Development Management – Delegated Officer Report

Application Number: AWDM/1165/24 Recommendation: APPROVE

Site: Former 97 Old Fort Road, Shoreham-By-Sea, West Sussex

Proposal: Demolition of the existing single storey bungalow and construction of a 2 storey house. Application to Remove Condition 12 of previously approved AWDM/0037/23. Amendment: The balcony balustrade has been designed without privacy screens.

Date of Site Visit: visited prior to submission of application and assessed impact from balcony.

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings

The application site is a two storey detached, four bedroom house with bedrooms to the ground floor and living space and balcony to the first floor on the south side. It has recently been built following the approval of AWDM/0037/23 and the demolition of a detached bungalow at the site. The site is between two bungalows but the general character of Old Fort Road is an eclectic mix of properties of various scale, design and finish. The site is unusually long with a rear garden which was extended historically and originally was the rear section of a neighbouring garden in Winterton Way. It is therefore longer than the properties on either side in Old Fort Road.

Although no screens were shown on the approved plans Condition 12 of the approval stated the following: -

"Prior to use of the balcony hereby permitted privacy screens shall be installed in accordance with details to be submitted and approved by the Local Planning Authority.

Reason: To protect the residential amenities of the occupiers of the adjacent dwellings and to accord with Policy 15 of the Adur Local Plan."

The submitted plans show the detail of the balcony and balustrade and show no screen and the current application seeks to remove this condition.

Representations: - None received.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (December 2023)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The original consent set out Condition 12 which required privacy screens to the front balcony, however none were incorporated into the design of the building or shown on any approved plans. The main issue here is whether the absence of the privacy screens as built, can be supported in this case and how this will impact upon residential and visual amenity.

Visual amenity

As built the building enhances the site and the street scene, it is a unique development representing contemporary design and use of materials. The balcony is to the front and has a balustrade sympathetically designed to complement the building. If privacy screens were added there would be additional bulk and these features would detract from the appearance of the building as completed.

Residential amenity

The condition was attached to screen those using the balcony from the properties either side. However, firstly, the balcony is to the property frontage. Any overlooking would be onto the frontages of the adjacent dwellings, driveway and front gardens. On balance it is considered that this would not be necessary here, these front areas are not privacy amenity spaces as a rear garden or patio would be. They are spaces open to the public street and other neighbouring properties adjacent and opposite. Therefore there is not the requirement to protect these spaces in the same way. There are some examples of front balconies with some level of privacy screening which has been incorporated into building design. However other examples exist with glazed balconies with no screens.

It should also be noted that the balcony in this case is to a large extent enveloped into the building with the front and side walls high as a partial screen with the existing balustrade also obscuring views to some degree. In effect it is not a 'bolted on' glazed balcony, it does offer some screening by design.

On balance therefore taking into account the above Condition 12 can be removed. The relevant remaining conditions are copied below.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans to include elevations as built 457/A3/07 received 13th September 2024 and Balcony Handrail details 457/A1/50 received 13th September 2024
2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings (other than as hereby approved) shall be formed in the east or west side wall of the building.
   Reason: *To prevent overlooking and to comply with policy 15 of the Adur Local Plan.*
3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification), the proposed dwelling shall not be extended or altered by means of any development as set out within Classes A, AA, B, C, D and E of Part 1 of the Schedule to that Order.
   Reason: *In the interests of amenity and the environment having regard to the nature of the site and policy 15 of the Adur Local Plan.*
4. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref 12371, Second issue, dated 30 January 2023, by GTA Civils & Transport Ltd) and the following mitigation measures it details:

   The lowest floor level will be set at 6.350 metres above Ordnance Datum (AOD) (section 1.5 of the FRA).

   These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

   The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

   Reason: *To reduce the risk of flooding to the proposed development and future occupants. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.*

5. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: *To provide car-parking space for the use and to comply with Policy 15 of the Adur Local Plan.*

Informatives

1.The developer should be aware that pulverised fuel ash (PFA) has been identified on Shoreham Beach. This is a potentially contaminative material, which can present as grey and ashy in nature or as small, black, coal-like deposits. It is the responsibility of the owner and developer to establish the extent of such material on the site and to carry out appropriate remediation where necessary.

02. 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.

Is recommendation contrary to letter(s) of representation N

Case Officer: Hannah Barker Date: 8th October 2024

Authorised by: Date: