Appeal Decision

Site visit made on 3 March 2009

by Rob Huntley BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:
1 April 2009

Appeal Ref: APP/Y3805/A/08/2089409
20 Beach Green, Shoreham-by-Sea, West Sussex, BN43 5YG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Juliet Jenkins against the decision of Adur District Council.
- The application Ref ADC/1040/08 dated 10 March 2008 was refused by notice dated 5 June 2008
- The development proposed is stated on the application form as "*First and second floor extension (with rear balcony) and rooms in roof (with rear dormers)*".

Decision

1. I dismiss the appeal.

Main issue

2. The main issues are:

   i. the effect of the proposed development on the character and appearance of Beach Green and the riverside footpath;

   ii. any effect on the living conditions of the occupants of adjoining properties, including 18 Beach Green and the adjacent houseboats.

Reasons

Character and Appearance.

3. The appeal property is at the eastern end of a terrace of four 3-storey houses comprising the north side of an open courtyard between Beach Green and the western arm of Shoreham harbour, formed by the River Adur. The eastern side of the courtyard is formed by a terrace of 2-storey houses set at right-angles. Notwithstanding an existing single-storey side extension to the appeal property, a substantial physical and visual separation is apparent at upper levels between these adjacent terraces. This separation creates a visual distinction between the built forms, when viewed from the carriageway and footway of Beach Green to the south and from the riverside footpath to the north, both of which are raised above the courtyard level.

4. This visual separation would be significantly reduced by the proposed extension, notwithstanding its set-back from the front elevation as indicated in the revised plans submitted. This would inappropriately increase the sense of enclosure, perceived from the courtyard onto which the terraces face, and contribute to visual coalescence of the terraces when viewed from the south and from the riverside footpath. This would be harmful to the character and

appearance of this part of Beach Green and the adjacent part of the riverside footpath, contrary to the objectives of policy DEV1 of the *West Sussex Structure Plan 2001-2016*, which seeks high quality development, including in terms of character, streetscape and views.

Living Conditions

5. The windows in the flank wall of the proposed extension at first and second floor level are indicated on the revised plans submitted as being non-opening and obscure glazed. This would preclude overlooking of the garden of No 18 Beach Green. In any event, the distance between these proposed windows and No 18's rear garden, its orientation towards the north-east away from the appeal property and the screening effect of the large willow tree, would ensure that any effect on privacy within No 18's garden would not be significant.

6. The occupants of No 18 Beach Green have expressed the view that the appeal proposal would obstruct evening sunlight to windows in the north-north-west facing elevation of that house. In view of the orientation of this elevation, and its relationship to the proposed extension, I consider that any obstruction to direct sunlight would be limited to a short period in the late evening. The principal elevations (and windows) of No 18 face west-south-west and east-north-east respectively and the first floor window in this flank elevation is to a landing. I do not therefore consider that the appeal proposal would materially harm the living conditions of the occupants of No 18 Beach Green by reason of loss of privacy or obstruction to sunlight.

7. The semi-circular balcony, some 6m wide and 2.5m deep, proposed on the north-west side of the appeal property, would be set at approximately the same level as the raised riverside footpath passing to the north. The deck areas of the houseboats moored in the harbour immediately adjacent to the riverside footpath, although varying in level to some degree (and probably also with the tide), are at a similar level to the proposed balcony. Although the deck areas are in clear view by pedestrians passing along the riverside footpath, from which the houseboats take their access, I regard this existing situation as distinct from, and less intrusive than, the static relationship that would be created between the proposed balcony and the adjacent houseboats, including their deck areas.

8. I noted on my site inspection that a first floor balcony at a similar level to that proposed exists at the rear of No 26 Beach Green. However, this is considerably smaller than that proposed in this appeal and significantly further away from the houseboats to the north of the riverside footpath and the existence of this balcony does not alter my conclusion on the effect of the balcony proposed.

9. The inclusion of large windows at first and second floor levels in the rear elevation of the proposed extension would also contribute to overlooking of the houseboats to the north, albeit at a greater distance than the balcony. I consider that these windows and use of the proposed balcony would significantly harm the privacy of occupants of the houseboats, including "Dunolly" and that there would, as a result, be harm to their living conditions and conflict with policy AH7(a) of the *Adur District Local Plan* and the objectives set out in paragraph 2.2(i) of the Council's Supplementary Planning Guidance – *Development Control Standard No.3 – Extensions and Alterations to Dwellings*.

Conclusion

10. I have considered all other matters raised, but in view of my findings that the character and appearance of the area would be unacceptably harmed and that the living conditions of the occupants of the adjacent houseboats would be significantly compromised, I consider that the appeal should be dismissed.

Rob Huntley

INSPECTOR