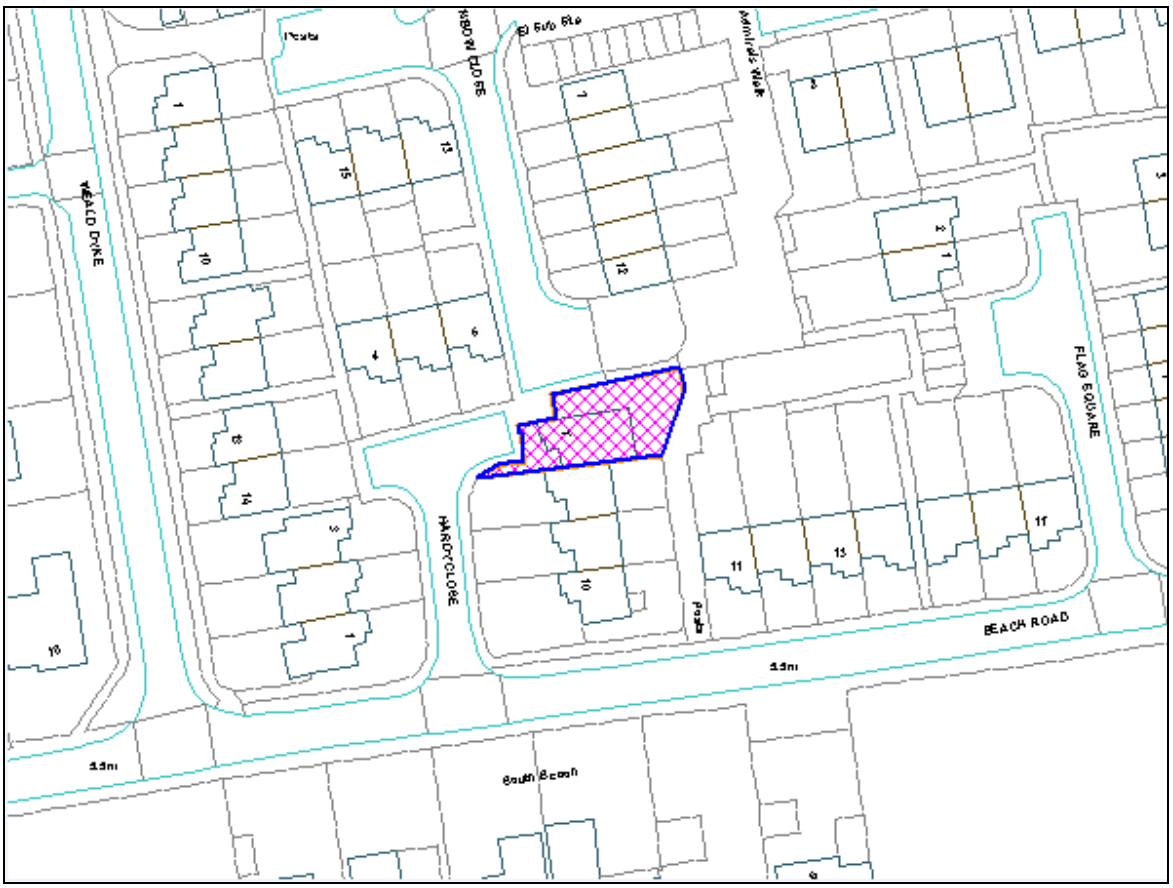
**Application Number: AWDM/1721/14** **Recommendation – APPROVE**

**Site:** **7 Hardy Close, Shoreham-by-Sea, West Sussex BN43 5SA**

**Proposal:** **Replacement of existing balustrade to existing balcony on front (west) elevation with strengthened clear reinforced glass and marine grade stainless steel posts (Re-submission of AWDM/0113/14)**

Applicant: Mr Brian Thomas Ward: Marine
Case Officer: Gary Peck




**Not to Scale**

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## Proposal, Site and Surroundings

This application seeks full permission for the replacement of a balustrade to a balcony on the front, western elevation (which has been removed) with strengthened clear reinforced glass and marine grade stainless steel posts. A previous application (refused

and dismissed at appeal) was submitted under reference AWDM/0113/14 and proposed opaque glass instead of the clear glass now proposed.

The application site comprises an end-of terrace house at the north-eastern end of Hardy Close, a small cul-de-sac off Beach Road. The properties in Hardy Close have a generally uniform appearance with metal railings on the balconies in the remainder of the road, but the property which is the subject of this application has removed its balcony.

A footpath leads through to Benbow Close to the north where a block of 3 storey properties, numbers 7-12 are clearly visible. The occupier of 12 Benbow Close recently secured permission for a stainless steel framed and glass panelled balcony and applications for similar proposal for numbers 7, 8, 9 & 10 are currently being considered by officers.

**Relevant Planning History**

Planning permission was refused and an appeal dismissed for a replacement balustrade to existing balcony on the front elevation in 2014 (AWDM/0113/14).

**Consultations**

None undertaken

**Representations**

None received

**Relevant Planning Policies and Guidance**

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising:
Development Control Standard No.3 'Extensions and Alterations to Dwellings'

Adur Submission Local Plan: Policy 15 'Quality of the Built Environment and Public Realm'

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local

finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

**Planning Assessment**

The key issue in the determination of this application is the impact upon the character and appearance of the area having regard to the previous appeal decision and subsequent decisions in close proximity to the application site.

