



PLANNING POLICY, DESIGN AND ACCESS STATEMENT

FOR EXTENSION AND ALTERATIONS TO FORM A REAR FACING BALCONY AND SLIDING DOORS (PART RETROSPECTIVE)

AT

NO. 1 ELMER COURT ELMER MIDDLETON-ON-SEA PO22 6JT

Reference: ADC/011/25

December 2025



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1.0 INTRODUCTION

- 1.1 We have been instructed by Mr and Mrs Baritsch to prepare and submit the enclosed planning application for the extension and alterations of the property known as 1 Elmer Court, Elmer, Middleton-on-Sea PO22 6JT to provide a rear balcony.
- 1.2 The application is also submitted pursuant to the refusal of the previous planning application at this site (application No. M/100/24/HH) for the *Single storey rear pergola and first floor rear balcony with sliding doors. (Part retrospective)* and subsequent dismissal at appeal for the proposal (Planning Inspectorate reference APP/C3810/D/25/3362664).
- 1.3 The above application, which was made by the applicants without the benefit of professional support, was validated on 04 December 2024 and subsequently refused planning permission under delegated powers 29 January 2025 for the following reason.
- 1 *The proposal by reason of its scale and design is not well integrated with the host dwelling and would be harmful to the visual appearance and character of the dwelling. The proposed balcony screening would result in a scheme detrimental to the character and appearance of the host dwelling. In the absence of accurate site plans which clearly show the impact of the existing rear pergola and proposed first floor rear balcony on the neighbouring dwellings, it has not been demonstrated that the development would not result in demonstrable harm by reason of overbearing or overlooking to neighbouring properties. Therefore, the development is contrary to Arun Local Plan policies D DM1 and D DM4, the Arun Design Guide and the NPPF (2024).*
- 1.4 A copy of the decision notice and officer's report are attached at **Appendix 1**.



- 1.5 In assessing the appeal proposal, the appointed Inspector upheld the Council's reason for refusal.
- 1.6 A copy of the appeal decision is attached at **Appendix 2**.
- 1.7 Thus, and as set out within the appeal decision, the aspects pertaining to this application that need to be considered are:
- the effect of the proposal upon the character and appearance of the host property; and
 - the effect of the proposal upon the living conditions of neighbouring occupiers.
- 1.8 Although the above points are, to a degree, interwoven, this statement will look to dissect the various matters in order to set out the rationale for the proposed development and how the concerns of the Council and the appointed Inspector have been fully addressed.
- 1.9 The proposed development is part retrospective and will make alterations to the existing structure at the site.



2.0 ENVIRONMENTAL IMPACT ASSESSMENT STATEMENT

- 2.1 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 No. 571) Part 2 4(3), the development scheme has been 'self-screened' to ascertain whether the proposed development comprises a project subject to EIA Regulations 2017.
- 2.2 The proposal does not comprise development within Schedule 1 of the EIA Regulations 2017. Whilst the development could be considered to comprise of development contained within Schedule 2 Column 1 10B development contained namely Infrastructure Projects and "Urban Development Projects", including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas, it does not meet the applicable thresholds and criteria within Column 2 of Schedule 2 as amended within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 No. 571):
- (i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or*
 - (ii) The development includes more than 150 dwellings; or*
 - (iii) The overall area of the development exceeds 5 hectares.*
- 2.3 The proposal would represent a modest development, involving the extension and alterations to provide a rear balcony on a site below 1 hectare and which would fall well within the above thresholds.



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- 2.4 The proposal is therefore considered not to result in a significant effect upon the environment and does not meet criteria contained within Schedule 3 of the EIA Regulations 2017 or result in a variation/amendment to a previous EIA development nor taken in conjunction with other development is it likely to have a significant environmental effect.
- 2.5 On this basis, the proposal would not represent EIA development in accordance with the Regulations 2017.



3.0 SITE AND THE SURROUNDING AREA

- 3.1 The application site lies on the southern side of Elmer Court, at the beginning of the cul-de-sac.
- 3.2 The application property comprises a detached, one-and-a-half-storey (that is to say with accommodation within the roofspace) dwelling, with front and rear 'box' dormers.
- 3.3 The property is of a tradition design and construction, with the front (northern) elevation being clad, the flank elevations being both clad and having exposed brickwork and the rear finished in white painted render. The property sits under a gable, slate tile roof.
- 3.4 The front of the site features an area of hardstanding, which provides parking whilst the rear 'garden', is mainly laid to lawn and its eastern and western boundaries, to the rear, are defined by tall, mature hedging, although closer to the house, the boundaries are delineated by the masonry means of enclosure of No. 4 The Hard (to the west) and No. 2 Elmer Court (to the east).
- 3.5 The site is fairly flat but rises quite significantly to Sea Way, to the south, and then falls away again and continues to do so until it reaches the high mean water mark.
- 3.6 The applicants own the land directly to rear of the application property, right-up to the high mean water mark to the south.



- 3.7 Attached to the rear of No. 1 Elmer Court is the timber structure (which formed the subject of application No. M/100/24/HH and Planning Inspectorate reference APP/C3810/D/25/3362664), and which is to be significantly altered by virtue of the application before you.
- 3.8 The surrounding area comprises, pre-dominantly, residential development, and whilst the area has a distinctive 'British seaside' feel and character, and all of the development is of a fairly 'low-rise' form and modest scale, but comprising one, one-and-a-half and two-storey development, and the materials, overall form and architectural details vary considerably. However, it is this variation of materials, form and architectural detailing which helps give the area its 'seaside' characteristic.
- 3.9 The Middleton-on-Sea Design Guidance and Codes Final Report (December 2023) identifies the application property as being located within Character Area 10 (CA10), the Elmer Sands Estate. The table at page 37 of the report discusses and identifies some of the prevailing features of CA10 and is reproduced below:

Feature	Description
Character	A coastal setting, with a tranquil, spacious and private character.
Land use	Residential, mostly private roads.
Connectivity	Very large plot sizes with detached homes and sweeping and curving wide suburban roads.
Layout and typology	Varied building lines with very deep front setbacks at times and some properties have larger front gardens than they do back gardens, which creates a luxurious feel to much of the development. Plots are exceptionally large at up to 40 metres width and 60 metres depth.



Boundary treatment	High hedges predominate as a boundary treatment in this area, although properties facing the sea tend to have front lawns only to enable panoramic sea views
Height and roofline	The buildings are mostly Arts and Crafts or Edwardian villas with some later contemporary infill. Heights rarely extend over two storeys, there are also some bungalows of one storey. Rooflines are very varied with some contemporary properties with flat roofs and older properties usually having pitched roofs and gables.
Public realm	The public realm is very residential as most of the roads are private and very quiet and secluded. The only informal space is to be found on the cliff top. Buildings do not tend to directly engage with the public realm and the villas tend to look and feel secluded as a result of high hedges and very large front setbacks.
Vernacular	Architectural style is distinct, with a coastal style fit into large plots. The beachfront properties are oriented towards the sea and have features to enhance the panoramic view, such as wide windows, balconies and low boundary treatments. Roof types vary, with the presence of gable, mansard, flat, jerkinhead and a few catslide roofs. There is some contemporary infill, which feature a mix of façade materials including white render and prefabrication.

3.10 The document, on page 65, goes on to state:

This area offers the most variety of architectural styles, however these are largely unified by the coastal setting and the incorporation of detailing into the façades of buildings within the area.

3.11 Another feature to a great many of the dwellings within the area, and especially those that face onto or back onto the sea are balconies.

3.12 Like the dwellings they 'serve', the balconies also vary significantly in regard to size (depth, width, height) materials, form and architectural detailing.



- 3.13 Photographs and imagery of the various array of just some of the numerous balconies that are to be found within Elmer Sand estate, and a number of which are very close to the application property, are attached at **Appendix 3**.
- 3.14 As will be discussed later within this statement, the Council, in granting planning permission for some of these balconies, is supportive of the wide range of differing balconies, again, in terms of size (depth, width, height) materials, form and architectural detailing.
- 3.15 The site lies within the built-up urban area and is not subject to any special conservation, heritage or ecological designations. The site is, however, within potentially high groundwater levels and National Flood Zone 2 and 3, as set out within the Environment Agency's mapping.



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4.0 PLANNING HISTORY

4.1 The planning history of the application site is set out below.

Application No. Appeal Ref.	Proposal	Decision and Date of Decision
M/100/24/HH APP/C3810/D/25/3362664	Single storey rear pergola and first floor rear balcony with sliding doors.	Refused 29 January 2025 Appeal dismissed 22 July 2025
M/62/00	Alterations and extension of existing dwelling	Approved 31 July 2000
M/19/56	Dwellinghouse	Approved 16 July 1956
M/32/54	Three houses (1-3 Elmer Court, Elmer Sands, Middleton)	Approved 08 December 1954



5.0 THE PROPOSAL, INCLUDING DESIGN AND ACCESS PRINCIPLES

USE: What buildings and spaces will be used for.

