

APPLICATION NUMBER:	LW/19/0277		
APPLICANTS NAME(S):	Ms A Eldridge	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Planning application for retrospective application for the replacement of living room window with sliding french doors, Oak balcony erected to rear of property.		
SITE ADDRESS:	53 Hillcrest Road Newhaven East Sussex BN9 9EE		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site consists of a two storey detached dwelling house where the front of the property is at a higher ground level than the rear of the property. The area is predominantly large detached and semi-detached dwellings with large rear gardens facing east. A number of properties in the area have first floor balconies.

1.2 The applicant is seeking a partial retrospective planning permission for a balcony at first floor level and replacing the first floor windows with French doors at the rear of the property. The balcony would be 2.2m above ground level and would project 2.2m from the rear elevation and would be 4m in width.

1.3 As part of the application process the design of the balcony has been amended to include obscurely glazed glass screening to the northern elevation that would be 1.8m in height and for clear glazed balustrading around the remainder of the balcony being 1.1m in height.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – RES13 – All extensions

3. PLANNING HISTORY

LW/15/0005 - West bank improvement -

LW/18/0228 - Loft conversion, rear dormer extension and partial hip to gable extensions - **Approved**

P/60/0105 - Planning and Building Regulations application for erection of detached bungalow. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – The committee strongly recommended that this application be refused on the following grounds:

- Balcony has a severe negative impact on residential amenities of adjacent properties through overlooking, noise and smells.
- Taller screen suggested would adversely impact on adjacent residential amenities, and insufficient information provided on the current proposed screen. No objection would be made to Juliette balcony.

Council requested that this application be considered by District Council Planning Committee.

It is unlikely that the structure would comply with building regulations.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Objections have been received from 5 neighbours; these objections cover the following material planning considerations that can be taken into account-

- Loss of privacy/ overlooking
- No consideration to neighbours
- Overlooking and loss of privacy to 72 Fort Road, 82 Fort Road, 80 Fort Road, 78 Fort Road
- Loss of outlook
- Over bearing
- Noise impact

Support-

Support has been received from 3 neighbours covering the following points

- The hand crafted balcony is beautiful
- It is an improvement to the building

(Support comments have been received from the applicant and applicant's household which have not been referred to as neighbour consultation response but taken into account when reviewing the application).

6. PLANNING CONSIDERATIONS

6.1 The application is retrospective in that the structure has already been constructed. A number of other dwellings in the area have balconies some to the front but other to the rear elevation, with a mix of designs and styles. The design of the proposal would not be significantly detrimental to the street scene due to its location at the rear.

6.2 The properties along this part of Hillcrest Road are aligned on an East to West orientation and as such the sun would pass from the rear to the front of the property throughout the day. Due to the orientation and the distance between the neighbouring dwellings it is not considered that the balcony would result in a significant loss of light to primary windows serving habitable rooms, which would detrimentally impact on amenity of the occupiers. The installation of an obscure glazed screen on the northern side of the balcony would allow natural light to pass through also minimising the impact to neighbours in comparison to if a solid screen had been proposed.

6.3 The purpose of the obscure glazed screen is to protect the privacy of the adjacent occupier, located on the northern side of the application site. The neighbouring property at number 51 Hillcrest Road has a dual aspect kitchen located adjacent to the balcony and at the same level – one window faces east and overlooks the garden but a side window look due south, overlooking the application property and the rear patio area.

6.4 The balcony could afford mutual overlooking between the two properties. However the addition of a glazed screen to the northern side of the balcony would give privacy to both occupiers and would prevent overlooking and loss of privacy into 51 Hill Crest Road and the existing window on the side elevation of number 51 serves a kitchen. A condition should be imposed that the balcony should not be used or occupied until the obscured screen is in place to protect the amenity of the neighbours.

6.5 The balcony would not result in a significant detrimental impact by way of overlooking to the properties at the rear on the basis that the nearest property is over 37m from the edge of the balcony and this space has outbuildings, garages and hedging between. To the south is number 4 Geneva Road, as the balcony is set towards the northern side of the rear elevation, the outlook from the balcony over number 4 is obscured by the main building no 53 Hill crest and as such there is no direct overlooking to the property to the south. The balcony would create a degree of overlooking to gardens however this would not be deemed to be significant on the basis that there are existing windows with a similar outlook, the views are in-part obscured by hedging and boundary treatments.

6.6 The noise impact of the proposed balcony are not considered to be substantially more than what would occur from the use of the main dwelling house including with the windows open and the use of the ground floor garden terrace area.

6.7 Objections have been raised regarding the loss of views - the loss of views is not a material planning concern that can be taken into account when deciding a planning case. In addition the window at no 51 is a secondary window serving a kitchen which is not deemed a habitable room there would still remain an outlook on from the rear elevation window.

6.8 Concerns raised regarding the compliance with building control are not planning matters and would be considered under a separate building control application and process. Concerns have also been raised that this application would create a precedent - every application is considered on its merits and does not create a precedent for other cases.

6.9 Having due regard to all material consideration, it is considered that the proposed balcony would not result in demonstrable detrimental impact to the neighbouring properties by way of overlooking or loss of privacy to habitable rooms due to the distances between properties and provisions for screening.

7. RECOMMENDATION

7.1 It is considered that the proposed balcony is acceptable with the amendments and inclusion of the glazed screen and is recommended for approval subject to conditions.

The application is subject to the following conditions:

1. The balcony hereby approved shall not be brought into use until the obscure glazed screening and glazed balustrade is installed in accordance with approved plans and shall be retained as such unless prior approval is sought from the Local Planning authority.

Reason: to protect the amenity of neighbours having regard to Policy ST3 of the Lewes District Local Plan.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Photographs	8 April 2019	Front Window
Photographs	8 April 2019	Wicker Fence
Photographs	8 April 2019	Boundary
Design & Access Statement	8 April 2019	
Proposed Block Plan	8 April 2019	
Location Plan	8 April 2019	
Proposed Elevation(s)	31 May 2019	Proposed plans and elevations