Application Number: ADC/0214/07 Recommendation – REFUSE

Site: **Houseboat 'Nooitgedacht III'**
8 Riverbank, Shoreham-by-Sea

Proposal: **Enlargement of houseboat superstructure, ~~alteration and enlargement of jetty/platform, alteration to fence~~ and retention of replacement steps on south side of bank**

The Application

The application relates to a mooring plot with a new houseboat, a Dutch barge, that was brought to the site some time ago to replace the existing houseboat 'Highwayman'. The timber framework of a large unauthorised structure was erected on the deck of the new boat. However, the owner accepted advice that the latter was very unlikely to receive planning permission because of its excessive size and inappropriate appearance and it has now been removed.

The present application is for:-

- a superstructure on the deck of the new houseboat;
- the enlargement of the platform/jetty;
- the raising of the height of the fence adjoining the footpath; and
- replacement steps (a set of timber stairs with handrail) on the south side of the riverbank.

The new houseboat is 30m long and 5m wide. The existing small wheelhouse would be removed. The proposed new superstructure would be 15m long and 4m wide, and would consist of 2 sections of differing height, the taller part having an overall height of 5.5m above the mudflat, the lower part an overall height of 4.5m (of which 3.4m/2.4m respectively would be above the deck level of the houseboat). Its roof would be slightly curved. The external materials would be white-painted plywood walls and a green-grey mineral felt roof.

The proposed enlargement of the platform/jetty would comprise an extension on its riverward side, about 6m by 2m, increasing its area from 34sqm to 46sqm. The applicant states that it is needed to give access to the new boat, which is to the west of the existing boat to be removed. He states that the new boat cannot be moored where the existing boat is located because the keel of the existing boat has left a deep furrow in the mud which even after backfilling would not be stable enough to moor the new flat-bottomed barge.

The fence alterations comprise raising its height from 1.5m to 1.95m, reinforcing it and replacing the previous green wire mesh with solid boarding for the lower part with reeding for the upper part. The applicant states that the

fence is necessary for public safety reasons as he has 2 large dogs, an Alsation/Border collie crossbreed and a Rottweiler/Alsatian crossbreed. The latter is stated to have a bad temperament due to an attack by another dog when young and, despite re-training attempts, is still a threat to anyone with a dog walking past.

The new access stairs already exist and comprise a properly constructed set of timber stairs with handrail and timber 'bridge' with handrail over the drainage ditch. The applicant states that the previous uneven and poorly constructed steps made out of paving slabs resting on bricks, etc, were a threat to public health and safety, a member of the public having previously fallen down when a step gave way.

A Design & Access Statement accompanies the application.

Consultations and Representations

Natural England: To be reported (NB. on a recent similar application requested jetty construction be in a way that allowed some light penetration to any saltmarsh plants that may be below).

Environment Agency: Objects to the proposed enlargement of the platform/jetty on grounds that it would have an adverse impact on the estuarine habitat and ecologically protected area of the SSSI and set a precedent. It would be exceed the dimensions referred to in the Council's Code of Practice and be contrary to Local Plan policy AN1 which protects the SSSI. They suggest that the overall dimensions should not exceed 6m by 6m, as compared to the proposed overall width of 9m. Structures such as platforms/jetties adversely affect estuarine habitat by reducing plant and algae growth, soil nutrients, and density/diversity of invertebrates; and decrease in plants lowers the physical integrity of the mudflat, making it more vulnerable to erosion.

Director of Services: The EHO has no objection.

Third Parties: A letter of objection has been received from the Shoreham Beach Residents' Association on grounds that:-

- the height of the fence is excessive and will detract from the riverscene and views across the river; if the owner has a problem with a dog, the remedy is the dog, not a fence; and,
- the proposed extension would make the jetty far too large; jetties are to gain access to boats, not to provide extensions to living space.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC2, CH3, ERA2, DEV1
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AC1, AC4, AC10, AN1, AB16

Adur Development Plan – Submission Core Strategy 2006-26 (ADC 2007): ENV5-6, ENV8, ENV10
'Good Practice Guide for Houseboats' (ADC 2007)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS7 "Sustainable Development in Rural Areas" (ODPM 2004)
PPS9 "Biodiversity and Geological Conservation" (ODPM 2005)
PPG20 "Coastal Planning" (DoE 1992)

Planning Assessment

Policies

The site lies within the Adur Estuary Site of Special Scientific Interest (SSSI), of national importance principally because of its habitat for wading birds. It forms part of the 'strategic gap' of countryside separating built-up areas as defined in the Local Plan. There is a policy objection to new development unless there are compelling circumstances but, in previous cases, the view has been taken that, in principle, the provision of superstructures, platforms/jetties and ancillary structures is acceptable to meet the domestic needs of the householders concerned provided their scale and design is appropriate and the ecological habitat is not materially affected.
Policy AB16 states that in order to protect the important amenity value of the river upstream of the Surry Hard, development adversely affecting views along and across the river will not be permitted.
Submission Core Strategy policy ENV8 states that "The principle of maintaining the existing areas on the river for houseboat use is supported as long as this does not harm nature conservation or residential amenity, and enhances the wider river setting - Account will also be taken of the need for flood defence works along the river".