- 5.1 The development will be for the creation of a rear balcony. The balcony will be accessed via the upper floor of the host property by virtue of the pair sliding doors that have been inserted within the rear dormer.
- 5.2 Notwithstanding that the site is currently subject to an open enforcement matter (ENF/465/24), having perused the appeal decision, attached at **Appendix 2**, reviewed the relevant planning policies and policy guidance, and taken note and reviewed the planning history of other planning applications pertaining to other dwellings within the locality, it is our considered contention that the proposal before you represents a form of development which addresses the concerns of the Inspector that were outlined within the appeal decision notice (**Appendix 2**) and can be supported by the Council, as it is in full accordance with the relevant policies as set out within the Development Plan. Thus, the existing structure can be modified and be made to be compliant with Development Plan policies.
- 5.3 The appeal at this site was decided in July 2025 and whilst there has been no significant shift in regard to the Arun District Council Development Plan insofar as in assessing such a proposal from then until now, on 27 November 2025 a referendum was undertaken and the Middleton-on-Sea Development Plan 2024 to 2041 was duly made (adopted). Accordingly, due consideration is given to this policy document which now forms part of the overall Arun Development Plan.
- 5.4 Due regard and consideration have also been given to the advice set out within the Arun District Design Guide Update (2024)



supplementary planning document (SPD).

AMOUNT: How much would be built on the site.

- 5.5 The current proposal has a depth of 2.5 metres from the rear wall (or 2.3 metres from the furthest most projection of the eaves) and a width of 10.315 metres.
- 5.6 This provides an area of around 25.8 square metres (or 23.7 square metres if measured from the out edge of the eaves).
- 5.7 These dimensions represent a significant decrease in depth of the previous proposal at the site which had an area of 40.8 square metres (or 38.7 square metres if measured from the out edge of the eaves) and depth of 4.8 metres.
- 5.8 In percentage terms, this represents a reduction in area of 36.7% (or 38.8% if measured from the out edge of the eaves) and a reduction in depth of 52.1% (or 47.9% if measured from the out edge of the eaves).
- 5.9 The addition of the revised area over the existing dwelling, in our view, does not represent a disproportionate addition over to the host dwelling, and, as demonstrated above, has been significantly reduced in scale in order to address the concerns of the Council and the Inspector which led to the refusal of previous proposal at this site.
- 5.10 It is also submitted that the proposal, by reducing the depth of the structure by around 2.3 metres (when measured to the rear



wall), sees a significant reduction in the spread of development and would increase the openness and spaciousness of the plot and about the property, and would reinforce the subservient and demure nature of the proposed balcony.

LAYOUT: How the building and public and private spaces will be arranged on the site and the relationship between them and the buildings and spaces around the site.

- 5.11 There would be no change to the overall layout of the site, with the balcony structure located to the rear of the property.
- 5.12 Notwithstanding that the strip of land known as the 'Coastal Path' that is sat atop the 'Elmer Ramp', and which is traversed by members of the public, is not actually a public right of way, *per se*, as it is subject to reduced rights under specific legislation, and that the application property cannot be seen from Sea Way, a public footpath; the significant reduction in the depth of the proposed structure over that previously submitted, will mean that the rear application property will also remain 'legible' – i.e. the rear façade of the property will not be dominated by the balcony structure, which would have a depth (from the rear wall of the application dwelling) of 2.5 metres only.
- 5.13 This modest depth, coupled with the balcony structure being 'open-sided' and featuring 'lightweight' metal and glazed balustrades represents an unambiguous addition to the property and also ensures that the rear of the property is not eroded by the new development.
- 5.14 Keeping the depth of the structure to less than 3.3 metres (the recommended depth for rear extensions and balconies as set out within the Council's design SPD), having the flank and 'return' balustrades (with a width of 900mm) being obscure glazed (as



suggested by the Inspector within the appeal decision letter (**Appendix 2**) and having a height of 1.7 metres from finished floor level also addresses any concerns in regard to any potential visual impact of the proposal, and which would maintain the outlook from and daylight and sunlight to neighbouring properties, as well as ensuring there would be no overbearing impact upon neighbouring properties.

- 5.15 At this stage is it worth mentioning that the timber board fencing that is proposed by virtue of this application will be removed and reduced to 1.8 metres in height to the east and 2.225 metres in height to the west and become fencing.

SCALE: How big the buildings and spaces would be (their height, width and length).

