Application Number: AWDM/0762/15 Recommendation – APPROVE

Site: 167 Old Fort Road, Shoreham-By-Sea

Proposal: Use of south facing flat roof as a roof terrace with proposed stainless steel and glass balustrade

Proposal, Site and Surroundings

The application relates to a distinctive detached two storey dwelling on the north side of Old Fort Road, at its eastern end. It has a large, angled flat roofed front extension measuring approximately 7m deep and 10.5m wide. It is proposed to use the roof as a terrace, accessed via French doors from the first floor bedroom. As amended, the balcony will include 1.8m high obscure glazed panels along the angled roof closest to the house and for a further length of 2m along the straight edge of the roof, plus an angled panel which drops from 1.8m to 1.1m height (6.86m total length) on both sides. The front section of the sides of the roof will then have 1.1m high clear glazed panels which will continue across the front of the roof.

The site is adjoined by 165 Old Fort Road to the west which has two windows at the side, serving a hallway towards the front and a kitchen towards the rear.

Consultations

None

Representations

2 letters of objection received from the occupiers of 165 Old Fort Road:-

- Amended plans propose use of obscure glass at 1.8m height for 2/3rds of length of west side of terrace which is welcomed. However, beyond this the panels drop to 1.1m and are clear glass which will result in loss of privacy
- Flat roof area is very substantial and will have the ability to accommodate a significant number of people, being possibly the largest roof terrace on Shoreham Beach
- People will have unobstructed views in to hall and lounge of 165
- Have future plans to turn hall into office area or a reading/sitting area which will have to be scrapped due to invasion of privacy
- Balcony at 141 Old Fort Road has privacy screen along whole length of side

Following receipt of amended plan showing angled panel also obscure glazed, the objection has been withdrawn subject to the final decision specifying the length and height of the obscured glass section.

Relevant Planning Policies and Guidance

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.3 'Extensions and Alterations to Dwellings'
National Planning Policy Framework (March 2012)

Planning Assessment

Visual amenity

The proposed terrace would be large but it is not considered that there is an objection in principle to the use of the roof for such a purpose. The main visual impact would be from the height and extent of balustrading around the edge of the roof. As originally submitted, the proposal was for 1.1m high balustrading around the entirety of the roof. However, this raised concerns at loss of privacy to neighbouring residents due to the ability of people using the terrace to look over the low balustrade into adjoining windows.

Amended plans have therefore been received which raise the height of the balustrade to 1.8m for a total length of 5.7m along the east and west sides of the roof, with obscured glass panels, to prevent overlooking. The height of the balustrade then drops down to 1.1m for the remainder of the sides and the whole of the front of the roof. The panel that drops from 1.8m to 1.1m is also to be obscure glazed.

It is considered that, while the height and length of the balustrade will have some visual impact, its impact will be mitigated by its reduced height towards the front of the roof. The higher section of balustrade will be partly screened therefore by the neighbouring buildings in views along the street and, on balance, it is not considered that sufficient visual harm would arise to warrant refusal of the development.

Residential amenity

The use of the terrace will enable views towards the side windows of neighbouring buildings. To the east, No.169 is not considered to be adversely affected due to the size and nature of the windows affected. The height of the balustrade and use of obscure glazing will ensure that no loss of amenity will occur for the residents of No.169.

To the west, No.165 has two ground floor windows which face towards the proposed roof terrace. Objections have been received against the lack of adequate screening to protect the privacy of the occupiers of No.165. The affected windows serve a kitchen towards the rear and a hallway towards the front. The hallway leads to the living room

and the neighbour is concerned at loss of privacy not only to the hallway (which they have indicated may be used as an office or reading/sitting area in the future) but also to the living room.

Amended plans now show 1.8m high obscure glazed screening which will prevent views into the kitchen, which it could be argued is a habitable room, but views into the hallway window will still be possible as the height drops to 1.1m with clear glazed panels. While the concerns of the neighbours are noted, it is not considered that views into a hallway will cause a significant loss of privacy as it is not a habitable room and is effectively a corridor. The angle and distance of view to the living room beyond also makes overlooking into that room unlikely. The future intentions of the neighbours with regard to the use of the hallway are also noted but consideration of the application must take account of the current relationship between buildings, and the rooms within them, and not how those rooms or spaces may or may not be used in the future.

In order to mitigate any impact on the hallway, the applicant has agreed to include a further obscure glazed panel, where the balustrade drops in height from 1.8m to 1.1m height. With this amendment it is considered that the impact on the amenities of the neighbouring residents is acceptable.

Other issues

The ability of the roof to support the weight of people and furniture has been queried. The applicant's agent has confirmed that the construction of the roof is the same as that of the first floor bedroom and it is therefore assumed that the joists are adequate. However, the roof can be strengthened with steel if necessary. In any event, this matter will be dealt with under the Building Regulations.

Recommendation

APPROVE

Subject to Conditions:-

1. Standard 3 year time limit
2. Privacy screen to be installed prior to first use of terrace as per approved plans (for length of 6.86m measured from north edge of terrace)
3. Approved plans

Is recommendation contrary to letter(s) of representation? N

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to

grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 30 June 2015

Authorised by: Gary Peck Date: 1 July 2015