

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: M/98/25/HH

LOCATION: 1 Elmer Court
Elmer
Middleton-on-sea
PO22 6JT

PROPOSAL: Extension and alterations to form a rear facing balcony and sliding doors (part retrospective).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

M/100/24/HH	Single storey rear pergola and first floor rear balcony with sliding doors. (Part retrospective).	Refused 29-01-25 Appeal: Dismissed 22-07-25
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REPRESENTATIONS

Middleton Parish Council - Objection;

The proposed development represents overdevelopment of the site and if agreed will establish an undesirable precedent. The proposed development will impinge on the privacy of adjoining properties. The proposed development is un-neighbourly. The appearance and design of the balcony is out of keeping with the surrounding area and the construction materials are not in keeping with surrounding properties.

5 letters of objection received from nearby occupiers;

- Overbearing
- Noise disturbance
- Lack of privacy
- Out of keeping
- Balcony too wide
- Concerns regarding inaccurate plans
- Risk of combustible materials

Officer Comment.

Regarding inaccurate plans, clarification has been sought from the planning agent and matters resolved through clarification that the resultant minimal reduction in width is due to the removal of the timber uprights.

The Parish Council suggest that the materials are out of keeping with the area. However, timber is noted

to the rear of the site, along the continuous fence boundary that runs across many properties, as well as timber cladding to the front elevation of an adjacent neighbour.

Regarding combustible materials, this is a matter for Building Control and not a planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS - Objection.
No information has been provided on the proposed method of surface water management. While the development proposes a balcony, which is elevated above ground level, it will result in an increase in impermeable surfacing that will require a suitable drainage solution.

No discharge location is proposed. This is a requirement by Standard 1 of the Non-Statutory Technical Standards for SuDS (NSfS). As insufficient evidence has been submitted to demonstrate how the applicant intends to drain surface water, we are unable to assess whether the proposed development would increase flood risk. It is the responsibility of the applicant or their drainage designer to provide this evidence. For this reason, we object to the proposal, as the submission of such evidence may affect the scale and layout of the development.

POLICY CONTEXT

Flood Zone 3.
Within 200m of Mean High Water.
Lidsey LFRZ.
Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

BACKGROUND
An enforcement case was opened in August 2024 relating to the alleged unauthorised erection of a single storey structure, first floor balcony and sliding doors at the application site. A part retrospective

application (M/100/24/HH) was subsequently submitted for a single storey rear pergola and a first floor rear balcony with sliding doors. The Council refused planning permission on the 29 January 2025, and the applicant appealed this decision (appeal reference APP/C3810/D/25/3362664).

The Inspector dismissed the appeal. Key findings were that the balcony and pergola, constructed predominantly from heavy timber, appeared bulky, dominant and visually incongruous, causing harm to the character and appearance of the host dwelling. The pergola's solid form and the height and massing of the ground floor screening were found to create an overbearing impact on the neighbouring property at No. 2 Elmer Close. Although any overlooking could have been mitigated through alternative screening, this did not overcome the identified harm. The Inspector therefore upheld the Council's decision and the appeal was dismissed.

Following this, the current amended application has been revised to address the concerns identified in the previously refused scheme and the subsequent dismissed appeal. The depth of the pergola structure has been significantly reduced, and the bulky timber elements previously found to be visually dominant have been removed or scaled back. The proposed balcony now incorporates a lighter metal and glass balustrade, with fixed obscurely glazed side screens to mitigate overlooking, replacing the solid timber panels that the Inspector identified as harmful. These amendments result in a more proportionate and visually integrated addition, comparable to balcony arrangements on neighbouring properties and reflective of the established coastal character.

DESIGN AND VISUAL AMENITY

The site contains a detached chalet bungalow along Elmer Court with the rear backing onto the public beach. This application seeks part retrospective planning permission for the construction of an extension, alterations and the installation of a rear balcony including sliding doors. The works would not be visible from the street scene, however views of the site are available from the public beach to the rear.