- 5.16 From ground level to the top of the deck of the balcony would have a height of 2.5 metres and as stated above, the flank and return balustrades would have a height of 1.7 metres. The height of the metal railings located along the southern end of the balcony structure would have a height of 1.1 metres.
- 5.17 In terms of depth and width, as stated previously, these would 2.5 metres from the rear wall (or 2.3 metres from the furthest most projection of the eaves) and 10.315 metres respectively.
- 5.18 It is our submission that the proposal will represent a light-weight, attractive and in-keeping design within the setting of the plot, being a modest, proportionate and subservient addition to the house that will respect the scale and form of the application plot and be able to be satisfactorily accommodated as a balcony structure to the house.



APPEARANCE: What the building and spaces will look like, for example, building materials, architectural details.

- 5.19 We have set out above, and as demonstrated by **Appendix 3**, the balconies within the area vary considerably in terms of materials, 'size', appearance and so on. As such, it is not possible to 'mimic' one prevailing style of balcony within the locality as there is none.
- 5.20 Accordingly, the applicants have taken their design cues from the comments that the Inspector made within the appeal decision (**Appendix 2**).
- 5.21 Thus, the design adopts a lightweight appearance with glazed balustrades to the flank and on the 'returns' and slim, metal balustrades to the rear and which front onto the coastline.
- 5.22 In referencing the photographs attached at **Appendix 3**, and as will be seen by the appointed case officer who will, we are sure, take a considered view of the balconies within the area when undertaking his / her site visit.
- 5.23 The considerable reduction in depth of 2.3 metres (when measured from the outer wall of the dwelling) and the considerable reduction in height of the timber fencing to the west from 2.8 metres to 1.8 metres and on the east from 2.8 metres to 2.225 metres. Here it should be noted that the height of the proposed timber fencing is the same as the corresponding masonry means of enclosure located at No. 4 The Hard (2.225 metres) and No. 2 Elmer Court (1.8 metres).

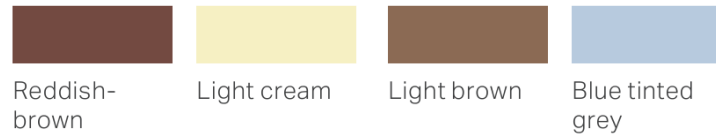


- 5.24 As such, in design terms, the current proposal is completely different from the 2024 scheme. It uses a lightweight design which visually supports the intention for the balcony to remain subordinate.
- 5.25 The overall form and appearance of the proposal have been carefully designed to be in-keeping with the scale and proportions of the host dwelling, and reflective of its seafront setting and not to shield the important features of the application dwelling's rear façade.
- 5.26 It is submitted that the lightweight, subservient, attractive yet functional design would have a positive impact upon the character and appearance of the application site as a whole, underpinning its characteristic as a 'seafront' property and the surrounding area in general.
- 5.27 The applicants will also use good quality building materials and competent, experienced craftsmen (and local to the area if at all possible) to ensure the highest quality of finishes. The submitted plans indicate that fully matching traditional materials would be used and reflect the vernacular of the host property.
- 5.28 The balcony structure is proposed to be finished in 'naked' timber and will become more silver than brown over time. However, if it is the Council's preference for the structure to be painted, probably white / ivory coloured to match the host property, the applicants would be willing to comply with such a condition.
- 5.29 In either case, be it naked timber or white / ivory coloured paint, both would be acceptable as they correspond with the colour



palette as demonstrated by figure 111 of the Middleton-on-Sea Design Guidance and Codes document. Please see below:

Colour palette



LANDSCAPING: How open spaces will be treated to enhance and protect the character of a place.

- 5.30 No trees or other natural features of significant amenity value would be affected by the proposal.
- 5.31 Whilst no specific landscaping proposal is submitted as part of this submission, the applicants are committed to continue to create an attractive, landscaped area within the site and which would improve the ecological biodiversity of the property. The applicants would also be willing to comply with a reasonably worded landscaping condition if required.

ACCESS: vehicular and inclusive.

- 5.32 The proposal would not alter the existing vehicular access or surface parking arrangements.



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- 5.33 In terms of inclusive access, although the proposal relates to an established private dwelling and internal stairs are required to access the upper floor of the dwelling, balcony would have direct access, with only a shallow step, from the upper floor of the existing house, and accessible for those with disabilities and / or mobility issues.
- 5.34 The proposal would also be built in accordance with the relevant requirements of Part M of the Building Regulations.

