EXPIRES 26/5

Development Control – Delegated Officer Report

Application Number: ADC/0479/09 Recommendation – Refuse

Site: **141 Old Shoreham Road, Shoreham-by-Sea, West Sussex BN43 5TF**

Proposal: **Balcony with balustrading above ground floor rear extension (retrospective)**

The Application

The application relates to a mid-terraced house located on the western side of the road. The house has been extended with a single-storey flat roofed extension across the whole rear of the dwelling. The house is currently occupied by three generations of the same family with the upper floor having its own kitchen with patio doors which lead out to the balcony which has been erected above the rear extension.

Attached to the north and south are other terraced houses, with No.139 to the south having been extended with a conservatory, and No.143 having been extended with a similar flat-roofed extension.

There has been a previous appeal decision on a balcony above an extension at the rear of a semi-detached house, another residential area within the district (ADC/0476/08). The inspector dismissed the appeal on the grounds that: 'the garden was compact, modestly sized and has decking at its northern end. It is likely to be well-used over most of its area. The use of the flat roof as a balcony would substantially reduce the privacy and enjoyment of the garden for the occupants'. Appeal decision APP/Y3805/A/09/2097828

The applicant has stated that they are happy to comply with any regulations or alterations that may be suggested.

Consultations and Representations

Third Parties: There has been one letter of objection to the proposals from the owner of the attached dwelling to the SE (No.139). He states that he was originally shown plans of the extension and refurbishment which showed a Juliette balcony. The proposal will result in the garden area being imposingly overlooked but also a severe loss of privacy as the balcony area looks directly into his kitchen, bathroom and second bedroom. His tenants have already complained to him about loss of privacy through the use of the terrace, in addition to increased noise levels which affect the second bedroom.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix II 'Supplementary Planning Guidance' comprising:

Development Control Standard No.3 'Extensions and Alterations to Dwellings.'
PPS 1 'Delivering Sustainable Development' (ODPM 2005)

Planning Assessment

Policies
Policy AH7 of the Local Plan states that extensions and alterations should be designed so as not to result in an unacceptable degree of overlooking, a loss of natural light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general and accord with the Council's DC standards.

The Council's Development Control Standard No.3 entitled 'Extensions and Alterations to Dwellings' states that the addition of a balcony anywhere near the boundary would be likely to lead to problems of overlooking. Balconies on terraced or semi-detached properties will therefore usually be resisted.

Visual amenity
The balcony has been erected above the whole of the existing flat roofed rear extension in a light timber with a thick fascia and two main supporting posts located in front of the extensions windows. The balcony makes up the majority of the flat roofed area and is 4.8m in width, by 3.45m in depth. It is surrounded by garden trellis 0.6m in height, which acts as a balustrade but is incompliant in terms of the Building Regulations.

The houses within this part of Old Shoreham Road, back onto the former railway embankment, which has recently been converted into a public footpath which extends the towpath alongside the River Adur from the junction with Upper Shoreham Road all the way to the Ropetackle development. The path is well used by members of the public.

The balcony is not particularly sympathetic in design, however given the screening from the raised footpath directly adjacent to it, it is only visible where the vegetation is thinner, and further northwards. The materials used in the construction of the balcony are common in fencing and decking at the rear of dwellings in the vicinity, and due to the relative lack of prominence, it is therefore considered that, on balance, the effect on the appearance of the streetscene would not be so bad as to warrant refusal on visual amenity grounds. It is to be noted that the addition of a compliant balustrade (1.1m in height) and any obscured high level screening aiding in the retention of privacy would have more of an impact on the character of the area.

Residential amenity
The terraced properties on the west side of the road are characterised by having relatively small gardens, on average 12m in length, which are bounded to the west with the former railway embankment (now public footpath), which is lined with trees and thick vegetation in most places.

The attached house to the north (No.143) has been extended with a single-storey rear extension with flat roof across the whole of the rear of the property. Outside of the rear patio doors is a small decked area. The house to the south (No.139) has been extended with a fully glazed conservatory (used as a kitchen) inset from the boundary of the site by approximately 1.5m. Outside of the kitchen is a decked patio area.

From areas of the balcony there is a great amount of overlooking, the whole of both neighbouring gardens are fully in view, and in terms of the dwelling to the south (No.139) the conservatory is completely overlooked due to the clear glazing. In addition from the more western parts of the balcony there are views into both the first floor windows on No's 143 & 139. The applicant has stated that they are happy to alter the size of the balcony, however it is considered that this would still lead to an excessive level of overlooking of the surrounding gardens and oblique views of the rear upper floor windows. High level screening would aid the retention of privacy to these rooms, but the relatively small gardens would still be completely overlooked.

A pair of houses has been erected further to the north (No's 145 & 147) where the first floor of the southernmost of the two is served by a balcony. This dwelling is located 3.7m from the boundary with the adjacent dwelling (No.143) and is set back within the site so that the rearmost point is 2.7m further to the west. This balcony does result in overlooking however the separation is such that it is not to unacceptable levels.

Recommendation

REFUSE for reason that :-

The formation of the balcony, by reason of its proximity to the boundary, is detrimental to the residential amenities of the adjoining property resulting in overlooking and a loss of privacy, contrary to the policies of the Adur District Local Plan (AH7).

Case Officer: [redacted]
Date: 29/4/10 29/4