Appeal Decision

Site visit made on 29 June 2010

by Sheila Holden
BSc MSc CEng TPP MICE MRTPI FCIHT

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
6 July 2010

Appeal Ref: APP/M3835/D/10/2128162
92 Marine Crescent, Goring-by-Sea, Worthing, West Sussex BN12 4JH

- 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 Mr Sean Keith against the decision of Worthing Borough Council.
- The application Ref WB/10/0051/FULL, dated 17 January 2010, was refused by notice dated 9 March 2010.
- The development proposed is a roof access and balustrading to existing roof terrace.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the use of the proposed roof terrace on the living conditions of the occupiers of No 90 Marine Crescent in relation to noise, disturbance, overlooking and loss of privacy.

Reasons

3. The appeal property is one of eight similar 20th century dwellings which look out on an area of public open space towards the sea. Each house has a balcony over the original garage accessed from doors at first floor level. It appears that the original layout and design of the houses positioned the balconies so as to reduce the potential for overlooking, loss of privacy and noise and disturbance through set-backs between the front elevations and adequate separation distances between the dwellings. The remaining first floor windows were much smaller.

4. No 92 has already been altered and extended with retrospective planning permission having been granted for a single storey side extension (Ref: 08/0176/FULL) and a single storey flat roof extension and alterations to south elevation, including an increase in height of garage roof (Ref: 08/0451/FULL). The smaller first floor windows have been enlarged and replaced with full height double doors. The current proposal seeks to create a roof terrace across the full width of the front elevation with glazed balustrading and access from both first floor rooms.

5. The proposed new roof terrace to the east of the catslide roof on No 92 would be adjacent to the existing roof terrace on the adjoining property, No 90. The balconies would be on the same level and would be separated by approximately 3m. This would introduce a new relationship between these two

houses and as such it cannot be compared with the existing relationship between the western section of balcony at No 92 and the balcony at No 94. In my view the addition of a second section of balcony so close to the neighbouring balcony at No 90 would amount to a material change which would introduce an unacceptable level of noise, disturbance, overlooking and loss of privacy to the occupiers of this adjoining property. It seems to me that this would be the case regardless of the materials used for the balustrade as the proposed height of 0.9m would be insufficient to prevent overlooking into the main first floor room of No 90 which has doors onto the roof terrace. Furthermore, I consider the exposure of the site from the public open space, which may allow anyone to see or hear activities on the balconies, not to be comparable with that which could arise between neighbours making use of their private space in close proximity to one another.

6. For these reasons I conclude that the proposed development would be harmful to the living conditions of the occupiers of No 90 arising from additional noise, disturbance, overlooking and loss of privacy. It would therefore be contrary to the objectives of saved Policies BE1 and H16 of the Worthing Local Plan which seek to protect the quality of life of local residents.

7. I appreciate that the appellant is seeking to undertake a comprehensive modernisation of this property and accept that a number of other properties in the group have already been altered, although none has introduced a double balcony of the kind proposed here. However, these are therefore insufficient reasons to allow a proposal which I have found to be harmful to the living conditions of the adjoining dwelling.

8. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sheila Holden
INSPECTOR