The Planning Inspectorate

Further information about us and the planning appeal system is available on our website
www.planning-inspectorate.gov.uk

For official use only
Date Received

PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

[illegible] of the 'Essential supporting documents' listed in Section [illegible] in us within the 6 month period, the appeal will not be accepted.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application.

RECEIVED
DEPARTMENT
21 JUL 2009

Name MARTIN ISAACS

Organisation Name (if applicable)

Address 42 OLD FORT ROAD, SHOREHAM BEACH

WEST SUSSEX Postcode BN43 5RJ.

Daytime Tel Fax

Email

I prefer to be contacted by Email Post ✓

B. AGENT DETAILS (if any) FOR THE APPEAL

Name JON ANDREWS LTD

Organisation Name (if applicable)

Address CHILCOTE, THREALS LANE, WEST

CHILTINGTON, WEST SUSSEX Postcode RH20 2RF.

Your Ref

Daytime Tel 01798 812517 Fax 01798 812517

Email

I prefer to be contacted by Email Post ✓

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA ADUR DISTRICT COUNCIL

LPA's application reference no. ADC/0066/09

Date of the planning application 200209

Date of LPA's decision notice (if issued) 170409

D. APPEAL SITE ADDRESS

Address 42 OLD FORT ROAD,
SHOREHAM BEACH
WEST SUSSEX

Postcode BN43 5RJ **Note: Failure to provide the full postcode may delay the processing of your appeal.**

Is the appeal site within a Green Belt? YES NO ✓

E. DESCRIPTION OF THE DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised (and agreed) while it was with the local planning authority for consideration, you may enter a description of the revised scheme.

FRONT/SIDE EXTENSION TO GARAGE AND FIRST FLOOR REAR BALCONY

Size of the whole appeal site (in hectares) 0.07

Area of floor space of proposed development (in square metres) 45

Has the description of the development changed from that entered on the application form? YES NO ✓

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to: *Please tick **ONE** box only* ✓

1 Refuse planning permission for the development described in Section E. 1 ✓

2 Grant planning permission for the development subject to conditions to which you object. 2

3 Refuse approval of the matters reserved under an outline planning permission. 3

4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. 4

5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). 5

OR

6 The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. 6

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views.

✓

1 WRITTEN REPRESENTATIONS

W ✓

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site <u>unaccompanied</u> by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public foopath, bridleway or other public land?

YES

NO ✓

b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

YES ✓

NO

If the answer to **1b** is 'YES' please explain

TO EXAMINE DOWNWARD VIEWS FROM PROPOSED BALCONY LOCATION.

2 HEARINGS

H

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

3 INQUIRIES

I

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and particularly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

H. GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

SEE ATTACHED SHEETS.

Appeal

Grounds of Appeal

The Site & Surroundings.

The Appeal site consists of a detached dwelling located directly on the foreshore in a residential area on Shoreham Beach. All the properties on the south side of Old Fort Road are detached with the majority being two storey and, in order to make full use of the views, the living accommodation is often at first floor level. Similarly, there is extensive evidence of a proliferation of first floor balconies enjoying the unobstructed southerly outlook. The Appeal dwelling is of such a design although at present, the two former balconies are not evident. Of these, the former balcony serving the first floor living room was enclosed and incorporated into the living room several years ago. The former small balcony serving the study area on the western side of the property was removed recently due to storm damage.

The Appeal & Decision.

The Planning Application submitted to Adur District Council was for the erection of a first floor balcony to serve the living room and study extending across the rear of the property and partially over the existing flat roof of the ground floor swimming pool. Additionally, consent was requested for a front garage extension which was, in effect, a resubmission of a previously lapsed Planning Approval. Planning Permission for the scheme was refused on the grounds that the excessive size of the balcony would be detremental to the residential amenities and environment of the adjoining property. A subsequent revision to the scheme reducing the area of balcony above the swimming pool was approved under Town Planning ref ADC/0169/09 a copy of which is attached as Appendix 4.

Grounds

In preparation of this application and appeal, consideration has been given to the existing built environment, precident and the general nature of the area. The unusual nature of the site location has, in the majority of cases, put significant emphasis on first floor living and, more importantly, first floor outside space. This situation has become more prominent in recent years due to the raising of the rear shingle bank on the beach for sea defence purposes, resulting in an elimination of sea views from ground floor level. The combination of these factors has resulted in there being a significant number of highly visable first floor balconies which offer views, not only of the sea and beach, but also of adjoining rear gardens. These rear gardens are also highly visable from the public beach areas and there are, therefore, no private gardens on this side of Old Fort Road that could be reasonably described as secluded.

Cont'd

However, there is a trend for the most recent balconies to have side screens which understandably, restrict direct sideways and rearwards views into private accommodation. The submitted proposals incorporated such side screening throughout it's side elevations and we would therefore submit that they conform with the overall objectives sought by the Local Planning Authority. The later approved scheme allows a balcony/side screen extending some 4.1m from the existing building and the proposals, the subject of this appeal would extend this by a further 1.5m providing an enlarged sitting/dining area. However we would submit that the subsequent extension of the side screen will eliminate any additional element of sideways or rearwards overlooking and as a result will not be detremental to the amenities of the adjoining property. Consequently, we would submit that the proposals accord with the objectives of the adopted Local Plan and it is for this reason that we respectfully submit this appeal.

List of Appendices

Appendix 1 - The Application submitted to Adur District Council

Appendix 2 - Copies of drawings 457/01 & 499/01 Rev A

Appendix 3 - The Decision Notice

Appendix 4 - Copy of drawing 499/01 Rev B granted Planning Permission under Ref ADC/0169/09

H. GROUNDS OF APPEAL (continued)

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal.
YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the enclosed *Guidance Notes* if in doubt.

*Please tick **ONE** box only* ✓

If you are the sole owner of the whole appeal site, certificate A will apply:

CERTIFICATE A A ✓

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B B

I certify that the appellant (or the agent) has given the requisite notice (see *Guidance Notes*) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the Guidance Notes for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name	Address at which the notice was served	Date the notice was served

CERTIFICATES C and D C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying Guidance Notes and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding.
Please tick either (a) or (b).

If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'. ✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding: a ✓

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below: b

Tenant's Name	Address at which the notice was served	Date the notice was served

K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

1 I confirm that I have sent a copy of this appeal form and relevant documents to the LPA *(if you do not your appeal will not normally be accepted).*

2 I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature [redacted] Date 16 07 09

Name (in capitals) JON ANDREWS LTD

On behalf of (if applicable) MARTIN ISAACS

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

1 COPY to us at:

The Planning Inspectorate
Registry/Scanning Team
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

1 COPY for you to keep

When we receive your appeal form, we will:

1 Tell you if it is valid and who is dealing with it.

2 Tell you and the LPA the procedure for your appeal.

3 Tell you the timetable for sending further information or representations.

[illegible] TIMETABLE [illegible]

4 Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

Published by The Planning Inspectorate June 2006.

Printed in the UK June 2006 on paper comprising 100% post-consumer waste.

© Crown Copyright 2004. Copyright in the printed material and design is held by the Crown. You can use extracts of this publication in non-commercial in-house material, as long as you show that they came from this document. You should apply in writing if you need to make copies of this document (or any part of it) to:

The Copyright Unit
Her Majesty's Stationery Office
St Clements House
2-6 Colegate
Norwich
NR3 1BQ