6.0 PLANNING POLICY AND GUIDANCE

6.1 As stated above, since the previous proposal at this site was assessed, on 27 November 2025 a referendum was undertaken and the Middleton-on-Sea Development Plan 2024 to 2041 was duly made (adopted). Accordingly, due consideration is given to this policy document which now forms part of the overall Arun Development Plan.

6.2 Thus, for the benefit of the application before you, the Development Plan comprises Adoption Arun Local Plan 2011-2031 (July 2018), Middleton-on-Sea Development Plan 2024 to 2041 (December 2025) and the National Planning Policy Framework (NPPF) (December 2024).

6.3 The relevant chapters within the NPPF are considered to be:

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 15 – Conserving and enhancing the natural environment

6.4 Other planning documents that are also relevant in the consideration of the current planning application are:



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- Middleton-on-Sea Design Guidance and Codes Final Report (December 2023)
- Arun District Design Guide Supplementary Planning Document (January 2021, updated 2024)
- National Planning Practice Guidance 2014 (as amended)

6.5 The Arun Local Plan policies that are considered to be relevant to the application proposal are set out below.

Local Plan Part 1(LPP1):

SD SP2: Built-up Area Boundary

SD SP1: Sustainable Development

LAN DM1: Protection of Landscape Character

D SP1: Design

D DM1: Aspects of Form and Design Quality

D DM4: Extensions and Alterations to Existing Buildings (residential and non-residential)

ENV SP1: Natural Environment

ENV DM5: Development and Biodiversity

W DM2: Flood Risk

QE SP1: Quality of the environment

6.6 The relevant policies contained within the Development [Neighbourhood] Plan are:



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MOS1: Sustainable Development

MOS2: Flooding and Drainage

MOS6: Reflecting Local Character through High Quality Design

MOS7: Encouraging Sustainable Design in a Changing Climate

MOS10: Green and Blue Infrastructure and Delivering Biodiversity Net Gain

6.7 In regard to the salient matters regarding the current proposal, these are now discussed below.



7.0 POLICY ASSESSMENT AND PLANNING MERITS

- 7.1 Although all of the policies set out within section 6 of this statement are, of course, relevant to the proposed development, given that the application is submitted pursuant to the refusal application No. M/100/24/HH and the subsequent dismissal of appeal APP/C3810/D/25/3362664, and that it was only the matters of the effect of the proposal upon the character and appearance of the host property and the effect of the proposal upon the living conditions of neighbouring occupiers, it was only policies D DM1 and D DM4 of the Local Plan that were found to be offended.
- 7.2 Thus, both of these policies are set out in full below and will be discussed in due course. However, with the Middleton-on-Sea Development Plan being made (adopted), and with some 'overlap' in policy requirements between policy between D DM1 and D DM4 policy MOS6 of the Development Plan, policy MOS6 is also set out in full below.

When considering any application for development the Council will have regard to the following aspects:

1. *Character Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.*
2. *Appearance/attractiveness Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area.*



3. *Impact Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.*
4. *Innovation Raise standards of design by embracing appropriate innovative design, new technologies and construction techniques, where a development proposal has the potential to do so.*
5. *Adaptability Acknowledge diversity and difference. Buildings and places should be flexible to future adaptation, including the changing needs of occupants (for example ageing users, family circumstances), changes in wider work and social trends, and be able to accommodate potential differing uses of public space.*
6. *Crime prevention Provide security measures that make places feel safer. This shall be achieved through natural surveillance and human presence by locating buildings and play areas along public routes and spaces, and making a clear division between private and public land to foster a mutual protection through territorial belonging. With respect to crime prevention, regard shall be had in particular to the document 'Secured by Design' and the 'Safer Places - The Planning System and Crime Prevention'.*
7. *Trees and woodland All new development will be expected to incorporate existing and new tree planting as an integral part of development proposals.*
8. *Solar gain Within the constraints of the site and local context development proposals should, maximise sunlight and passive solar energy. Ideally development should be positioned (within a 15-20 degree margin) broadly south, with streets having an east-west pattern.*
9. *Public realm Provide or enhance layouts, streets and public spaces so that they are attractive, socially inclusive, safe and secure, adaptable, with appropriate provision for planting, street*



furniture, and facilities for bicycle storage to create a place with attractive and successful outdoor areas.

