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ADUR D.C.
CHIEF EXECUTIVE'S
DEPARTMENT
24 NOV 2010

Our Ref. TP/1017

23 November 2010

Dear Mr Barnett,

Re: Planning Application: ADC/0426/10 for ground floor front extension with pitched roof, rear extension and rooms in roof with raised ridge and rear gable. Land at: 14 Milton Drive, Southwick, Brighton, West Sussex

Fairbrass Bowman have been instructed by Mr John Harris of 16 Milton Drive, Southwick, Brighton, West Sussex to put forward his representations with regard to the above planning application.

This letter sets out:

1.The background; and
2.Issues and objections to the application; and
3.Identifies inadequacies in the information provided by the applicant to enable a full assessment of the impacts of the proposed development on the occupiers of adjoining properties, in particular the residents of No. 16 Milton Drive.

1.Background

1.1.The site and its surroundings

1.1.1.The application site fronts onto Milton Drive. a residential street comprising detached and semi-detached bungalows. No 14 Milton Drive is a detached bungalow fronting onto Milton Drive.

1.1.2.Milton Drive is a 'u' shaped road, which runs in a north/south direction in the vicinity of the application site, so the properties along this part of Milton Drive face eastwards to the front and westwards to the rear.

1.1.3.Our client's property at No 16 Milton Drive, is situated on the northern side of the application site and it has windows and a glazed front door in the side elevation looking towards the application property at No.14. The glazed front door allows light into the hall of No. 16.

1.1.4.Both the application site and our client's bungalow are detached properties with front and rear gardens. Parking takes place within the curtilage at the front of the property. The rear garden extends to approximately 25 metres and backs on to the rear gardens of other residential properties.

1.1.5.The front building line of the application bungalow follows a similar line to the front building lines of the bungalows on either side, such that the distance from the front of the bungalows to the road is similar. However, the application bungalow has a recessed area to the front elevation. This recessed area is situated to the right hand side of the application property facing the front door of No. 16.

1.1.6.The rear building line of the application property, while following a generally similar line to the properties on either side, is set slightly further back than the rear building line of the neighbouring property at No. 16 Milton Drive.

1.1.7.Although the application property is detached, the distance from its side wall to the boundary with No. 16 is only about 1 metre, and the distance from the side wall of No. 16 to the boundary with the application site is also only about 1 metre. This results in a total separation distance of about 2 metres between the side elevations of Nos. 16 and 14 Milton Drive.

1.1.8.The roof profiles of the bungalows along Milton Drive are broadly similar. The roof areas are large, as the roof slopes steeply from the ridge to the eaves on all elevations. Some properties have velux windows set within the existing roof slope, which, it is presumed, allows for additional rooms within the existing roof/envelope of the buildings.

1.2.The proposal

1.2.1.The existing bungalow would be extended to the front and rear, and there would be alterations to the roof and the fenestration.

1.2.2.The east/front extension would fill in the

existing 2.5 metre-deep recess facing the front door of No. 16 Milton Drive.

1.2.3.The west/rear extension would be 5 metres deep, giving a total depth of approximately 14.9 metres when added to the existing depth of the bungalow. This rear extension would cross the full width of the property.

1.2.4.In addition, the west/rear elevation of the proposed bungalow would be increased from one-storey to 2-storeys in height, by extending the ridge to the full length of the 5 metre extension, changing the rear roof from a pitched roof to a gabled roof, with a fully-glazed window in the gable end opening at first floor level.

1.2.5.To the northern side of the bungalow, a dormer extension would be inserted into the roof slope. There would be a window proposed in the dormer extension.

1.2.6.At ground floor level, 2 additional windows, to bedroom 1 and bedroom 2 would be inserted into the northern facade of the bungalow.

1.2.7.The proposed new extended floor area is 50.8sqm and the extensions would increase the developed floorspace of the bungalow by approximately 59%.

2. The Issues and objections - we consider the main issues to be: (1) the impacts of the proposed development on the amenities of neighbouring residents, and in particular on Mr Harris, in terms of privacy, natural light, and outlook; and (2) the impacts of the proposed development on the character and appearance of the existing bungalow, and on the street scene.

2.1. In accordance with the Adur District Local Plan adopted April 1996, the site is within the designated built up area where there is a presumption in favour of improvements to dwellings by way of appropriate extensions and alterations. It is stated in paragraph 9.32;

> "Where planning permission is required, extensions and alterations will be expected to have regard to design and materials which should respect the character of both the original dwelling and the area generally, the effect upon neighbouring dwellings and car parking requirements."

2.2.In addition, in paragraph 9.33 it is stated;

> "A detailed Development Control Standard No 3 "Extensions and Alterations to Dwellings" has been adopted by the Council

and all proposals will be expected to comply with its criteria. Therefore, within the Local Plan area:-

2.3 **Policy AH7 states:**

"Extensions and alterations to existing houses and bungalows will be expected to be designed so that:-
proposals would not result in an unacceptable degree of overlooking, loss of natural light or overbearing effect on neighbouring dwellings;
design and materials are sympathetic to both the original dwelling and the area in general;
the proportion of the garden area taken by the proposal would not be excessive having regard to the character of the area;
access and car parking provision is acceptable under Policy AT12, and
it accords with the standards adopted by the District Planning Authority."

2.4 **Impact on privacy**

2.4.1 Local areas that largely consist of bungalows offer more privacy than residential areas made up of two-storey houses. Fencing and trees are usually adequate to block the views of neighbours. However, two-storey houses, and the two storey extension being proposed, would result in significant overlooking and loss of privacy, which would be out of keeping with the character of a neighbourhood made up of bungalows such as in Milton Drive.