The proposed balcony would measure 10.3m in width and 3.4m in depth. Fixed obscurely glazed side screens would be constructed to the eastern and western sides of the balcony, measuring 1.7m high and would return 0.9m in the south east and south west corners. The balcony would be facilitated by the reduction in depth of the existing pergola style canopy extension to the rear, which would extend no further than the proposed balcony. The single storey structure would be constructed from timber, with a metal and glass balustrade surrounding the balcony. The use of glass balustrades would minimize the visual impact of the proposal, particularly compared to the previously refused timber side panels. Furthermore, it is noted that the proposed screening and balustrading would be similar to that surrounding the balconies of immediate neighbouring properties. While it is noted that the proposed balcony is wider than its adjacent neighbours, there are a number of similar examples along this stretch of coastline within Elmer. As identified by the Planning Inspector in dismissing the appeal (reference APP/C3810/D/25/3362664) following the previously refused scheme (M/100/24/HH), balconies form a prominent and established feature of this area, and the introduction of this balcony would not appear out of place within its surroundings.

Under the previously refused scheme and associated dismissed appeal (reference APP/C3810/D/25/3362664), the pergola structure was found to have excessive bulk with an excessive use of timber including timber upstands, screening and enclosure. Under the current scheme, the depth of the pergola would be reduced to 2.4m compared to 4.7m at its deepest point previously. This represents a marked improvement in its massing and relationship to the host dwelling and a reduction in its overall dominance.

In streets characterised by relatively small gaps at first-floor level between buildings, any extension or alteration at first floor level should not come within a minimum of 1m of the side boundary. In order to ensure that incremental additions do not decrease the visual separation that characterises these areas.

The purpose of this requirement is to prevent the creation of a "terracing effect," which can occur when first-floor extensions are built too close to the boundary and neighbouring dwellings begin to appear visually conjoined. Maintaining a clear gap between buildings helps protect the rhythm and spaciousness of the street scene, ensuring that detached and semi-detached properties continue to read as distinct and separate forms. In this case, the proposal would not give rise to a terracing effect. The proposal would not extend beyond the existing eastern flank elevation of the host dwelling and would not project further than the rear elevation of the neighbour to the east. It is noted that the proposed structure would extend approximately 1.1m beyond the existing rear elevation of the neighbour to the west, and the structure would extend 0.2m beyond the existing western flank elevation of the host dwelling, closer to this neighbour, however, given the encroachment to the western side boundary would not be significantly different to the existing situation, and that the proposal would not result in a terracing effect, the reduction of 0.2m in spacing to the western side boundary would not result in significant harm to visual amenity. It is also noted that, in dismissing the previous appeal at the application site (reference APP/C3810/D/25/3362664), the Planning Inspector did not find reason that the previously refused application would materially alter the established relationship between the application site and the west neighbour, No. 4 The Hard. As such, the established pattern of spacing between dwellings would be maintained, and the character and appearance of the street scene would remain unaffected.

The sliding doors to the first-floor rear elevation have been installed. However, their installation is acceptable as they replace large windows and do not materially alter the character of the dwelling. Furthermore, neighbouring properties have similar first floor fenestration to provide access to existing first floor level balconies.

The development would not give rise to undue harm to visual amenity or the character of the area in accordance with policies D DM1 and D DM4 of the Arun Local Plan and Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed single storey structure and balcony would be set in 0.2m from the western side boundary and would project 1.1m further in depth than the neighbour's balcony on that side. There is also an external staircase serving the neighbouring balcony, located close to the shared boundary with the application site which it would not extend beyond. To the east side, the proposal would be set in 0.3m and would extend directly in line with the existing rear wall of this neighbour, with the neighbouring balcony extending 2.4m further in depth. The proposed balcony would result in some increased overlooking and an increase in the perception of overlooking of the rear gardens of the property's neighbours to the east and west. To mitigate this, the eastern and western sides of the balcony and 0.9m across the rear elevation of the balcony from the corners, are proposed to be screened with obscurely glazed panels with a height of 1.7m, and a condition is attached to this planning permission to ensure the screening is installed prior to first use of the balcony and retained in perpetuity to prevent excessive and harmful overlooking of the rears of the neighbouring properties to the east and west. Therefore, the balcony does not unacceptably compromise the privacy of neighbouring dwellings.

Following the appeal of the previously refused scheme (reference APP/C3810/D/25/3362664), it is noted that the Inspector did not identify the width of the balcony as a reason for refusal. Instead, the Inspector indicated that any potential overlooking concerns could be adequately addressed through the use of obscurely glazed screening. As such, the applicant has addressed this potential for harm as part of the current application.

