Application No.: ADC/0742/07 Recommendation – Refuse Application

Site: 16 Annweir Avenue, Lancing, West Sussex

Proposal: Rear Balcony (With Alteration of First-Floor Window to Glazed Door)

The Application

The application site contains a double storey end of terrace dwelling with pebble dashed and white render walls and a clay tile hip ended roof, located on the western side of Annweir Avenue within the built-up area of Lancing.

Originally constructed in the 1960's a flat roofed single storey extension was added to the dwelling in 2002 under permitted development rights. The applicant now proposes erection of an opaque glass balustrade and conversion of a window to a glazed door in order to use the roof of the rear extension as a rear roof terrace.

Surrounding development is principally double storey terrace development none of which have rear balconies. Directly to the rear of the site in between the two rows of terraces fronting Annweir and Wembley Avenues is a pocket of land encompassing a number of community type uses such as the Plymouth Bretheren Hall. Access to those buildings is provided via a laneway from Wembley Avenue that circles those sites, with supplementary pedestrian access provided via a number of narrow pedestrian access ways including one that runs along the southern boundary of the application site.

Consultations and Representations

Lancing Parish Council: No objection.

Third Parties: Two representations from the properties either side of No.14 have been received on the application. The residents of No.18 (the property on the southern side of the pedestrian access leg) have advised of no objection to the proposal, whilst the residents of No.14 (the attached mid-terrace dwelling to the north) have objected on grounds including:

- Noise and disturbance from use of the terrace given its immediate proximity to a first floor bedroom within their dwelling;
- Impacts on privacy given that the balcony would overlook their rear garden and patio, in addition to affording views into the openings within their rear elevation; &
- A potential loss of light into their ground floor kitchen and dining room as a result of the balustrade increasing the height of the structure in close proximity to the northern side boundary of the site.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plans 2001-2016 (WSCC 2005):

LOC1, DEV1

Adopted Adur District Local Plan 1993-2006 (ADC 1996):

AG1, AH7 & Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No. 3 'Extensions & Alterations to Dwellings'

Planning Assessment

Policies

Structure Plan policies seek to protect, and where possible, enhance the character and distinctiveness of an area, requiring high standards of design, layout and construction (DEV1). Policy AH7 of the Local Plan states that extensions and alterations should be designed so as not to result in an unacceptable degree of overlooking, a loss of natural light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general.

Visual Amenity, Character & Appearance

The materials proposed are considered complimentary to those of the existing dwelling and unlikely to have a detrimental impact on the visual amenity combined terrace structure. Notwithstanding the above, the terrace itself is out of character with surrounding development and would set an undesirable precedent for similar proposals within the immediate area.

It is also agreed that by virtue of encouraging outdoor use on top of the rear extension that there would be an unreasonable impact on adjoining No.14 in terms of noise and general disturbance.

Residential Amenity – Privacy

Of even greater concern is the impact on privacy the proposal will have on surrounding dwellings. In addition to allowing direct views into the rear of No.14, due to its elevation and a lack of mature vegetation in the area, the terrace would have expansive views over numerous rear gardens both to the north and south of the subject site.

Residential Amenity – Daylighting

Despite the concern expressed by the residents of No.14, due to the balustrade consisting of low level opaque glass screens the impact in terms of access to daylight into the rear elevation of No.14 is likely to be negligible and does not constitute a valid ground for refusal in this instance.

Recommendation

REFUSAL for the reason that:-

1. H18R (amended as below)

   Having regard to the limited area of the site and its relationship to existing residential properties, the proposal would give rise to an unneighbourly form of development which would be detrimental to the ~~re~~ residential amenities and environment of the locality, resulting in a loss of privacy and an overbearing effect on existing dwellings, and conflicting with the policies of the West Sussex Structure Plan (DEV1) and the Adur District Local Plan (AH2).

2. B10R (undesirable precedent)

Case Officer: ..... Date: 16/1/08

PB 16/1/08