Application Number: AWDM/0099/12 **Recommendation – TEMPORARY PERMISSION**

Site: **Houseboat Myrtle 2 Riverbank Shoreham-by-Sea BN43 5YH**

Proposal: **Continued temporary mooring of barge 'Redwood' until March 2013 during completion of its conversion to a houseboat to replace 'Myrtle' (in its re-sited position to west of 'Myrtle')**

Applicant: Rev Jessica Aidley Ward: Marine
Case Officer: Keith Morgan

Proposal, Site and Surroundings

The application is, in effect, to renew the temporary permission which expired on 31 March 2011. As no application for renewal had been received last year despite reminders to the owner, a Breach of Condition Notice was served on 16 December 2011 which, by 16 January 2012, required compliance with condition 01 of ADC/0296/10 by removing either the existing houseboat 'Myrtle' or the proposed houseboat 'Redwood' from the site. This appears to have prompted the submission of the present application.

It relates to the houseboat plot located at the western extremity of the line of houseboats, closest to Brighton Road (A259). The established houseboat on the site is 'Myrtle', a converted lighter barge with superstructure added to its deck.

In September 2010 temporary permission was granted for mooring the second barge 'Redwood' for 6 months to enable it to undergo conversion to a houseboat on the site followed by the removal of the existing houseboat 'Myrtle' from the site. The applicant stated at that time that she was unable to remove 'Myrtle' prior to bringing in 'Redwood' as the latter was uninhabitable; if she had removed 'Myrtle' first, planning permission would not have been required for 'Redwood' as a replacement houseboat.

'Myrtle' is 24m long and 7m wide, with a deck height of 2.4m plus cabin height of 3m. 'Redwood' is 22m long and 6.4m wide with a deck height of 2.4m and no cabin. No superstructure or external changes were proposed to 'Redwood', the conversion being below deck where there is a more spacious area than 'Myrtle'. The applicant stated that a superstructure was not needed to make 'Redwood' habitable but that, ultimately, she would like to add one.

With this latest application, as before, the applicant has provided supporting information stating that she needs the replacement houseboat because her daughter who has ME has moved in with her (after having been left by her partner). She needs someone to look after her and to do household tasks, and she wishes to ensure that her daughter has a long-term home. 'Redwood' is in excellent condition with a long life-expectancy and, because of her shape, is internally spacious, whereas 'Myrtle' will need constant work to keep

her afloat (owing to some holes in the steel ends) and is less spacious because of her shape. She states that ‘Myrtle’ is still good enough to be sold to another owner as a replacement for one of the older failing timber houseboats.

At the time of the first application, the applicant stated she intended to float ‘Redwood’ in on the high tides during September 2010 and then to remove ‘Myrtle’ on the highest Spring tide during March 2011. However, the letter accompanying the latest application states that she had a 5-month delay in bringing ‘Redwood’ to the site because of the bad weather at high tides and because the footbridge opening mechanism was broken for 2 months. Then she could not start work until April 2011 because the boat had become flooded internally.

The applicant states that the conversion work is taking much longer than she expected because it is not straightforward building work (eg. curved surfaces). She states a small part may be habitable by June/July 2011 but it will not be fully habitable for a long time. It will not be possible to remove either boat until there is a particularly high tide of 6.8m.

The position of ‘Redwood’ on the site was changed to be closer to the bank and at a right angle to it (west of ‘Myrtle’) because the weight of ‘Redwood’ was causing the bank of the river channel to break up and collapse. Its siting was further adjusted slightly as a result of a complaint from a resident about overlooking.

Consultations and Representations

Environment Agency: No objection.

Natural England: No objection.

Shoreham Port Authority: No objection but points out that ‘Myrtle’ is unlikely to satisfy seaworthiness requirements for floating downriver without substantial repair work to the hull to prevent risk of sinking and without removal of the superstructure to prevent risk of rolling over.

Adur & Worthing Councils: The Environmental Health officer has no objection.

Third Parties: 3 emails have been received from residents of No.104 Beach Green and from Houseboat No.22 Riverbank (2 emails).