It is noted that the neighbouring property, No.2 Elmer Close, has a first-floor side window that directly faces the application site, however this window is obscurely glazed. Due to this treatment, it would not experience any adverse impact on privacy as a result of the proposal.

Under the previously refused scheme, the timber privacy screen at ground-floor level extended above the

existing boundary wall and exceeded the height of a standard 1.8m close-boarded fence. This created a tall, visually solid structure that dominated the outlook from No. 2 Elmer Close. Its height and bulk resulted in an undue sense of enclosure, which was considered harmful and overbearing to both the garden and rear-facing rooms of that property. Under the current proposal, the height of the timber sides has been reduced to align with the established boundary treatments; 2.2m to the west and 1.8m to the east. The combined reduction in depth of the single storey structure, to a depth of 2.5m, in addition to the reduction in height of the timber screening to the sides of the structure, at ground and first floor levels, would overcome the previously identified harm by way of overbearing impacts to the garden area and rear facing rooms of the neighbour to the east. As the screening would no longer exceed the prevailing boundary heights, it would not result in a harmful overbearing or overshadowing impacts on either neighbouring property.

The sliding doors have replaced windows in the same location with views not significantly different to those previously achieved. As such, the doors have not resulted in additional overlooking impacts.

The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4 in that the proposed obscure glazed sides of the balcony mitigate potential overlooking effects such that the proposal does not result in unacceptable adverse overshadowing, overlooking or overbearing effects on neighbouring properties.

FLOOD RISK

The application site lies within the Lidsey Local Flood Risk Zone and the Lidsey Wastewater Treatment Catchment Area, where careful management of surface water drainage is required to minimise flood risk in the surrounding area. The site is also within Flood Zone 3.

It is acknowledged that the Drainage Engineers have raised an objection to the proposal, noting that insufficient evidence has been submitted to demonstrate how the applicant intends to drain surface water. It is also recognised that ground conditions and infiltration potential within the Middleton area can be variable. The public sewer within the Lidsey Wastewater Treatment Catchment Area has a documented history of flooding, and any additional surface water entering this system has the potential to exacerbate flood risk.

Whilst the proposal includes a single storey structure and balcony, and there is an existing unlawful single storey structure in situ, the proposal would extend over an area which comprises hard standing. As such, the proposal would not increase impermeable surface area or generate additional surface water runoff when compared to the pre-existing situation.

On this basis, the development would not result in an increased risk of flooding on or off the site, having regard to the scale of the works and the absence of any increase in hard surfacing. As such, it would not be reasonable to refuse the application on drainage grounds. The proposal would be in accordance with Arun Local Plan policies W DM1, W DM2 and W DM3 as it would not result in an increase to flood risk.

CONDITIONS

It is acknowledged that the existing pergola structure to the rear of the host dwelling is unlawful, and has been in situ since 2024. The structure, as currently constructed, was assessed to result in harm by the Council in refusing the previous application (reference M/100/24/HH) and the Inspector in dismissing the associated appeal (reference APP/C3810/D/25/3362664). In light of this, and given the amount of time the unauthorised structure has been in situ, it is reasonable to attach a condition to require the works outlined within this planning application to be completed within six months of the date of the decision. This condition is reasonable and necessary to avoid the existing, unauthorised structure from remaining in situ for a further extensive period of time.

A further condition has been attached to this planning permission to ensure that the development is carried out in accordance with the approved plans, and a condition requiring the proposed screening to the sides and part of the rear of the balcony, to be erected prior to the first use of the balcony. This is to ensure that the balcony would not result in unacceptable overlooking to neighbouring properties and gardens.

SUMMARY

The development is in accordance with the relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be completed before the expiration of 6 months from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Proposed Site and Location Plan.

Proposed Plans and Elevations Rev A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

- 3 Prior to the first use of the balcony hereby permitted, fully obscured screening to a height of 1.7m shall be installed along the eastern and western sides of the balcony, and the south eastern and south western returns along the rear of the balcony. This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of the adjoining property in accordance with Arun Local Plan policies D DM1 and D DM4.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the NPPF.