



Appeal Decision

Site visit made on 6th June 2025

by **Simon J Cater MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/C3810/D/25/3362664

1 Elmer Court, Elmer, Middleton-on-sea, West Sussex PO22 6JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Baritsch against the decision of Arun District Council.
 - The application Ref is M/100/24/HH.
 - The development is single storey rear pergola and first floor rear balcony with sliding doors.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed balcony and pergola have been partially completed, and the sliding doors are installed. These elements generally accord with the submitted plans. The development is therefore partly retrospective in nature.
3. The description of development set out above is taken from the Council's Decision Notice rather than the planning application form, as this provides a more accurate and complete description of the development proposed.

Main Issues

4. The main issues are:
 - the effect of the sliding doors, pergola and balcony on the character and appearance of the host property; and
 - the effect on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

5. The appeal site lies on the southern side of Elmer Court and comprises a detached dwelling with its rear elevation facing the beach. The development includes a full-width single-storey balcony and pergola constructed from oak beams and timber planks, with sliding doors installed to the property at the rear at first floor. While the balcony and pergola have been erected, the balcony timber screen and railings remain incomplete.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.

Living conditions to neighbouring occupiers

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.

Conclusion

19. For the reasons given above, 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.

Simon J Cater

INSPECTOR