The resident of No.104 Beach Green expresses concern about overlooking of his rear garden, kitchen, bedrooms and bathroom in a direct line of sight from the upper deck and also the lower deck windows of ‘Redwood’. He states this is because of its closeness to the riverbank, its 45-degree angle and the height of the river above his garden level. He is also concerned about any future proposal the applicant may have to add a superstructure as this would add to the overlooking, reduce light to his garden and be extremely unsightly

compared to his existing view towards the Downs. Concern is expressed about damage to the mudflats, a valuable birdlife resource, from considerable digging. He states that he does not believe the applicant intends the application to be a temporary requirement, replacing Myrtle, because she has stated to him on several occasions that her intention is to maintain 2 boats permanently on this mooring. This would be an unnecessary and unwelcome extension of the houseboat moorings along the length of the riverbank.

The residents of Houseboat No.22 have sent separate emails questioning what restrictions would be put in place to stop the applicant keeping both houseboats on this single mooring. They are concerned about overdevelopment and overpopulation of the riverbank.

Previously, the RSPB also commented, stating no objection to a temporary permission provided conditions are imposed such that boat movement occurs on a sufficiently high tide to avoid digging a channel or otherwise damaging the intertidal habitat of the SSSI (and RSPB reserve) and that Redwood is not moored to the north of Myrtle for more than one winter. Connection to the sewer, if possible, was recommended.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AC1, AC4, AB16
'Good Practice Guide for Houseboats' (ADC 2007)
PPS 1 'Delivering Sustainable Development' (ODPM 2005)
PPS9 'Biodiversity and Geological Conservation (ODPM 2005) & Circular 06/05
PPS25 'Planning and Flood Risk' (ODPM 2006) and PPS25 Supplement and Practice Guidance 'Development and Coastal Change' (DCLG 2010)

Planning Assessment

Policies and principle

The site lies within the Adur Estuary Site of Special Scientific Interest (SSSI), of national importance principally because of its habitat for wading birds. It also forms part of the 'strategic gap' of countryside separating built-up areas as defined in the Local Plan where retention of the open appearance and character is the main objective. There is a policy objection to new development, including additional houseboats, unless there are compelling circumstances. However, in previous cases, the view has been taken that replacement of existing houseboats on a one-for-one basis is acceptable, being similar to replacement dwellings in the countryside, and, following the Secretary of State's decision in 2005 in the case of houseboat 'Fische,' the replacement of one houseboat with another was held to fall outside planning control.

Policy AB16 of the Adur District Local Plan states that in order to protect the important amenity value of the river upstream of the Surry Hard, development adversely affecting views along and across the river will not be permitted.

The applicant has stated in her application that her intention is only to moor 2 vessels for a temporary period, pending the conversion of the replacement vessel to a houseboat. The permanent mooring of two boats on one plot is clearly unacceptable under the adopted policies referred to above and because of the SSSI location. However, the temporary mooring of two boats for an appropriate period whilst the replacement boat is undergoing conversion has been approved in other cases. Para 7.2 of the Council's 'Good Practice Guide for Houseboats' states:-

> *"It is acknowledged that in order to repair or convert houseboats there may be a need for 2 boats to be moored temporarily on the same plot. The additional mooring will be expected to be for 6 months with the option to apply for another extension of no more than 6 months."*

However, in this particular instance, there have now been 2 houseboats on this mooring plot for 13 months already. The applicant states that she could not start work until April 2011 and that the conversion work is technically more difficult and hence time-consuming than she envisaged. She therefore seeks extension of the time period until March 2013. This would be 25 months overall from when the second boat was brought to the plot, double what is allowed for in the Council's 'Good Practice Guide for Houseboats'.

Visual amenity

This mooring plot is one of the most prominent ones being at the very western extremity of the line of houseboats, closest to the A259. This part is also arguably the least spoilt part of the Saltings.

As a replacement for the existing houseboat, in terms of its size and appearance, the 'Redwood', being slightly shorter and narrower than 'Myrtle' and without any superstructure, complies with the Council's 'Good Practice Guide for Houseboats' which gives maximum dimensions for replacement houseboats of 25m length, 6m width and 5.5m overall height.

The previously-approved plans showed 'Redwood' (during its conversion) moored directly on the north side of the existing houseboat, adjacent to a subsidiary channel of the river, not closer to the A259 or riverbank. However, as stated above, because this lead to damage to the mudbank, it has been moved close to the riverbank and turned to be closer to a right angle to the bank.

The mooring of the second barge extends the houseboats further west. Although it only does so to a limited extent, the westward extension of the area occupied by houseboats has an adverse visual impact on the open character and appearance of the area and is contrary to the policy objectives for the strategic gap as well as the SSSI. The revised position of the

‘Redwood’ is not significantly worse than its previous temporary position, depending upon the angle of view, but it is clearly wholly unacceptable other than for a short temporary period.