Visual amenity

The structure forming the subject of the present application involves a building length of 15m, which is 50% of the length of the houseboat (30m) (NB. this figure does not take account of the existing low-level projection above the deck of the houseboat). This exceeds by 3m in length the Council's 'Good Practice Guide for Houseboats' which states that superstructures should not exceed 12m long or 66% of the length of the boat *whichever is the lesser.*

It also does not comply with the Council's Good Practice Guide because the height of the taller part is 3.4m above deck level which is 0.7m greater than the maximum of 2.7m stated in the Guide. However, the width does comply, leaving a gap of slightly over 0.5m from the sides of the deck.

Despite not according with the dimensions referred to in the Guide, it is considered that the appearance, especially the length, is not out of proportion with the boat. The height above deck is the greatest concern and the applicant's submitted elevations, which are grossly inaccurate, do not give a

true picture. The applicant states that he has designed it as low as possible by having only 1.9m high headroom downstairs. The 'stepped' design helps to reduce the visual impact. The deck height of the boat is relatively low (2.1m). On balance, it is considered that the overall appearance would probably not result in an adverse effect on the riverscene warranting refusal. However, accurate elevations are required in order to confirm this conclusion.

The greater height of the fence causes loss of public view across the river from the path and is to be resisted under policy AB16. The loss of openness is also contrary to strategic gap objectives under policies AC4 and CH3. Whilst the extent of the loss of overall view is small, the cumulative effect is more significant as there are some other tall unauthorised fences on this stretch of the riverbank. The setting of a precedent by granting permission is another concern. Personal circumstances are not normally a relevant planning consideration but may tip the balance in some cases and issues of public safety may give added weight to the applicant's case. However, taking account of the Residents'Association's views, the location and nature of the property would seem to render it unsuitable for keeping a dangerous dog.

The replacement steps, on the car park side of the riverbank, are considered visually acceptable.

Ecological impact on the SSSI

The views of Natural England are awaited but the Environment Agency has recommended refusal of the proposed enlargement of the platform/jetty on ecological grounds. This objection is on the basis that structures such as platforms/jetties adversely affect estuarine habitat by reducing plant and algae growth, soil nutrients, and density/diversity of invertebrates; and also that the decrease in plants lowers the physical integrity of the mudflat, making it more vulnerable to erosion.

As stated above, the SSSI is of national importance and, as a result of the involvement of the relevant bodies, the Council's Code of Practice for Houseboats suggests that a limit of 6m by 6m (ie. 36sqm) be imposed on the size of platforms/jetties. The proposal exceeds this by 3m (50%) in width and 12sqm (33%) in area. The applicant has explained the reasons for the proposed enlargement, which result from the impracticality of mooring the replacement houseboat in the same position as the existing one. However, it is considered that the existing platform/jetty could be altered to remove part of the existing structure so as to keep it within an overall width of no more than 6m and an area of no more than 36sqm. Whilst the removal works would of themselves cause some adverse effect on the SSSI, subject to the views of Natural England, it is considered that in the longer term the SSSI habitat would be best conserved by requiring the reduction.

Subject to the advice of Natural England, the replacement steps are considered acceptable.

Recommendation

A. Subject to consideration of the comments awaited from Natural England, REFUSE on the grounds that:-

1. The fence, by reason of its height, causes a loss of openness and an adverse effect on views along and across the river, contrary to policies AB16 and AC4 of the Adur District Local Plan and CH3 of the West Sussex Structure Plan, and, if permitted, would make it difficult to resist similar further proposals which cumulatively would have a more serious detrimental impact.
2. The proposed platform/jetty enlargement would have an adverse effect on the ecological habitat of the Adur Estuary Site of Special Scientific Interest by reducing plant and algae growth, soil nutrients, and density/diversity of invertebrates and reducing the physical integrity of the mudflat, making it more vulnerable to erosion, thereby being contrary to policy AN1 of the Adur District Local Plan and ERA2 of the West Sussex Structure Plan.

B. In the event that the applicant amends the application to exclude the fence and to revise the plans to reduce size of the platform/jetty (so that it does not exceed an overall width of 6m or an area of 36sqm) and correct the errors in the elevations of the proposed superstructure, APPROVE for the reason:-

The proposed development as amended would not cause additional detraction from the riverscene, harm to the Adur Estuary SSSI or the 'strategic gap' separating built-up areas, or detriment to residential amenities of existing dwellings. It would not conflict with the relevant policies of the Adur District Local Plan (AG1, AC1, AC4, AN1, AB16) and the West Sussex Structure Plan 2001-16 (LOC2, CH1, CH3, ERA2-3, DEV1).

Subject to:-

1. C1Ci (Standard time limit)
2. C14A3 (Permission relates to application as amended, deleting fence and reducing jetty/platform to 36sqm) (amended)
3. - Reward of 'Highwayman'

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