10. *Layout - movement Utilise existing networks or improve access via delivery of a variety of integrated networks, to and from residential areas, commercial zones, open spaces, facilities and public transport. Development schemes should carefully consider walking and cycling as an integral part of the overall design concept.*
11. *Layout - legibility Deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/or a variety of detail within the public realm (sculpture, planting, street furniture, building materials, building detail, signage).*
12. *Public art Public Art should be incorporated into schemes where there is capacity to do so. Public art can encompass a wide variety of elements to include art as part of the design of buildings and developments, landscape and planting, street furniture, signage and lighting in the public realm which is accessible to all. This can also result in physical, permanent artworks and sculptures.*
13. *Density The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity.*
14. *Scale The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement.*



15. *Aspects of form and design quality Development should also comply with the Arun District Council Design Guide.*

Policy D DM1

When considering applications for extensions and alterations to existing buildings, the Council will require that:

- a. the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;*
- b. the extension or alteration is visually subservient to the main building and provide a high standard of amenity;*
- c. the extension or alteration does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;*
- d. in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and;*
- e. the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition. Developments shall also be consistent with all other Local Plan Policies.*

Policy D DM4

- A. As appropriate to their scale, nature and location, development proposals should have a landscape-led approach and demonstrate a high-quality design which:*
- responds and integrates well with its surroundings;*



- *meets the changing needs of residents;*
 - *avoids or minimises any adverse impacts on the natural environment and coastal setting.*
- B. Proposals should reflect the architecture found locally, using materials that are in keeping with those used in existing buildings in the immediate locality. Innovation in design will be supported where this demonstrably enhances the built form and the way it functions.*
- C. As appropriate to their scale, nature and location, development proposals should demonstrate how they have sought to address the following matters:*
- i the guidance contained in the Middleton-on-Sea Design Guidance and Codes, the Arun Design Guide and the West Sussex Landscape Assessment; and*
 - ii make a positive contribution to the visual appearance of the main highway approach into the settlement (B2132). Improvements and enhancements should include, where appropriate, additional tree planting, the enhancement of roadside green spaces (for instance through planting and street trees), the reduction/consolidation of road signs and other street furniture and wider green infrastructure improvements that are identified as being necessary; and*
 - iii Incorporate soft landscaping, including large canopy trees with sufficient root protection areas to ensure growth to maturity, and other boundary treatments to provide active frontages; and*
 - iv promote the use of sustainable transport and active travel through adopting a Healthy Streets Approach to street design; and*
 - v be in accordance with the adopted ADC Parking Standards SPD; and*



vi ensure there is no unacceptable loss of amenity for neighbouring areas through the loss of privacy, loss of light or visual intrusion; and vii ensure traffic generation and parking does not adversely affect vehicular and pedestrian safety.

D. Where development sites abut open countryside, development on the rural boundary edge should mitigate any detrimental visual impacts on the countryside. This should be achieved through:

- i. the siting of lower density development at the rural boundary of the site in order to provide a gradual transition from the built form to open countryside; and*
- ii. the inclusion of meaningful and characteristic landscape buffers to help ensure an appropriate transition from built development to open countryside; and*
- iii. the delivery of a layout that minimises the visual impact of larger buildings on both the open countryside and existing settlement.*

Policy MOS6

7.3 The contentious matters which led to the refusal application No. M/100/24/HH and the subsequent dismissal of appeal APP/C3810/D/25/3362664 are discussed below.

Effect of the proposal upon the character and appearance of the host property

7.4 In assessing the previous proposal, the Inspector (see **Appendix 2**) acknowledged a variety of balcony designs, including full width balconies at a single storey height, and the differing materials used.



7.5 The Inspector also made the comment these were either lightweight metal structures with slender posts or positioned atop of rear extensions, appearing more integrated and visually sensitive. In contrast, he found the previous due to the extensive use of timber, to appear as bulky and dominant.

7.6 The Inspector also found that the description of the previous description of the structure as a pergola, did *...not reflect the typical open-roof form associated with such features.*

7.7 Instead, the Inspector found that the solid and enclosed appearance of the previous proposal contributed to a greater sense of mass and bulk, which is visually at odds with the character of the property and at paragraph 8 of the appeal decision said that:

The combined massing and materials of the balcony and pergola result in an incongruous addition that overwhelms the rear elevation of the host property. While balconies are a recognised feature of the area, the appeal development lacks the design subtlety seen in other nearby examples and fails to respect the character of the host property.

7.8 At paragraph 10, the Inspector said:

I therefore conclude that the development causes harm to the character and appearance of the host property, contrary to Policies D DM1 and D DM4 of the Arun Local Plan (2018) and the design objectives of Section 12 of the National Planning Policy Framework.

