

2, Elmer Court,  
Elmer Sands,  
PO22 6JT

16 January 2026

For the attention of case officer Rhiannon Lloyd

The following is an objection to certain parts of the planning permission **M/98/25/HH** which follows enforcement case **ENF/328/24** following refusal and dismissed appeal of **M/100/24/HH**

Incorrect statements in the Planning Permission Application to be noted

- In the “Planning Statement”, 5.12, it says 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.” This is in fact the England Coast Path with a right of way as designated in the Marine and Coastal Access Act 2009. The development can be clearly seen from this public right of way.
- In the “Planning Statement” 5.5 it states the width is 10.315 meters which contradicts the 11.20m shown in the plans of the refused planning application M/100/24/HH. The proposed balcony structure width remains unmodified.
- In the Planning Statement 7.10, it contradicts the above and states the width is 10.1 meters having previously stated 10.315 meters and 11.20m in 20024 plans.
- In the Planning Statement 7.11 there is a false statement claiming a “significant reduction in width”. ***This is untrue. The proposed width is unmodified from the 2024 scheme refused by Arun Planning and The Inspector***
- In the Proposed Plans and Elevations between No.1 and No.2 Elmer Court, the measurement given from the edge of the balcony platform to the actual boundary line (which runs along the centre of the party boundary wall) is actually 250mm not 355mm as shown. The distance from the edge of the balcony platform to the edge of the boundary wall is just 180mm which actually answers the question asked by Arun in their letter of 24<sup>th</sup> December 2025, “*Site Plan - Please add the dimensions from the proposed balcony extension to each site boundary edge*”. These measurements **are actual** as they have been physically taken from the already built unlawful structure to the boundary line/party wall.

Introduction and reasons for objections

We do not object to the principle of constructing a balcony to the rear of 1, Elmer Court as many other properties in this area enjoy this amenity.

However, the modified plans from the “2024 scheme” refused by Arun and dismissed on Appeal by the Inspector appointed by The Secretary of State, are minor and do not address the reasons for refusal. In fact, the size of the proposed balcony area is unchanged and its structure continuing to be the entire width of the applicant’s property (boundary to boundary) completely overwhelms the rear of the property contrary to Arun policy D DM1.

Rather than entirely dominating the rear of the property, a more modest, centrally positioned balcony would be appropriate and could be supported.

While it is to be welcomed that the depth of the so called “Pergola” extension has been reduced to a more acceptable level of 2500mm from the previously refused application, the width of the balcony adjoining both neighbouring properties remains unacceptable due to overbearing, privacy (overlooking) and noise issues. This was one of several key reasons that Arun Council refused planning permission, and the Planning Inspector dismissed the appeal, so therefore the proposed width (boundary to boundary) being unchanged remains unacceptable and contrary to the decision of the Planning Inspector.

Under the Arun Local Plan Policies, the currently built and proposed width of the balcony fails in several areas as has previously been identified by Arun Planning and the Planning Inspector

Arun Policy D DM1, the width **fails** Item 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.

Arun Policy D DM4, the width **fails** item c. “the extension or alteration does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;”

Arun Policy D DM4, the width **fails** item 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.”

In this case the gaps between No.4 The Hard, 1, Elmer Court and 2, Elmer Court are indeed “relatively small”, and is very small at 98cm between No.1 and No.2 and as the balcony is at first floor level it fails the test, “*any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary*”. The balcony edge is currently just 25cm from the boundary line between 1 and 2 Elmer Court and 18cm from the edge of the boundary wall.

As a result, the remaining proximity to the boundaries continue to result in unacceptable overlooking, loss of privacy and noise disturbance as neighbouring gardens can be gazed down upon from any occupants of the proposed balcony from a very short distance regardless of privacy screens.

In addition the height, including the substantial metal and opaque glass side screens built on the balcony platform which itself will be on top of a solid wood fence will be 4.50 meters tall built right up to the boundary maintaining the overshadowing and overbearing aspect and sense of enclosure as identified by the Arun Planning officer in their refusal and also identified by the planning Inspector when dismissing the appeal.

It should be noted that the applicants objected to the planning permission for the balcony at No. 2 Elmer Court (M/62/17/HH) due to the proposed proximity to the boundary of 1.5m. As a

result, the plans were amended to 3 meters from the boundary to satisfy Arun Planning over overbearing, privacy and overlooking concerns to No.1 Elmer Court.

