Appeal Decision

Site visit made on 6 May 2009

by Megan Thomas **BA Hons in Law, Barrister**

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

The Planning Inspectorate
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Decision date:
29 May 2009

Appeal Ref: APP/Y3805/A/09/2097828
276 Old Shoreham Road, Southwick, West Sussex BN42 4LQ

- 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 Mark Steer against the decision of Adur District Council.
- The application (Ref ADC/0476/08), dated 23 September 2008, was refused by notice dated 14 November 2008.
- The development proposed is to erect wooden balustrade onto existing rear flat roof.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposal on the living conditions of 274 Old Shoreham Road with regard to privacy.

Reasons

3. The appeal site is a semi-detached residential property lying on the south side of Old Shoreham Road. It is paired with 274 Old Shoreham Road. The appeal site has a single storey extension at the rear with a flat roof. There is a pergola at ground floor level with some well-established vegetation growing over it. The first floor bedroom has exterior doors which would allow access to the flat roof. The proposal is to erect a wooden balustrade on the flat roof so that it can be used as a balcony.

4. At its eastern and western ends, the wooden balustrade would stand back from the edges of the roof by about 0.6m. Notwithstanding that, it was clear from my site visit that a significant part of the garden of 274 Shoreham Road would be overlooked by users of the flat roof. Whilst the current occupants of 274 have not objected to the proposal, I am obliged to consider future occupants of the dwelling and the effect of the proposal on their living conditions.

5. The garden of 274 is compact, modestly-sized and has decking at its northern end. It is likely to be well-used over most of its area. The erection of the balustrade and the consequent use of the flat roof as a balcony would substantially reduce the privacy and enjoyment of the garden for the occupants. I do not consider that the introduction of foliage onto the balustrade would adequately mitigate that loss of privacy or be an appropriate long-term solution capable of preventing overlooking.

6. Having taken into account all the representations made including the predicted frequency of use of the flat roof and the benefit to the appellant flowing from additional useable space, I conclude that the proposal would result in an unacceptable loss of privacy to the occupants of 274 Old Shoreham Road and would be contrary to policy AH7 of the Adur District Local Plan 1996.

Megan Thomas

INSPECTOR