



Our Ref: ADC/011/25

26 February 2026

Mr N Crowther - Group Head of Planning
C/O Ms R Lloyd
Arun Civic Centre
1 Maltravers Road
Littlehampton
BN17 5LF

Dear Rhiannon,

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 - APPLICATION NO. M/98/25/HH

I am sorry to give you more to read on top of your heavy caseload.

As you would have seen, although the applicant has taken all of the matters which lead to the previous proposal being refused and dismissed at appeal, and has, we contend, addressed all of these concerns, we felt it important to comment upon the third-party representations that have been made.

Whilst some of the comments appear to be similar, but with far less personal hostility toward the applicants, to those posted in regard to the previous application – M/100/24/HH – (and here we wonder if those objecting have properly considered the changes made in response to the Inspector's decision), and that the comments and format of the representations from Nos. 2 and 4 Elmer Court are strikingly similar, we discuss the salient planning matters below.

We also note that the comments from the Parish Council are also effectively a 'copy and paste' from the previous application (M/100/24/HH).

Notwithstanding this, and although we consider the application proposal meritorious and has addressed all of the concerns of the Council and the Inspector who determined the



previous appeal proposal, we have made comments upon the salient planning matters below.

Privacy

At paragraphs 15 and 16 of the appeal decision which related to application No. M/100/24/HH, the Inspector says:

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.

15.

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.

16.

The proposal has incorporated the Inspector's comments and has installed obscure glazing to the flank and, partially, to the rear of the proposed structure.

The height of the obscure glazing is 1.7 metres, which is a height recognised as being acceptable to prevent overlooking.

The positioning and amount of the glazing also ensures that as well as denying any direct views into the rear of neighbouring properties, indirect views are also prevented.

As such, this matter has been suitably addressed and it is our submission that there can be no objection in this regard.

Overbearingness

At paragraphs 12 – 14 of the appeal decision, the appointed Inspector said:

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.



12.

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.

13.

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.

14.

Inter alia, at paragraph 17 the Inspector said:

...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.

It also has to be born in mind that the previous proposal featured solid timber boarding to the flank of the proposal and timber screening at a height of 1.8 metres atop of the structure and, thus, an overall height of 4.3 metres, and extending to a depth of 4.8 metres.

Although discussed at some length within the applicant's submitted documentation, we reiterate that the depth of the balcony has been significantly reduced in depth – from 4.8 metres to 2.5 metres.

As such, this proposed depth is well within the guidelines set out within the Arun District Design Guide Update (2024) which sets out, at page 204, extensions to detached houses which project up to 3.3 metres are generally acceptable.

The overall height of the proposal has been reduced to 4.2 metres (1.7 metre high screening atop the 2.5 metre high structure), but here it the solid timber screening has been replaced with lightweight, obscure glazed balustrades and the timber planking which also extended to a height of 2.5 metres has been reduced to 1.8 metres in height to the east and 2.225 metres in height to the west and has become fencing.

Accordingly, it is our submission that the significant reduction in depth, the reduction in height of the timber planking and replacing the solid timber screening with light-weight, obscure glazing would not have any undue overbearing impact upon neighbouring



properties and the significant alterations made have fully address the concerns of the Council and Planning Inspector in relation to application No. M/100/24/HH.

Design

At paragraphs 6 to 8 of the appeal decision, the Inspector said:

From my site visit, I observed other full-width balconies at single-storey height in the area. However, these were either lightweight metal structures with slender posts or positioned atop of rear extensions, appearing more integrated and visually sensitive. In contrast, the appeal scheme, due to its extensive use of timber, appears bulky and dominant.

6.

The proposed pergola structure, although described as a pergola, does not reflect the typical open-roof form associated with such features. Instead, the roof of the pergola is fully timbered and closely resembles the balcony in both design and construction. Its solid and enclosed appearance contributes to a greater sense of mass and bulk, which is visually at odds with the character of the property.

7.

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.

8.

Third Party representations make reference to the proposal extending across the entire rear of the property. However, in carrying out an assessment of the area, the Inspector recognised that there were other full-width balconies at single-storey height in the area.

As such, rather than application proposal setting a 'precedent', full width balconies are already an established feature of the area.

In making his assessment, the Inspector makes clear that previous proposal dominated the rear of the application property and formed an incongruous feature. In making this assessment, the Inspector detailed the design issues which led him to his conclusion.

These matters are discussed in turn below.



Excessive use of timber

As discussed previously, the depth of the proposal has been reduced by around 2.3 metres and the timber screening has been replaced with light-weight, obscure glazed balustrading.

The timber planking that formed the sides of the previous proposal has been reduced to same corresponding height of the means of enclosure of the neighbouring properties of Nos. 2 and 4 Elmer Court.

Accordingly, the degree of timber as associated with the previous proposal has been very significant reduced.

Bulk and dominance

As set out within the applicant's submitted documentation, the depth of the proposal has been reduced by 2.3 metres, or to express 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).

Also please bear in mind that it is just not the depth of the decked area that has been reduced, but also what would have been the solid timber screening set atop the deck and that this 4.3 metre high, 4.8 metre-long, unrelieved expanse of solid timber, will be replaced with a decked area of 2.5 metres in depth and height, with the glazed balustrades set at 1.7 metres high atop of this.

This substantial reduction in scale and use of timber over the previous proposal means that the rear of the building is now far more visually permeable and the design features of the existing property are not screened or significantly diluted.

Thus, whilst the proposal remains at full width, the current proposal effectively replaces a 'timber box' on the rear of the property with a far more light-weight proposal, in-keeping with the property and other, similar proposals within the locality.

The subtle, lightweight appearance of the proposal, including the French windows within the rear dormers, means that the proposal is now properly integrated within the property

The changes between the current application and that of the previous proposal are profound and fully address the matters which resulted to the previous development not being able to be supported either by the Local Planning Authority or the Planning Inspectorate.



Noise and disturbance

With the previous proposal going to appeal and the Planning Inspectorate becoming the 'competent authority', the appointed Inspector assessed all relevant planning matters and considered that there was no issue in regard to the impact of noise and disturbance on neighbouring properties.

As such, there can be no undue in terms of noise and disturbance of neighbouring properties by virtue of the current application.

Form of development

The proposal is a single storey rear extension which also forms balcony. Thus, the proposal cannot be assessed against criteria for a first-floor extension.

Again, I am sorry to give you more to read on top of your heavy caseload, but we thought it best to provide a response to the comments of third parties and to allay the concerns they have.

At this point what is very important to hold at forefront of ones mind is that when considering the proposal against the assessment of the appointed Inspector, is that the Inspector considered the previous proposal in its entirety, not just the current, *in situ* structure, and I fear this is what third parties are losing sight of.

Whilst we repeat that we consider that the proposal fully addresses the concerns of the Inspector in regard to the previous proposal, and we trust that the application can be supported, should you consider that amendments may be required, please let us know and we would be happy to discuss these with you.

Yours sincerely

JESSE CHAPMAN