PLANNING APPLICATION REPORT

REF NO: **BR/160/11/**

LOCATION: 5 Seafield Terrace
Stocker Road
Bognor Regis

PROPOSAL: First floor balcony to south elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 110 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front boundary is open to the highway, rear boundary has close boarded fencing approximately 1.8m in height, east side boundary wall approximately 1.8m in height, west side boundary side elevation of extension then brick wall approximately 1.8m in height.
SITE CHARACTERISTICS	Terraced three storey property with integral garage on ground floor. The property has light brown brickwork with brown tile hanging, white window frames. There is a projecting bay window at first floor level on the southern elevation.
CHARACTER OF LOCALITY	Residential comprising terraced, semi-detached and detached properties, many of which are nursing/rest homes. The dwellings back onto a hard surfaced car parking area to the south.

RELEVANT SITE HISTORY

BR/53/10/	First floor balcony to south elevation.	Refused 13-05-2010 **Appeal: Dismissed** **12 10 2011**

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

4 letters of objection: 'Juliette balcony' is not an accurate description for the proposal. I understand that since October 2008 planning permission is now required for balconies. The proposed balcony is deeper than those at adjoining properties which are less intrusive. Concerned that it will have a detrimental affect on privacy of neighbours, in particular the occupants of No. 6. Virtually the same as the balcony that was refused permission. Will block sea view from No. 6. Fumes from the flue below the proposed balcony blow into our windows. Will overlook every room in our ground floor flat. Don't know who could be looking at our children. We were only approached after the planning application had been submitted. Any balcony structure added should be in-keeping with the open 'bar' design used either side of the property.

Comments on Representations received:

Noted. It is agreed that the proposal is not a 'Juliette' balcony and this term has been removed from the description. Complaints regarding fumes from the existing flue at the property are not related planning and should be addressed to the Council's Environmental Health Department. Matters regarding the impact of the proposal upon the amenities of neighbouring residents as well as upon the character and appearance of the surrounding area are fully assessed in the conclusions of this report.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

	PPS1	Delivering Sustainable Development

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is not considered to conflict with relevant Development Plan policies in that it would have an adverse impact upon the amenities of neighbouring residents by way of a loss of privacy caused by the views the balcony would offer.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposed balcony will be situated to the rear of the dwelling but will be visible from Park Road to the east due to it being at first floor level. It is noted that the majority of properties that comprise Seafield Terrace have either full balconies or 'Juliette' balconies to the rear, as do a large amount of other neighbouring properties, and it is considered that the proposed balcony would be in-keeping with this established visual characteristic. Further, the use of toughened glass and galvanised steel in the construction of the balcony would produce a similar appearance to those at 1a and 1 Seafield Terrace.

It is noted that a previous application for a balcony, that would have projected 2 metres from the rear of the dwelling, was refused by permission by both the Council and the Planning Inspectorate. The current proposal has reduced the depth of the balcony from 2 metres to 1 metre. The Planning Inspector remarked that the previous scheme was too extensive and would be harmful to the privacy of neighbouring residents. Further, side screens could not have been erected to help prevent intrusive views as these would have provided an obstacle to natural light reaching rooms in neighbouring dwellings. It is noted that both neighbouring dwellings have their lounges at first floor level.

In its current form, it is considered that the proposed balcony would still allow for a harmful level of overlooking towards neighbouring properties due to the proximity of the proposal to neighbouring properties. Owing to the small size of the gardens of neighbouring properties it is considered that these views would be intrusive.

Although it is sometimes possible to approve such development with a condition to ensure balcony screening is installed, it is not considered practicable for this application as any boundary screening would be alongside primary windows of neighbouring properties and would result in an unacceptable overshadowing element.

It is therefore recommended that the application is refused for the following reasons.

RECOMMENDATION

REFUSE

1 The proposed balcony would result in unacceptable overlooking of neighbouring properties resulting in a loss of privacy and would thereby constitute an unneighbourly form of development. Furthermore the addition of screening to overcome this harm would result in the overshadowing of primary windows at neighbouring properties detrimental to their amenity. This conflicts with policies DEV19 and GEN7 of the Arun District Local Plan.