It appears that to attempt to mitigate and overcome this restriction, the applicant is proposing obscured glass privacy screens. The installation of these screens is not a substitute to reducing the width of the balcony to no closer than 1 meter from the boundaries. By their nature, balconies encourage prolonged outdoor use at height, increasing noise levels and disturbance, particularly during evenings and weekends, to the detriment of neighbouring residents. Lack of privacy and considerable overlooking will remain at an unacceptable level. Users of the balcony will be directly overhead of the side garden of No.2 Elmer Court eliminating the previous privacy this area enjoyed. Although these nuisances cannot be entirely eliminated, increasing the distance from the boundary is essential as the proposed 900mm “return” privacy panel to each side of the balcony is an entirely inadequate size to prevent close overlooking of neighbouring gardens

### Conclusion

While we would not object to a balcony with the proposed depth of 2.5m, we do object to the current width for reasons set out above which we note was also objected to by Arun Planning and the Inspector of state and the precedent set for our own balcony being positioned 3m away from the boundary. It is noted that the applicants installed access doors without permission at each edge of the proposed balcony meaning they may not be able to be used for access with a reduction in width of the balcony, however with respect, this cannot be considered when assessing this revised planning permission application.

The Planning Inspector concluded, “...I conclude that the development causes harm to the character and appearance of the host property, and results in an unacceptable overbearing impact on neighbouring occupiers, particularly No. 2 Elmer Close. **While some aspects of overlooking could be mitigated by condition, this does not outweigh the harm identified.** The appeal is therefore dismissed.”

We therefore call for either refusal on basis of unchanged size and width of the balcony, or revised plans be submitted with the balcony set back from the boundaries. We respectfully suggest that the decision of the Inspector appointed by the Secretary of State should stand and not overruled as the proposed modifications do not meet their concerns or reason for the appeal dismissal.

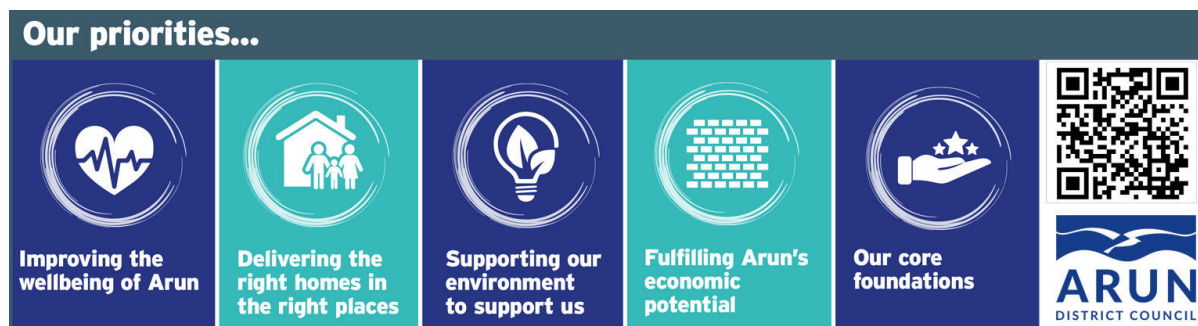
Mr and Mrs T J Wright

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PL- Rep

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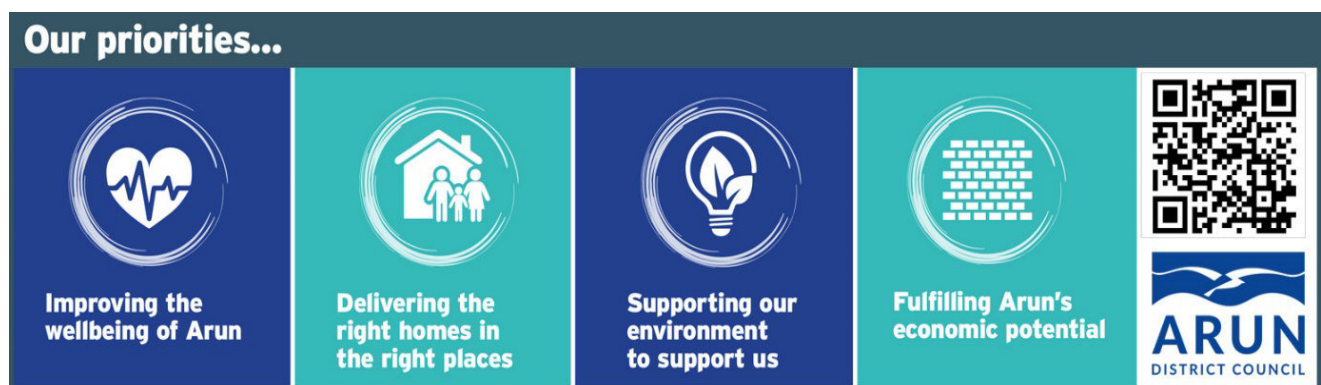
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Good afternoon,

Please find attached a letter of objection in respect of the above captioned retrospective planning application.

Kind regards

Timothy and Sophie Wright  
2, Elmer Court  
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