7.9 Accordingly, and as set out above, significant alterations have been made to the current proposal.



- 7.10 We have set out that the proposal has a depth of 2.5 metres from the rear wall (or 2.3 metres from the furthest most projection of the eaves) and a width of 10.315 metres, and provides an area 25.8 square metres (or 23.7 square metres if measured from the out edge of the eaves).
- 7.11 These dimensions represent a significant decrease in depth of the previous proposal at the site which had an area of 40.8 square metres (or 38.7 square metres if measured from the out edge of the eaves) and depth of 4.8 metres.
- 7.12 In percentage terms, this represents a reduction in area of 36.7% (or 38.8% if measured from the out edge of the eaves) and a reduction in depth of 52.1% (or 47.9% if measured from the out edge of the eaves). The below image from Google Earth Pro highlights the approximate extent of the proposed balcony (in yellow) and the extent of the reduction of the structure which formed the previous application (in red).



- 7.13 As well as this significant reduction in depth, the timber planking that formed the flank elevations of the of the structure have been removed. Whilst some timber boarding will form fencing at the application, the heights of this fencing will be 1.8 metres on the eastern boundary and 2.225 metres on the western boundary.
- 7.14 As stated previously, the height of the fencing is the same as the corresponding masonry means of enclosure of No. 4 The Hard (2.225 metres) and No. 2 Elmer Court (1.8 metres).
- 7.15 The timber balustrading that formed the previous proposal has been replaced with 'lightweight' obscure glazing and slimline, metal railings.



- 7.16 In making these significant alterations over the previously proposed development, the mass, scale and bulk of the proposal have been substantially reduced, and the sense of enclosure that that the Inspector spoke of has now been eliminated.
- 7.17 The reduction in depth of the structure also means that as one looks directly at the rear of the application, the number of timber posts that would be seen have been reduced from six to four (and from eight to four overall) and, thus the rear will appear less cluttered and enclosed than the previous proposal.
- 7.18 The reduction in timber posts, coupled with replacing the timber balustrades with lightweight obscure glazing and slimline, metal railings now gives the proposal the 'subtle' appearance that the Inspector spoke of and results in a far more in-keeping and elegant design than was previously proposed.
- 7.19 Also as discussed earlier, whilst we consider the bare timber of the structure to be completely in-keeping and complementary to the character, appearance and setting of the host property and 'wider area', should the Council consider a painted finish to match that of the host property to be preferable, the applicants would be willing to comply with such a requirement.
- 7.20 The proposal, thus, does not obscure the rear façade of the application property and fully addresses the concerns that were raised by the Inspector in regard to the previous proposal.
- 7.21 In regard to the insertion of the sliding doors, the Inspector, at paragraph 9 of the appeal decision said:



Although the sliding doors on the first floor of the host property alone raise no design concerns, they are functionally linked to the balcony. Given the harm identified, a split decision would not be appropriate, as retaining the doors without the balcony would result in an unsafe arrangement.

- 7.22 Now that the sweeping changes have been made and that the proposal incorporates suitable balustrading, the doors can be fully incorporated as an appropriate feature as part of this meritorious proposal.

Effect of the proposal upon the living conditions of neighbouring occupiers

- 7.23 Within the appeal decision, the Inspector said:

11. *I viewed the relationship between the appeal site and neighbouring properties, including No. 4 The Hard and No. 2 Elmer Close, from various vantage points during my site visit, including the appeal garden, the installed balcony and pergola, and from the boundary with the beach to the rear.*
12. *It was evident that the timber privacy screen installed at ground floor level extends above the existing boundary wall and rises beyond the height of a standard 1.8 metre close board fence. This creates a tall and visually solid structure that dominates No. 2 Elmer Close. The height and bulk of the screen result in a pronounced sense of enclosure, which I consider to be harmful and overbearing to the garden and rear-facing rooms of that property*
13. *As the pergola does not reflect the typical open-roof design and sides as expected of such structures, its solid timber construction, lack of openness, and projection beyond the rear*



elevation of No. 2 Elmer Close results in an overbearing relationship with this neighbouring property. This causes an unacceptable impact on the living conditions of its occupiers.

