

Appeal Decision

Site visit made on 14 December 2016

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 December 2016

Appeal Ref: APP/L3815/D/16/3154772

5 Tamarisk Walk, East Wittering, Chichester PO20 8DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Barry Couchman against the decision of Chichester District Council.
 - The application Ref EWB/16/01638/DOM, dated 9 May 2016, was refused by notice dated 1 July 2016.
 - The development proposed is an amendment to planning application 16/00677/DOM - narrow balcony to rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a balustrade onto the roof at first floor at 5 Tamarisk Walk, East Wittering, Chichester PO20 8DQ in accordance with the terms of the application, Ref EWB/16/01638/DOM, dated 9 May 2016, subject to the following conditions:
 1. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 15075_020 Revision d & 15075_021 Revision d.
 3. Notwithstanding the approved plans before first use of the balcony hereby approved there shall be 1.7m high, from finished balcony floor level, obscure glazed privacy screens implemented to the east and west elevations. These screens shall be obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and retained and maintained in a fixed position and in accordance with the above in perpetuity.
 4. Beyond the defined balcony area shown on the approved plans the flat roof area of the ground floor extension shall not be used as a balcony, roof garden, terrace or similar amenity area.

Procedural Matters

2. The development has been partially completed; this does not alter my approach to determining the merits of the proposal.
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3. I use the description of development set out by the Appellant and adopted by the Council on the Decision Notice.

Main Issue

4. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

Living conditions

5. The appeal property is a two storey detached seaside home in a staggered row of varied mainly detached houses with south elevations and gardens facing a public footpath, amenity area and beach. The appeal proposal is as described above and seeks a balcony on this southern side at first floor level based on top of a flat roofed ground floor extension. It follows on from planning permissions (refs 15/01488/DOM & 16/00677/DOM) which have provided for substantial alterations and extensions to the original home and allowed Juliet balconies at first floor level towards the sea. The Appellant's wish is to 'upgrade' balcony provision from these to a full width balcony with a depth of about 0.9 metres and including side screens.
6. The Council and the neighbouring occupiers are concerned that the appeal scheme would impinge upon privacy and residential amenity with concern about direct views over adjacent gardens.
7. I noted that there exists locally some considerable degree of intervisibility from dwellings over parts of rear gardens due to extent, height and position of glazing and in some cases balconies and roof terraces. The public footpath also generally allows views into this row of garden areas albeit I did note that the homes in question here do have greater screening to this aspect than most others locally. The approved scheme at the appeal property would provide opportunities for a degree of over-looking and while one is constrained or blinkered to a degree by being indoors there would be no physical side screens with the permitted arrangement.
8. The outdoor space created by the balustrade on the proposed balcony is shallow and would not allow for any depth of gathering or degree of seating and it is hard to see how any table arrangement could be set up. I suspect that the space would be used for short periods but in any event, unless one leant out and looked backwards / downwards, the side screens would meet the task of maintaining a degree of privacy for the 'patio' parts of the gardens most closely tied to the neighbouring homes. In the circumstances, and given the tradition and evolution of seaside houses which is clearly evident along this stretch of coast, the development proposed would not appear out of place and would not give rise unacceptable loss of privacy; complete privacy within these garden areas is not a locally distinctive feature, quite the opposite.
9. Paragraph 17 of the National Planning Policy Framework and policy 33 of the Chichester Local Plan: Key policies 2014-2029 embody the objective of ensuring that new development does not have any undue adverse impact on residential amenity. I conclude that this scheme would not conflict with this.

Conditions

10. The Council suggests a condition relating to commencement of development; however the development is already partially completed and so this condition is not necessary. I would agree that work should however progress in matching materials and in accord with approved plans and shall apply conditions in the interests of visual amenity and to provide certainty. I would also agree that the matter of side screening should be set out explicitly as the Council suggests, in the interests of residential amenity.
11. The Appellant makes the point that the use of the restricted-sized, and side-screened, balcony within the appeal proposals would be less harmful to neighbours than wider use of the open flat roof as a balcony or terrace. It is argued that such use was not specifically prevented under permissions granted for extensions as there were no planning conditions to this effect. The proposal is clearly put forward as an alternative to the argued potential to use the whole roof and it would therefore be reasonable for me to apply a condition restricting outside use to the defined balcony area only, in the interests of residential amenity.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on living conditions for neighbours. The appeal is therefore allowed.

D Cramond

INSPECTOR