**DELEGATED APPLICATIONS**

**ASSESSMENT SHEET**

APPLICATION NO./ADDRESS

WB/10/0051/Full
92 Marine Crescent
Worthing
West Sussex
BN12 4JH

DATE OF SITE VISIT: 08.02.10

NEIGHBOURS CHECKED : Y

SITE AND SURROUNDINGS:

The application site is a detached 2-storey dwellinghouse fronting the communal green behind the beach along Marine Crescent in Goring-by-Sea. The house is one of a group of eight, all of which are near identical in overall built form and siting but this house has been subject to alterations affecting the external appearance of the property. The remaining 7 have a more formal and regular appearance.

The application property has recently been extended at the front with a single storey front extension on the east side and an increase in the height of the garage on the west side to create a flat roof across the full width of the front elevation. Full height doors have replaced the original garage door and double doors have been installed in both sides of the first floor front elevation. The property incorporates a catslide roof, fitted with glazed roof panels that give the property a contemporary appearance in contrast to the neighbouring properties with retain a more original appearance.

PROPOSAL

Permission is sought for the creation of a full width roof terrace to the front elevation with roof access, transparent glazed balustrading to the south elevation, and translucent glazed panels to east and west elevations.

The proposed glass balustrades will measure 12.5m in width x 8.5m in length along the west elevation x 5.7m along the east elevation of the property. The balustrades will be approximately 0.9 metres in height from the edge of the flat roof. The galvanised steel support posts will be fixed to the exterior of the white cladding that surrounds the flat roof and they will have a height of 1 metre from the edge of the roof.

The proposal is almost identical previous proposals refused under planning application W/09/0222/Full on 8th June 2009. The main difference is the removal of the proposed privacy screening/glazing to the east and west facing (side) elevations of the proposed roof terrace/balustrades.

RELEVANT PLANNING HISTORY:

**09/0222/Full** – Refusal of application for creation of full width roof terrace to front elevation with roof access, transparent glazed balustrading to south elevation, and translucent glazed panels to the east and west elevations. This application was almost identical to current scheme. The reason for refusal stated:

> *"The proposed development, by reason of its form, siting and close proximity, would adversely impact upon the amenities and living conditions of the occupiers of No.90 Marine Crescent, in terms of increased activity, noise and disturbance and loss of privacy through overlooking. The proposal thereby conflicts with Policies BE1 and H16 of the Worthing Local Plan 2003 and Policies CC6, BE1 and SCT1 of The South East Plan 2009".*

**05/1301/FULL** – Refusal of application for single and two storey extensions to south and west elevations and raising of existing garage roof. (2005). This application incorporated similar balcony railings to those proposed in the current scheme and they were one of the reasons for refusal. The refusal grounds were as follows;

> *"The proposed development is unacceptable by virtue of its design, siting, massing and position, which would be incongruous with the form and shape of the neighbouring group of dwellings of which the application site forms a part and would thereby interrupt the distinct pattern in the character and appearance of the group of properties in a prominent location and give rise to visual harm to the street scene.* ***Furthermore the proposed balcony enlargement would adversely impact upon the amenities and living conditions of neighbouring occupiers in terms of increased activity, noise and disturbance and its closer proximity.*** *The proposal thereby conflicts with Policies BE1 and H16 of the Worthing Local Plan 2003 and Policies DEV1 and CH1 of the West Sussex Structure Plan 2001-2016".*

**06/1033/FULL** – Refusal of application for erection of two first floor extensions to south (front) elevation. (2006). In this application there were no balcony railings but there were doors leading on to the flat roof surface.

**08/0176/FULL** – Retrospective planning permission was granted for a single storey side extension on the west elevation of the house. (2008).

**08/0251/FULL** – Planning permission was refused for the provision of balcony handrails and obscure glass panels around flat roof at front of property (under construction). (2008). The refusal grounds were as follows:

> *"By reason of its proximity the proposed balcony would adversely impact upon the amenities and living conditions of neighbouring occupiers, 90 Marine Crescent, in terms of increased activity, noise and disturbance and loss of privacy through overlooking. The proposal thereby conflicts with saved Policies BE1 and H16 of the Worthing Local Plan 2003 and saved Policies DEV1 and CH1 of the West Sussex Structure Plan 2001-2016."*

**08/0451/FULL** – Retrospective planning permission was granted for a single storey flat roof extension and alterations to south elevation (including increase in height of garage roof). (2008).