Ecological Impact on the SSSI

Natural England, as the principal body responsible for the SSSI, did not raise an objection, as a temporary arrangement, to the original siting position, nor do they to the present position. The RSPB as owners of the nature reserve comprising much of the SSSI similarly had no objection but on the proviso that conditions are imposed such that boat movement occurs on a sufficiently high tide to avoid digging a channel or otherwise damaging the intertidal habitat of the SSSI (and RSPB reserve) and that ‘Redwood’ was not moored to the north of ‘Myrtle’ for more than one winter.

In order to move ‘Redwood’ closer to the bank from its original position to the north of ‘Myrtle’, because of subsidence of the mudbank, according to the objector, the applicant carried out some digging of the mudflat, thereby potentially damaging the ecology.

It is considered that any permanent increase in the number of houseboats in the SSSI, and any extension of the area they occupy, is unacceptable. It would not accord with PPS9 as it is not in the interests of conserving the *saltmarsh* and *intertidal mudflats* which are both UK BAP priority habitats of high ecological value.

Residential amenity

As stated under Representations, the resident of the chalet bungalow at No.104 Beach Green has raised concern about overlooking of his rear garden and rear windows from the upper deck and also the lower deck windows of ‘Redwood’ in its new position close to the riverbank.

However, whilst it cannot be denied that there is a line of view from the deck of the ‘Redwood’, the distance from the rear windows of the dwelling at No.104 is over 30m, which is considered to be adequate. There is a public footpath along the crest of the embankment which is closer to the dwelling and which enables views of its rear garden, notwithstanding a high wall on the rear boundary. For the sake of comparison, the Council’s DC Standard for facing rear windows of habitable dwellings which back onto each other is 22m. It is not considered that the new position or angle of the boat causes unacceptable loss of privacy.

Conclusion

At the time of the previous application, although there were concerns about the visual impact of a second boat on this plot, it was considered appropriate to grant a 6-month temporary permission having regard to the Council’s Good Practice Guide and the fact that the applicant and her daughter would have no

habitable home were the existing houseboat ‘Myrtle’ to be required to be removed first.

In practice, the applicant encountered physical difficulties in bringing the second boat to the site and in starting the work. She also refers to the conversion being more complex than she had envisaged and points out that, in other cases, it has taken other owners a year or more to do so, making the 6-month conversion period referred to in the Council’s guidance unrealistic.

There is justifiable concern about the length of time that 2 boats will be on this site. At the past rate of progress, there is the possibility that the length of time needed to complete the conversion work to a point where ‘Redwood’ is habitable may even exceed the total period of 25 months now sought by the applicant. There is also likely to be physical difficulty in removing ‘Myrtle’ not only because of the few tides available of sufficient height (the highest tides usually occurring in October-April) but because of the need to repair the holes in the iron hull and find a new owner.

As stated earlier, a Breach of Condition Notice was served which, by 16 January 2012, required compliance with condition 01 of ADC/0296/10 by removing either the existing houseboat ‘Myrtle’ or the proposed houseboat ‘Redwood’ from the site. The period for compliance under this notice could be extended until the latter part of this year (when 6.7m high tides are predicted) and the present application refused.

On balance, however, it is considered appropriate to grant a further temporary permission until 31 March 2013, accompanied by a letter to the applicant stating that she must take all necessary steps to remove ‘Myrtle’ (or ‘Redwood’) from the land by that date otherwise a Breach of Condition Notice will be issued without delay, followed by legal action if she fails to comply.

Recommendation

APPROVE for the reason:-

The continued mooring of a second boat causes visual detraction from the riverscene and erodes the open character of the ‘strategic gap’ separating built-up areas, as well as posing risk of harm to the Adur Estuary SSSI. It conflicts with the relevant policies of the Adur District Local Plan (AG1, AC1, AC4, AB16). However, having regard to the personal needs of the applicant, because the proposal is only required for a temporary period and the siting minimises its adverse impact, it is considered appropriate to grant a further temporary permission but only until 31 March 2013, to enable the boat to be made habitable and the existing houseboat to be removed.

Subject to Conditions:-

1. Within the period ending on 31 March 2013, the existing houseboat ‘Myrtle’ (or the proposed houseboat ‘Redwood’) shall have been removed from the application site in its entirety.

2. This permission relates to the following approved plans:-
   Document A (Site location plan);
   Document C (Redwood's current position)

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