Wednesday, 02 October 2024

Objection to Application AWDM/1209/24

Site Address: Land Between 40 And 44 Brighton Road, Lancing, West Sussex

Description: Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Increase in height of house by 0.85m, addition of lightwells to front. Increase in height to garage block by 0.37m; addition of cladding to garden room. Amendment: To use the flat roofs as balconies and revert to sliding doors and glazed balustrading. Additionally, side elevations would feature an opaque, glazed screen up to 1.8m from finished floor level to maintain privacy to the side elevations.

Introduction:

This objection letter relates to application AWDM/1209/24, which is a section 73 application to utilise the sedum roofs as balconies at Land Between 40 And 44 Brighton Road, Lancing, West Sussex.

Relevant Planning Policy:

National Planning Policy:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Local Planning Policy:

Adur Local Plan 2017

Policy 15 - Quality of the Built Environment and Public Realm

Discussion of Scheme:

Residential Amenity:

Paragraph 135 of the NPPF sets out six criteria against which planning decisions should meet to deliver well-designed places. This includes criteria (f), which requires development to “create places … with a high standard of amenity for existing and future users.”

Planning Practice Guidance (PPG) states that achieving good design “is about creating places, buildings, or places that work well for everyone, look good, and will adapt to the needs of future generations.”

Policy 15 of the Adur Local Plan 2017 states that development should not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, or open amenity space.

This application seeks to remove condition 14 of application AWDM/0970/23; condition 14 states:

14. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no part of the area identified on the approved first floor plan as sedum flat roof shall be converted into or used as a balcony or terrace nor shall any access be formed thereto other than for purposes of maintenance.

Reason: To prevent overlooking and to comply with Policy 15 of the Adur Local Plan

When application AWDM/0970/23 was originally submitted, these balconies were included to the front of the dwelling. During the application process, due to objections from neighbours, and the concerns of the planning committee, these balconies were changed to sedum roofs, with the windows fixed shut so they could not be accessed, and a condition added requiring that they are not used as balconies. This was due to the overlooking impacts that the balconies would have.

The provided planning statement outlines that a number of other dwellings within the vicinity have front-facing balconies, and that this justifies the proposed balconies; however, there are no examples of balconies facing new dwellings which sit to the front of houses in the vicinity; the site layout in this specific instance means that a front-facing balcony would have significant and unacceptable impacts on the residential amenity of future residents of No. 44a, through high level, uninterrupted and direct overlooking.

The planning statement goes on to outline that there is no material difference between overlooking from the window which sits 1m behind the end of the sedum roof; however, this is clearly not the case; the impacts of overlooking from a balcony are significantly more harmful than from a window; the perception of overlooking is a material consideration and is wholly different from direct overlooking. Terraces and balconies result in an increased perception of overlooking as residents will be able to physically see balcony users which results in a sense of being hemmed in. This approach is confirmed in appeals APP/K3605/W/20/3254942 and APP/K3605/W/20/3257997. Within the inspector's report for these appeals, it was stated that:

"The overlooking from a balcony in a raised position is more intrusive than that which would be experienced from a typical upper floor window, as it involves future residents sitting out at a raised level for long periods of time."

Accordingly, the use of the sedum roofs as a balcony would clearly have a significantly greater impact than a window.

The next section of the planning statement outlines a number of SPD requirements which have no relation to the application. This section of the planning statement outlines that *"*

Private balconies on the front elevation of flats may be acceptable if the building is set back from the street onto which they face."

Firstly, this proposal is not for flats. Secondly, this sentence relates to the amenity for users of the balconies, and not the amenity impacts of front-facing balconies on nearby residents.

Furthermore, the planning statement raises that the 'Space around new dwellings and flats" SPD states:

"The space required between buildings is affected by the location of principal windows and the need to maintain privacy between facing windows and allow light to enter such windows. A distance of 22m is the minimum required between facing principal windows in order to retain sufficient privacy. For developments over 2 storeys in height this distance will need to be increased".

The proposal seeks to allow the roofs to be used as balconies, which, as outlined above, result in much worse overlooking and perception of overlooking impacts, and as such, this standard (which relates solely to windows) is not relevant.

As outlined within the officer's report for application AWDM/0970/23, and as raised by Councillors and nearby residents, the front facing balconies would result in an unacceptable and extreme overlooking, and perception of overlooking impact on nearby occupiers. This was the reasoning for the imposition of Condition 14, which is well founded and reasoned, and should remain in the application, to protect the residential amenity of the occupiers of No. 44a. The use of the sedum roofs as balconies would allow direct, raised views directly into the amenity areas of No. 44a, and into habitable rooms, resulting in unacceptable residential amenity impacts.

The removal of the condition would fail to comply with Policy 15, or the relevant provisions of the NPPF, and as such, the application should be refused.