The previous application was submitted in January 2014 (AWDM/0113/14) and only differed from the current application in its proposed use of opaque glass rather than clear glass as is proposed under the current application. The previous balcony with metal railings had been removed at the time of the proposal.

The application was refused for the following reason:

The proposal, by reason of its design and use of materials, would be out of keeping with the existing architectural form of the balconies in the rest of the terrace. It would be detrimental to the locally distinctive qualities of the street scene by disrupting the visual cohesion and uniformity of the terraces within it. If permitted, the local planning authority would find it difficult to resist similar proposals related to the other properties in the cul-de-sac, the cumulative effect of which would be to harm the character and appearance of the area. The proposal is therefore contrary to saved Adur District Local Plan Policy AH7 and the relevant planning policies set out in the National Planning Policy Framework.

The refusal was supported at appeal by the Inspector who made the following comments in coming to her decision:

‘Hardy Close is a cul-de-sac characterised by short terraces of two-storey properties with a uniform design. Each house has a pitched roof and an integral flat roof garage that projects beyond the front elevation on which is a small terrace enclosed by lightweight open railings. These common features provide a strong sense of rhythm and uniformity to the street scene.

The properties date from the 1960s and the materials used in the construction of the balconies are therefore approaching the end of their useful life. This is partially as a consequence of the exposed position of the area, which is in close proximity to the sea. The proposal seeks to replace the existing metal railings with stainless steel posts and opaque glass panels.

In the context of the consistent design and appearance of the existing balconies, the introduction of a different style and materials would be highly visible from the remainder of the street. The use of opaque panels would introduce a sense of enclosure to the

balcony, increasing its visual prominence in relation to the host property and the surrounding area. In my view this would appear incongruous and would be disruptive to the repetitive features that characterise this residential estate. On my site visit I saw that in some places other balconies have been replaced. The introduction of new elements such as thicker posts, different materials and even modest changes to the height of the panels has affected the appearance of individual buildings with adverse consequences for the terraces as a whole.

I appreciate that the appellant intends the replacement balustrade to have the same dimensions as the original and wishes to make use of materials that may be more able to withstand the elements in this exposed location. However, the illustrations submitted with the application did not satisfy me that the overall appearance of the balcony would replicate the existing design with its closely spaced railings. It would therefore fail to integrate effectively into the street scene.

I therefore conclude that the proposed replacement balcony would be harmful to the character and appearance of the host property and the surrounding area.'

Members are reminded that previous appeal decisions are material considerations that should be taken into account in future applications of relevance.

Given the Inspector's comments, therefore, the Council would be entitled to take the view that, notwithstanding the alteration from opaque to clear glass, the revised proposal does not overcome the issues previously outlined by the Inspector and in that case it would be appropriate to refuse permission for the application.

However, as outlined in the report to Committee in November 2014 regarding the application in Benbow Close, the issue of replacement balconies on Shoreham Beach has become an increasingly prominent issue over recent months. There is no doubt that there are a number of balconies of similar design to that proposed across the Beach as a whole, and given the design of the Adur Ferry Bridge, a glass balcony with stainless steel supports is not to be considered to be out of context of the area. It can be argued, though, that the prevailing character of Hardy Close remains of metal balconies.

The application site, though, is to the north east corner of Hardy Close where there is a clear view through to properties in Benbow Close, the nearest of which is number 12 where members considered in November that a replacement glass balcony was acceptable to replace the existing metal railings, even though the other 5 properties in the row of properties had metal railings. If implemented, the balcony will clearly be visible when standing in front of 7 Hardy Close. Moreover, another 4 of the remaining 5 houses in that row have applied for planning permission subsequently and those applications are currently under consideration by officers. If permitted, and a precedent has been established by the previous decision in Benbow Close, then these properties will also add a further context of replacement glass balconies to the general character of the area.

Additionally, and elsewhere for consideration on the agenda, an application has been received for a glass balcony at 5 Hardy Close.

While the comments of the previous Inspector are noted, she herself acknowledged that many of the existing balconies are coming to the end of their useful lives. Indeed, the balcony at the subject property has been removed completely. It would seem apparent that the general preference of occupiers is to replace the metal balconies with glass balconies. It is acknowledged that there will be a discord in symmetry between the older and newer balconies at the outset but over time, it seems likely that the glass design of balcony will become more prevalent. If balconies are going to continue to be replaced, then it is important that a consistent approach taken across the Beach, otherwise as is the case in another nearby road, Weald Dyke, balconies will replaced with no consistent style at all.

In conclusion, therefore, your officers consider that taken a wider view regarding the design of balconies across the Beach as a whole, permission could be granted for the proposal, notwithstanding the conflict with the previous appeal decision, and used as a precedent for other similar developments in the future. On balance, therefore, approval is recommended.

**Recommendation**

To GRANT planning permission subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
   Reason: To comply with Section 97 of the Town and Country Planning Act 1990.
2) No development shall be carried out unless and until a schedule of materials and finishes of the proposed balcony has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.
   Reason: In the interests of visual amenity saved policy AG1 or AH2 of the Adur District Local Plan
3) The development shall be carried out in accordance with the approved plans