



Appeal Decision

Site visit made on 15 May 2018

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: Monday, 04 June 2018

Appeal Ref: APP/T1410/W/17/3191171

90, 91, 92 & 93 Dominica Court, Eastbourne BN23 5TR

- 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 Paul Vine against the decision of Eastbourne Borough Council.
 - The application Ref PC/170970, dated 28 July 2017, was refused by notice dated 25 September 2017.
 - The development proposed is removal of Juliet screens and installation of balconies at first floor level to 90, 91, 92 and 93 Dominica Court.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address provided on the planning application form has been replaced by a fuller version in subsequent documents. I consider this to be usefully more accurate and have thus employed it here.

Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposed development on:
 - (a) The character and appearance of Dominica Court; and
 - (b) The living conditions of adjoining occupiers.

Reasons

Character and appearance

4. Dominica Court is a residential development that surrounds a central courtyard. Dominica Court by design has taller corner blocks with lower links between. There are three different design styles integrated within the elevations that face the courtyard. These include elements of render and brick. At ground floor the elevations host garages and entrance doors to which some change has taken place. Above, the elevations comprise windows and openings with Juliet screens. There is uniformity to the rhythm of the windows and Juliet screens. The pattern of openings and Juliet screens gives the elevations facing the courtyard, including that of the corner tower features, a cohesive unified appearance. This is a distinctive element of Dominica Court's character and appearance and formed a key part of its original design.

5. The proposal is to install a balcony to the front of four of the six first floor units at the eastern side of the courtyard. This would project forward of the building and would be supported by stilts. The balcony would disrupt the existing uniformity of the elevations and the rhythm of the openings and Juliet screens. Consequently, it would be a visually discordant feature that would harm the established character and appearance of the courtyard elevations of this development. The elevated balcony would be clearly visible in views from the courtyard and to residential occupiers of Dominica Court. The visual harm would, therefore, be apparent to all those residing and visiting Dominica Court and would not be justified by any changes that have taken place to the elevations at ground floor.
6. I accept that there are many differing design styles across the South Harbour developments and that other balconies in the wider area may be of similar size and design to that proposed here. I have been directed to other examples at Barbuda Quay and Bermuda Place where frontage balconies have been created. However, in those cases they did not involve balconies fronting onto a courtyard, which is the case here. The proposal can and should be considered on its own merits.
7. The balconies would create carports underneath. This would offer some protection to cars parked below in relation to seagull related problems. However, this benefit of the scheme would not overcome the harm that I have identified above or justify the proposed development.
8. For the above reasons, the proposed development would have a harmful effect upon the character and appearance of Dominica Court. The proposal would therefore conflict with Policy D10a of the Eastbourne Core Strategy Local Plan 2013 and Policy UHT1 of the Eastbourne Borough Plan 2007 that seek, amongst other matters, new development to make a positive contribution to the appearance of the townscape and to harmonise with the appearance and character of the local environment respecting local distinctiveness.

Living conditions of adjoining occupiers

9. The proposed balcony would create extended outdoor living space for the occupiers of 90, 91, 92 and 93 Dominica Court. The balcony at No 90 would be positioned in close proximity to the Juliet openings within the first floor of the north easterly tower. Although the end of the proposed balcony would be tapered, the close relationship of the balcony would enable those using it to observe the internal private living space of neighbouring residential property within the tower. This would diminish the occupier's privacy and would be harmful to the living conditions of existing occupiers.
10. Whilst there is a degree of ambient noise generated by residents and visitors using the internal courtyard, the creation of elevated dedicated outdoor living space appended to the side of the building would create a new noise source. This living space would be extremely close to the windows of adjoining residential properties. Occupiers using the balconies would have a notable noise impact on neighbouring occupiers. This would be particularly so during clement weather when the adjoining occupiers are more likely to have windows open. I consider this would be harmful to the enjoyment of the adjoining occupiers' living environments. The tapered design of the end of the balconies would not reduce this impact.

11. I note that balconies are a common feature within the wider developments at South Harbour and that some may, to some degree, allow observation toward neighbouring residential properties. However, whilst this may be the case this does not justify the harm that I have identified in this particular case.
12. For the above reasons, the proposed development would have a harmful effect upon the living conditions of adjoining occupiers. The proposal would therefore conflict with Policies HO20, UHT1 and UHT4 of the Eastbourne Borough Plan 2007 that seek, amongst other matters, to respect residential amenity.

Conclusion

13. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR