



Appeal Decision

Site visit made on 15 January 2018

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 22nd January 2018

Appeal Ref: APP/T1410/W/17/3181137

Nos 1 & 3 Barbuda Quay, Eastbourne BN23 5SX

- 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 Glenda Melliush against the decision of Eastbourne Borough Council.
 - The application Ref PC/170332, dated 18 March 2017, was refused by notice dated 5 June 2017.
 - The development proposed is erection of a steel balcony at first floor level across both 1 and 3 Barbuda Quay.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed balcony on:
 - a) the character and appearance of the host property and the surrounding area;
 - b) the living conditions of occupants of adjoining properties in relation to overlooking and noise and disturbance.

Reasons

Character and appearance

3. The appeal site comprises two of the townhouses within a block of seven. The building of which the appeal properties are a part also includes flats at either end. The flats have balconies providing external amenity space. However, the townhouses do not; instead each dwelling has a Juliet balcony serving one of the first floor rooms. This arrangement provides the front elevation of the building as a whole with a strong sense of rhythm and uniformity, even though there is a mix of render and different coloured bricks.
4. The proposal seeks to introduce a balcony across Nos 1 and 3, which would project 3m from the front of the building. This would significantly disrupt the consistent appearance of the entire block. The proposed balconies are located close to the junction of Barbuda Quay with Santa Cruz Drive. They would therefore be highly visible to anyone entering the street due to their prominent position. In particular their projection above the areas used for parking would appear out of keeping with the terrace to the detriment of the original character of the properties and the wider street scene.

5. On my site visit I saw that other, similar balconies have been constructed within Barbuda Quay and Bermuda Place. However, their effects on the street scene are not so pronounced due to the different orientation of the buildings in relation to the street. These balconies are approached head on, rather than primarily from a side view; their projection from the front of the buildings therefore integrates more easily into the street scene. I understand that the balconies at Bermuda Place were part of the original design. The balconies at Nos 82-88 Barbuda Quay are adjacent to those within Bermuda Place, so do not appear incongruous in this context. Permission for them, which related to the whole building, sought to retain consistency and minimise disruption to the appearance of the entire terrace. Nevertheless, as not all of them have been constructed, there has been some loss of uniformity to the terrace. This illustrates the potential for harm with the current proposal.
6. I conclude that the proposal would harm the character and appearance of the host building and the wider street scene. It would therefore be contrary to Policy D10a of the Eastbourne Core Strategy and saved Policies UHT1 and UHT4 of the Eastbourne Borough Plan (Borough Plan), all of which seek high quality design that respects its context and positively contributes to the overall appearance of the area.

Living conditions

7. The proximity of the proposed balcony at No 3 to the front elevation of No 5 could adversely affect the occupants of this adjoining property. However, any potential overlooking could be mitigated by provision of a privacy screen, which could be secured by condition. Whilst there would be a small loss of outlook from the first floor window, I am not persuaded that this would be sufficiently harmful to the living conditions of the neighbours to justify withholding planning permission, if the scheme had been otherwise acceptable.
8. The use of the balcony would introduce some additional noise and disturbance into the area. However, the balconies would not be in constant use and there are already others in the locality which may be used at similar times. There are also likely to be comings and goings of people and vehicles at the front of the building and along the street. This combination of factors suggests that any additional noise and disturbance is unlikely to cause material harm to neighbours.
9. I conclude that the balconies would not harm the living conditions of the occupants of No 5, or other neighbouring dwellings. In this respect the scheme would comply with saved Policy HO20 of the Borough Plan which seeks to ensure that development does not unacceptably harm residential amenity.

Conclusions

10. I have found that the proposal would not give rise to material harm to the living conditions of the occupants of adjoining dwellings. However, I have concluded that the introduction of the balconies on the front of Nos 1 and 3 would harm the character and appearance of the area. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden
INSPECTOR