intrusion, loss of privacy and adverse overlooking, and unacceptable noise and disturbance onto the private balcony and rooms of this neighbouring property, to the detriment of the living conditions and residential amenities of the occupiers of the same in conflict with the Saved Worthing Local Plan Policies H16 and H18 as well as the Worthing Borough Council Supplementary Planning Guidance for 'Extending and Altering Your Home'.REASONS FOR RECOMMENDATION:The proposal conflicts with relevant Development Plan Policies.HUMAN RIGHTS: Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if refused, would have some impact on the applicant's Rights. However, it is considered that the harm caused by the development outweighs these and that in the public interest the application should be refused. Accordingly it is considered that this decision complies with the Human Rights Act 1998, with regard to Article 8 and Article 1IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION? No

RECOMMENDATION:

Approve, subject to the condition(s): See above

OR

Refuse for the following reason(s)

REASONS FOR RECOMMENDATION:

The proposal complies/conflicts with relevant Development Plan policies.

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is

accepted that the proposal, if refused, would have some impact on the applicant's Rights. However, it is considered that the harm caused by the development outweighs these and that in the public interest the application should be refused. Accordingly it is considered that this decision complies with the Human Rights Act 1998, with regard to Article 8 and Article 1

OR

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IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

No/Yes/NA

DELEGATED

Case Officer
Sign..... Date.....26/4/11.....

Authorising Officer
Sign..... Date.....26/4/11.....