Expiry Date - 06/06/2025

Development Management – Delegated Officer Report

Application Number: AWDM/0497/25 Recommendation – APPROVE

Site: 100 - 108 Montague Street Worthing West Sussex BN11 3HG

Proposal: Approval of details reserved by condition 3 (Balcony screen details) of application AWDM/0732/23.

Planning Permission was granted for an extension to accommodate new dwelling with mansard roof with flat roof dormers and glass balustrade in September 2023. A committee decision.

Condition 3 stated:

Prior to first occupation of the dwelling hereby permitted details of the balcony screen shall be submitted to and approved in writing by the Local Planning Authority to include a minimum height of 1.8 metres and screening and the provision of non-glazed walls to the sides to reduce noise impacts. Prior to first occupation of the dwelling the existing unauthorised balcony screen shall be removed and the approved screening shall be completed in accordance with the screening details and retained in situ at all times.

{\b Reason:} {\i To prevent unneighbourly overlooking and noise of the adjoining properties and to comply with policy DM5 and DM22 of the Worthing Local Plan.}

The site has been occupied and is subject to separate enforcement action.

Following extensive negotiation the applicants have provided details of a suitable glass balustrade detail.

The proposal involves a 1.8m high obscure glazed privacy screen with metal posts between the glass on the east elevation. Details of the opaque nature of the glass have been submitted. To the north and side elevation there are side walls with render to match existing.

The information and plans are considered to be acceptable to discharge the required details in accordance with the condition.

The applicant has indicated that the materials will be delivered on the 26th August and work will commence on removing the unauthorised balcony screen on the 27th August along with the construction of the approved materials.

The condition requires that the dwelling should not be occupied until the approved screening is completed.

Due to the continued unauthorised works and occupation on site and local interest the application was subject to neighbour consultation.

Two letters of representation have been received from the residents of 7 Graham Road:

I would like to strongly oppose this application. I was at the meeting (2 years ago!!) to oppose the application for the development of the top flat of this building that had been built without planning permission. My husband spoke against it. The permission was granted because of course no one was going to ask the developers to take down the flat. They knew this. They built the terrace differently from the plans. The terrace overlooks my son's bedroom directly. I have seen people standing there looking. At that meeting an amendment to the terrace was decided by a panel of numerous people. They were not to use the flat until these amendments were made. The materials were "on order" for months. Obviously untrue.

They have advertised the flat on booking.com. I complained. They advertised it on airbnb. I complained. Just last night there were people in there when they say that it's empty. Untrue.

I am asking you to keep the decision that was made at the meeting to add a concrete and then the glass on top so that the terrace cannot be moved. It was the decision that was made (again 2 years ago!!!) and it should be upheld, not put back into discussion and only decided by one person.

I object to this being handled by a planning officer when it has previously been before the committee. I have no expertise in development/planning so I am unable to tell if these plans fulfil the conditions imposed by the committee. I have no faith in the planning officer, who permitted two extra storeys to be built right up to our boundary wall, or in the integrity of the developers/owners who have been using the property in blatant violation of the pre-occupation conditions.

One comment was received from Flat 2, 3 Graham Road

I am neutral in regard to the balcony screen itself. However, as an immediate neighbour, my primary concern is that noise emanating from flats which open onto a balcony will not cause undue disturbance to neighbours, especially in light of the fact that the properties are so close together

It is appreciated the concerns raised by the objectors and the occupation of the dwelling prior to the discharge of the conditions is being followed up by enforcement.

The minutes from the committee in relation to application AWDM/0732/23 state:

Decision - APPROVE and delegate to the Head of Development to amend condition 2 to require the removal of the existing unauthorised balcony screen

and to require further details of the proposed balcony - these details shall include a minimum height of 1.8 metres and screening and the provision of non-glazed walls to the side to reduce noise impacts….

Condition 2 became condition 3 due to insertion of the standard time condition.
The submitted details are considered to be in accordance with the required details as set out within the committee minutes.

Case Officer:	Jackie Fox	Date: 13.08.25
Authorised by:	Louise Prew	Date: 18/08/2025