RELEVANT PLANNING POLICIES:

Saved Worthing Local Plan Polices: BE1 and H16
South East Plan Policies: CC6, BE1 and SCT1

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES :

None0

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

PLANNING ASSESSMENT:

The determining factors for the consideration of scheme relate to the impact of the proposal on the character of the existing property and street scene, and the impact on the living conditions of adjoining properties.

**Principle**
Front balconies with railings are a predominant characteristic of properties fronting this section of Marine Crescent. As such, the reinstatement of some form of balcony railings to the front of this property is considered to be acceptable in principle, but the acceptability of the scheme is dependant on relevant environmental considerations as discussed below.

**Design and Impact on visual amenities of site and surroundings**
The property is one of eight similar properties in a group along the northern side of Marine Crescent. All eight properties were originally built with a balcony and railings above the garage on one side of the property only. The 1st floor windows above the garages were 1.8m high and provided access to the roof terrace. The other 1st floor windows on the same elevation comprise 2 smaller openings of approximately 0.6m in width x 0.8m in height. The front building lines of the garages are positioned in advance of the houses themselves. It is apparent that the balcony feature has not been extended on any of the other seven properties forming this group or have the smaller openings been replaced with full height glazed openings and they remain as originally intended. The original balcony railings at the application property have been removed and the height of the converted garage has been increased by 0.5 metres.

The application property has had the original 2 small 1st floor window openings replaced with full height window glazing, thereby, providing access to the roof terrace on both sides of the property. The current application proposal is to create a balcony with glass balustrades across the full width of the front elevation to create a larger useable sitting-out area at the front of the property. The creation of a balcony across the full width of the front elevation would be at odds with the other seven properties in this group of buildings. The form and character of the development would not reflect the predominant design of this group of buildings and it is not considered to be compatible with its surroundings.

**Impact on the amenity of occupiers of neighbouring residential properties**
The original balcony ran along the western edge of the garage in close proximity to the adjoining balcony at No. 94 Marine Crescent. This relationship is as originally intended and despite the increase in the height of the converted garage roof by 0.5 metres, it is considered that the impact on the amenities of the occupiers of No. 94 Marine Crescent is much the same as the previous situation (pre-extension) and bearing in mind its set-back from the front building line of that property, is acceptable.

The main impact in terms of residential amenity would be to the occupiers of No. 90 Marine Crescent to the east, due to the closer proximity of the proposed balcony to the existing balcony of that property. The proposed balcony would extend right up to the eastern wall of the building and would be within approximately 3 metres of the neighbouring balcony, which is in excess of 6 metres closer to the neighbouring property than the original balcony at the application property would have been. This group of eight buildings, of which the application property forms a part, was originally designed with satisfactory distances between neighbouring balconies and where this distance could not be achieved (such as the corner properties with reverse designs) then at the very least there would be a set-back between the building lines of the properties. This original design and layout helps to lower levels of overlooking, loss of privacy, noise, and disturbance that are associated with the use of balconies. The proposed balcony would be level with the neighbouring balcony at No. 90 Marine Crescent, it will be at a slightly higher level, and it will be within approximately 3 metres. As such it is considered that the proposed development would intensify the use of the eastern frontage of the property and it would introduce an unacceptable level of noise, disturbance, overlooking, and loss of privacy, to the detriment of the amenities of the occupiers of No. 90 Marine Crescent.

The applicant's agent has been invited to submit amended drawings that incorporate a half-width roof terrace and balustrades, similar to neighbouring properties as means of narrowing the issues with Local Planning Authority. In response to this request, the agent has requested the current application be determined as existing (in order to exercise his client's right of appeal) but has agreed to undertake a further meeting, notwithstanding the outcome of the current application and any related appeal, to seek to negotiate alternative options such as the installation of privacy screening to address the Local Planning Authorities concerns. This meeting will be undertaken after the determination of this application.

In conclusion, the proposed development will cause significant harm to the residential amenity of neighbouring properties, and its visual impact will detract from the character and appearance of the property and the surrounding area in general.

IS RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION?

~~N~~

**DELEGATED**

Case Officer sign..... [redacted] .....Date.....6/5/08/10.....

Authorising Officer sign..... [redacted] .....Date.....9·3·10.....