DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: WB/09/0222/FULL – 92 Marine Crescent

DATE OF SITE VISIT: 28.05.2009

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS: N

SITE AND SURROUNDINGS:

The application site is a detached family dwelling fronting the green behind the beach along Marine Crescent in Goring-by-Sea. The house is one of a group of eight, all of which are near identical in form and character and have a formal and regular appearance.

The application property has recently been extended at the front with a single storey front extension on the east side and an increase in the height of the garage on the west side to create a flat roof across the full width of the front elevation. Full height doors have replaced the original garage door and double doors have been installed in both sides of the first floor front elevation.

PROPOSAL:

Permission is sought for the creation of a full width roof terrace to the front elevation with roof access, transparent glazed balustrading to south elevation, and translucent glazed panels to east and west elevations.

The proposed glass balustrades will be approximately 0.9 metres in height from the edge of the flat roof. The galvanised steel support posts will be fixed to the exterior of the white cladding that surrounds the flat roof and they will have a height of 1 metre from the edge of the roof. A higher section of balustrading is proposed on the north elevation and on part of the east elevation but the height has not been specified.

RELEVANT PLANNING HISTORY:

05/1301/FULL – Refusal of application for single and two storey extensions to south and west elevations and raising of existing garage roof. (2005). This application incorporated similar balcony railings to those proposed in the current scheme and they were one of the reasons for refusal. The refusal grounds were as follows;

> *"The proposed development is unacceptable by virtue of its design, siting, massing and position, which would be incongruous with the form and shape of the neighbouring group of dwellings of which the application site forms a part and would thereby interrupt the distinct pattern in the character and appearance of the group of properties in a prominent location and give rise to visual harm to the street scene.* ***Furthermore the proposed balcony enlargement would adversely impact upon the amenities and living conditions of neighbouring***

occupiers in terms of increased activity, noise and disturbance and its closer proximity. *The proposal thereby conflicts with Policies BE1 and H16 of the Worthing Local Plan 2003 and Policies DEV1 and CH1 of the West Sussex Structure Plan 2001-2016".*

06/1033/FULL – Refusal of application for erection of two first floor extensions to south (front) elevation. (2006). In this application there were no balcony railings but there were doors leading on to the flat roof surface.

08/0176/FULL – Retrospective planning permission was granted for a single storey side extension on the west elevation of the house. (2008).

08/0251/FULL – Planning permission was refused for the provision of balcony handrails and obscure glass panels around flat roof at front of property (under construction). (2008). The refusal grounds were as follows:

"By reason of its proximity the proposed balcony would adversely impact upon the amenities and living conditions of neighbouring occupiers, 90 Marine Crescent, in terms of increased activity, noise and disturbance and loss of privacy through overlooking. The proposal thereby conflicts with saved Policies BE1 and H16 of the Worthing Local Plan 2003 and saved Policies DEV1 and CH1 of the West Sussex Structure Plan 2001-2016."

08/0451/FULL – Retrospective planning permission was granted for a single storey flat roof extension and alterations to south elevation (including increase in height of garage roof). (2008).

RELEVANT PLANNING POLICIES:

The South East Plan 2009
CC6, BE1, SCT1

Worthing Local Plan 2003
BE1, H16

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:

A letter of objection has been received from the neighbour to the east at 90 Marine Crescent making the following points;

- Roof access on the east side is unacceptable
- The proposed balcony will give rise to overlooking and loss of privacy
- Neighbours roof terraces have always been about 20ft away from No. 90. The roof terrace will now be within a few feet of our original roof terrace and with the increased height it will create overlooking and privacy problems.
- It will give rise to direct overlooking into our 4th (front) bedroom at No. 90.
- It will directly and negatively impact on the privacy we currently enjoy on our roof terrace.

As requested the objectors comments on previous applications have been taken into account.

PLANNING ASSESSMENT:

The main issues for consideration are the impact of the proposal on the character of the existing property and street scene, and the impact on the living conditions of adjoining properties.

