Application Number: ADC/0296/07 **Recommendation – Temporary permission**

Site: **114 Old Fort Road, Shoreham-by-Sea BN43 5HB**

Proposal: **Removal of screen at east end of first-floor rear balcony (relaxation of condition 1 of SU/95/03)**

The Application

The application relates to a large detached house on the south side of Old Fort Road, backing onto the beach. The property has a large front garden, a smaller rear garden backing onto the beach, and a recently-built rear balcony on brick piers which was approved under SU/95/03. The balcony has obscurely-glazed screens on both its east and west sides that are required to be be retained by Condition 1 of this planning permission.

The present application seeks relaxation of this condition to allow the east side screen to be clearly glazed. The reason is stated to be for the benefit of the applicant's wife who has reduced mobility due to a severe illness. As such, the applicants wish the screen to be removed to allow her to have greater views of the sea when she is restricted to her room for long periods of time.

Consultations and Representations

Third Parties: 2 letters of objection have been received.
The residents of No.116 Old Fort Road, to the east, object on grounds that the applicant's personal circumstances and loss of view are not planning concerns whilst their loss of privacy is. They further question the mobility restriction of the applicant's wife and state that the room concerned features a window outside of the screen that provides additional south-easterly views.
[NB. the residents of No.116 wish to speak at the Committee meeting]

No.112 Old Fort Road, to the west, objects to any more favours being given to the residents of No.114, commenting that the rear balcony projection of No.114 (with side screens), projecting beyond the rear building line, has been erected with total disregard for neighbours and causes them to be hemmed in and there is a window in No.114 (which is meant to have obscured glass) that completely overlooks their rear garden.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, DEV1,

Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' including:- .
Dev Control Standard No.3 'Extensions and Alterations to Dwellings'
PPS1 "Delivering Sustainable Development" (ODPM 2004)

Planning Assessment

The main concerns are the effects the removal of the screen would have on the privacy of the neighbouring property to the east (No.116) and whether the personal circumstances are sufficiently strong as to be a determining factor.

Paragraph 21 of 'The Planning System: General Principles' which accompanies PPS1 states that: 'exceptionally the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application. It is noted that in such circumstances a permission may be made subject to a condition that it is personal to the applicant. Such arguments will seldom outweigh the more general planning considerations however.'

Policies

Policy AH7 of the Local Plan states that extensions and alterations should, amongst other things, not result in an unacceptable degree of overlooking or overbearing effect on neighbouring dwellings. Structure Plan policy DEV1 requires high quality development.

Residential amenity

The rear balcony on piers, as approved under SU/95/03, was permitted on condition that obscurely-glazed side screens were erected on its east and west sides and thereafter retained permanently. This was to prevent sideways overlooking of the neighbouring properties, the residents of which had objected to that application on grounds of loss of privacy. The applicants installed the screens in accordance with this condition. There was acknowledgement at the time that existing privacy between properties was already limited due to the installation of large side-facing windows when the original rear balcony at No.114 had been enclosed over thirty years ago.

There is little doubt that the removal of the east side screen would increase overlooking into the rear garden of No.116 from the balcony but this must be tempered against the existing overlooking that occurs from the rest of the house. As the balcony is situated on the western half of the rear elevation, the east side screen sits some 5.1 metres from the boundary with No.116. Within this gap there are further clear glazed rear and east side windows serving a second bedroom and a single window serving the bedroom that provides access to the balcony. It is this room to which the applicant's wife is mostly restricted, the benefit of which is that it has further large windows that face to

the rear and provide a panorama of the sea. The screen as it stands breaks up this panorama.

The house at No.116 features a single-storey rear extension, the roof of which is flat and accessed from large rear firstfloor French windows. Whilst it is not specifically set out as a balcony, and is set marginally back and lower down than the applicant's balcony, it does provide comparable views into the rear garden of No.114. Current levels of reduced privacy are thus not restricted solely to No.116.

To the west, the west side screen, being sited much closer to the boundary with No.112, is more important to the protection of privacy. It is not subject to this application. The objection from this neighbour is noted but it reiterates their original objection to the balcony itself rather than the removal of the east side screen. No loss of privacy would occur to this property as a result of this application.

Personal circumstances

As stated above, and according with PPS1, personal circumstances should only be considered as a material planning consideration in exceptional circumstances. The applicant states in a letter accompanying this application that the reason for this request is to provide a better quality of life for his wife who suffers from a terminal illness that restricts her to bed for long periods. They request that the screen be moved permanently, or for a temporary period, to allow her unobstructed views out to sea. Given the demands of the application, the location of the screen within the site, and the existing privacy issues at both properties, it is considered that this is an incidence whereby personal circumstance is a material consideration.

It is considered that existing overlooking issues between No's 114 and 116 are such that the screen has limited effect on privacy. Given that the illness of the applicant's wife renders her increasingly immobile and bedbound, the balcony is only likely to be used on a limited basis. Therefore the loss of the side screen should have a negligible short term impact. A personal condition would seem insensitive, so it is therefore recommended that a 2 year temporary permission for relaxation of the condition would be the best way to retain planning control.

Recommendation

APPROVE for reason that :-

Although the proposal would be liable to detract from the privacy of the neighbouring property to the east and consequently does not fully accord with policy AH7 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan, it is considered appropriate to grant a temporary permission for a short period having regard to the desirability of providing for the special needs of the applicants.

Subject to:-

1. C1Di (Temporary permission for relaxation of condition 2 of SU/95/03/TP until 31 July 2009 after which the screen shall be re-erected) (amended)

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