- 14. No. 4 The Hard has an existing balcony and external staircase located close to the boundary with the appeal site. The boundary treatment at No. 4 extends above the level of the ground floor screening currently in place on the appeal site. In this context, the presence of the ground floor screening does not materially alter the established relationship between the two properties.*
- 15. From the appeal balcony, I observed views into the garden of No. 2 Elmer Close and No. 4 The Hard. While this raises concerns regarding overlooking, I find that appropriate screening, such as obscure glazing could mitigate these impacts. Such measures could be secured by condition and would be less dominant and more in keeping with the setting than the current timber screen.*
- 16. I also noted an upper-floor window on the neighbouring property, No. 2 Elmer Close, which is obscure glazed. Given its treatment, I do not consider it to be adversely affected in terms of privacy.*
- 17. While the impact of overlooking from the balcony could be addressed through appropriate screening secured by condition, both the ground floor side screening to No. 2 Elmer Close and the pergola's scale and form would result in an unacceptable overbearing impact on neighbouring occupiers.*
- 18. Accordingly, I find that the development, in its current form, would not accord with Policy D DM4 of the Arun Local Plan (2018), which seeks to protect the living conditions of neighbouring residents.*



- 7.24 With the timber planking which had a detrimental impact being removed and reduced to 1.8 metres adjacent to the boundary of No. 2 Elmer Court (and 2.225 metres adjacent to No. 4 The Hard) to form fencing to the application property, the matter of the proposal having an overbearing impact has been fully addressed and overcome.
- 7.25 We would also reiterate that at 1.8 and 2.225 metres, the proposed timber fencing is the same height as the respective, corresponding masonry means of enclosure situated behind the proposed fencing at No. 2 Elmer Court and No. 4 The Hard.
- 7.26 On the matter of overlooking, the proposal includes 1.7 metre high, obscure balustrading on the flank elevations, and also includes 1.7 metre high 'return' balustrading at the rear elevations.
- 7.27 These returns have a width 900mm at the southeastern and southwestern corners of the balcony.
- 7.28 It is, therefore submitted that the concerns of the Inspector who dealt with the previous appeal decision have been fully addressed and overcome.
- 7.29 In regard to other salient planning matters, these are discussed below.

Flood Zone

- 7.30 The officer report says:



The site is located within Flood Zone 2 and 3. The proposed development would be elevated approx. 2.5m above the ground level and as such, it would not increase the risk of flooding.

The proposal is in accordance with policy W DM2 of the Arun Local Plan.

- 7.31 There has been no change in circumstances and no reduction in the floor level of the balcony between the current proposal and that of the previous development. As such, there would no increase in flood risk as that previously proposed.

Trees, biodiversity and nature conservation

- 7.32 There would be no trees or hedging removed or harmed by virtue of this application.
- 7.33 In regard to biodiversity and biodiversity net gain (BNG), we reiterate that the applicants are committed to improving the intrinsic wildlife value at the site, but as the proposal is a householder application, there is no requirement to provide a BNG by virtue of this application.

Community Infrastructure Levy (CIL)

- 7.34 The proposal would see an overall increase in floor area of less than 100 square metres. Accordingly, the proposal would not be CIL liable under the Council's adopted Community Infrastructure Levy (CIL) Schedule.

8.0 CONCLUSION

- 8.1 The application represents a modest, albeit full width, balcony to an established detached dwelling, located within the built-up urban area.
- 8.2 There is a general presumption against inappropriate development and where there is a requirement to achieve a high standard of sustainable design and construction, and which fully respects the attractive landscape character and appearance of the area. It is our submission that the application proposal is, indeed, a development of an appropriate design and represents 'sustainable' development, as set out within the NPPF.
- 8.3 The significantly reduced scale and totally fresh design ethos of the development over that which was refused by virtue of application No. M/100/24/HH and appeal APP/C3810/D/25/3362664, gives rise to a proposal which is subservient, attractive and of an in-keeping design, and would not appear intrusive or detract from the rear façade of the application site or the wider character, appearance and setting of the area.
- 8.4 The significant reduction in depth and removal of timber planking, coupled with the introduction of suitable balustrading has addressed the Inspector's concerns in relation to the impact upon neighbour amenity.



- 8.5 Thus, having regard to the siting and nature of the proposal together with its appropriate design, the proposal will not have any implications in respect of character, appearance and setting of the area, and the overall scale, design and external materials used are considered appropriate and acceptable for this location, in-keeping with that of the existing house and wider locality.
- 8.6 The proposed extension and alterations to the dwelling, known as No 1 Elmer Court, do not conflict with the NPPF and the relevant policies set out within the District's Local Development Plan.
- 8.7 The proposal would not result in harm to ecology or arboriculture, nor would it increase flood risk at the site.
- 8.8 Therefore, in overall terms, the proposal is considered to not only address the concerns of the Inspector who dealt with the appeal of the previous proposal, but, in fact, represent a high-quality and sustainable form of development.
- 8.9 The proposal is considered to be meritorious, and we would, therefore, welcome the support of the Council.

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