Principle
Front balconies with railings are a predominant characteristic of properties fronting this section of Marine Crescent. As such, the reinstatement of some form of balcony railings to the front of this property is considered to be acceptable in principle, but the acceptability of the scheme is dependant on relevant environmental considerations as discussed below.

Design and Impact on visual amenities of site and surroundings
The property is one of eight similar properties in a group along the northern side of Marine Crescent. All eight properties were originally built with a balcony and railings above the garage on one side of the property only. The front building lines of these garages are positioned in advance of the houses themselves. It is apparent that the balcony feature has not been extended on any of the other seven properties forming this group and they remain as originally intended. The original balcony railings at the application property have been removed and the height of the converted garage has been increased by 0.5 metres. The proposal is to create a balcony with glass balustrades across the full width of the front elevation to create a larger useable sitting-out area at the front of the property. The creation of a balcony across the full width of the front elevation would be at odds with the other seven properties in this group of buildings. The form and character of the development would not reflect the predominant design of this group of buildings and it is not considered to be compatible with its surroundings.

Impact on the amenity of occupiers of neighbouring residential properties
The original balcony ran along the western edge of the garage in close proximity to the adjoining balcony at No. 94 Marine Crescent. This relationship is as originally intended and despite the increase in the height of the converted garage roof by 0.5 metres, it is considered that the impact on the amenities of the occupiers of No. 94 Marine Crescent is much the same as the previous situation (pre-extension) and bearing in mind its set-back from the front building line of that property, is acceptable.

The main impact in terms of residential amenity would be to the occupiers of No. 90 Marine Crescent to the east, due to the closer proximity of the proposed balcony to the existing balcony of that property. The proposed balcony would extend right up to the eastern wall of the building and would be within approximately 3 metres of the neighbouring balcony, which is in excess of 6 metres closer to the neighbouring property than the original balcony at the application property would have been. This group of eight buildings, of which the application property forms a part, was originally designed with satisfactory distances between neighbouring balconies and where this

distance could not be achieved (such as the corner properties with reverse designs) then at the very least there would be a set-back between the building lines of the properties. This original design and layout helps to lower levels of overlooking, loss of privacy, noise, and disturbance that are associated with the use of balconies. The proposed balcony would be level with the neighbouring balcony at No. 90 Marine Crescent, it will be at a slightly higher level, and it will be within approximately 3 metres. As such it is considered that the proposed development would intensify the use of the eastern frontage of the property and it would introduce an unacceptable level of noise, disturbance, overlooking, and loss of privacy, to the detriment of the amenities of the occupiers of No. 90 Marine Crescent.

The applicant has attempted to overcome the neighbouring impact by introducing translucent glazed balustrades to the east and west elevations, some of which will be over one metre in height. However, this does not fully address the problems of noise, overlooking and loss of privacy that will occur as a result of the closer proximity of the balcony with the majority of the glass balustrading being only 0.9 metres in height. A higher balustrade along the full length of the east elevation may help to overcome problems of overlooking but it is not likely to be acceptable in design terms.

In conclusion, the proposed development will cause significant harm to the residential amenity of neighbouring properties, and its visual impact will detract from the character and appearance of the property and the surrounding area in general.

RECOMMENDATION:

Refusal

REASONS FOR RECOMMENDATION:

The proposed development, by reason of its form, siting and close proximity, would adversely impact upon the amenities and living conditions of the occupiers of No. 90 Marine Crescent, in terms of increased activity, noise and disturbance and loss of privacy through overlooking. The proposal thereby conflicts with Policies BE1 and H16 of the Worthing Local Plan 2003 and Policies CC6, BE1 and SCT1 of The South East Plan 2009.

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 the decision complies with the Human Rights Act 1998.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

No.

DELEGATED

Case Officer
Sign..... .....Date..03.06.09.....

Authorising Of
Sign..... .....Date..8.6.09.....