2.4.2 The existing bungalow has no windows in the roof capable of overlooking neighbouring properties, so the proposed fully-glazed first-floor extension would result in significant overlooking and loss of privacy to the occupiers of No. 16..

2.4.3 In addition, there would a window in the proposed side dormer extension, which would not only further increase the overlooking of the rear garden area of No. 16, but of greater concern would be the resultant overlooking of the conservatory of No. 16, which is used as part of the main living area of the dwelling. This conservatory has a clear-glazed roof, and the dormer window would directly overlook this roof and the living area of No. 16, resulting in an unacceptable loss of privacy to the occupiers of No. 16. This would be contrary to advice in DC Standard No 3 which states:

> "The proposal should not result in direct overlooking of rooms in neighbouring properties, nor excessive amounts of overlooking of garden areas." (para 2.2 (i))

2.4.4.Additional windows are also proposed in the side elevation, overlooking No. 16, where there are no windows currently. These windows would serve habitable rooms, and would directly overlook the existing fully-glazed front door (which is to the side of No. 16) and the kitchen and the bathroom windows of No. 16.

2.4.5.The mutual overlooking at such close proximity between the two properties would also be detrimental to the amenities of the occupiers of the application property.

2.4.6.When looking at the bungalows in Milton Drive, it is clear that windows on side elevations are only on one side elevation, to protect the privacy and amenity of the neighbouring bungalow. The proposed side windows would be to habitable bedrooms and these windows directly overlook the front door, bathroom and kitchen window of No. 16.

2.4.7.DC Standard No 3 states;

> "Principle windows on the side elevation of rear extensions should be a minimum of 6.1 m from any solid obstruction or boundary.....In many instances, windows on side elevations will not be able to meet these criteria and will usually not be allowed unless they are obscurely glazed and in some cases also fixed shut." (Para 3.4)

2.4.8.There can be no doubt that the proposed windows in the side elevation, the dormer window overlooking the conservatory and living area, and the fully glazed first floor bedroom window overlooking the garden of No. 16 would all be contrary to the Council's Policy AH7 and DC Standard No.3.

2.5.Impact on natural light

2.5.1.The application site is orientated in an east/west direction, as is the neighbouring property at No. 16, which is on the northern side of the application site. Currently the rear building lines of the properties fronting onto Milton Drive are generally in alignment, although the rear building line of No. 14 is already slightly set back from the rear building line of No. 16.

2.5.2.The conservatory and rear garden at No. 16 currently enjoy sunlight from about midday onwards, but much of that would be lost as a result of the proposed rear extension, leaving only late afternoon/ evening sunlight to the garden and conservatory during the summer months, and the likelihood of little or no sunlight at all during the winter months. The proposed two-storey, 5 metre deep rear extension with a gable end would, therefore, significantly reduce the amount of natural daylight and sunlight reaching the neighbouring property at No. 16, and would cause substantial overshadowing.

2.5.3.The proposed infill extension to the front would reduce the open aspect and space between the two bungalows at the front of the property, at the side adjacent to No. 16. The front door of No.16 is on the side elevation of the property, facing towards the existing open recessed area of the application site. The front extension would enclose this space, reducing the amount of natural light to the fully glazed front door of No. 16. The glazed front door allows light into the hall of No. 16. and without a reasonable amount of natural light reaching this door, the hall would become very dark.

2.5.4.Moreover, because the total distance between No. 14 and No. 16 is only about 2 metres, the front and rear extensions would effectively create a tunnel 14.9 metres in length between the two properties which will be overbearing, unneighbourly and aesthetically very unappealing.

2.5.5.DC Standard No.3 states;

> "The closer a rear extension is to the boundary of a neighbouring property the more likely it is to adversely affect that property, by way of overlooking or loss of daylight." (Para 3.2)

2.5.6.It is stated in the design and access statement that;

> 'The height of the proposed extended ridge matches that of the existing at 5.66m above general ground level'.

2.5.7.However, given that the extension includes a mezzanine, master bedroom and en-suite at first floor, the extension would effectively result in the creation of a first floor, changing the bungalow into a two-storey house, and not a bungalow anymore.

2.5.8.Given the proximity of the neighbouring properties, the applicants should be required to provide independent, substantive evidence to support their opinion as stated in the fourth paragraph of the submitted design and access statement that;

> "any possible loss of light imposed on the adjacent dwelling at 16, would be negligible - and for only part of the day. Furthermore, any shadows reaching the rear of No. 16, would be short of the main living areas."

2.5.9.In order to assess the full impact of the loss of daylight and sunlight on the adjacent property, the Council should require the applicant to submit an independent report, carried out by an established sunlight/daylight specialist, as the Council would be unable to fulfil their duty to fully assess the impacts of this proposal if they did not have all the required information available to make an informed assessment of the levels of loss of sunlight and daylight and overshadowing in relation to the neighbouring bungalow at No. 16.

2.5.10.The report should provide an accurate analysis in line with the Building Research Establishment (BRE) report 'Site layout planning for daylight and sunlight - a guide to good practice' by P J Littlefair and BS 8206-2:2008 "Lighting for Buildings - Part 2: Code of practice for daylighting' to determine whether there is a significant impact on the levels of daylight received by the windows of No. 16, which are likely to be affected by the proposed development.

2.5.11.In DC Standard No. 3 it is stated:

> "In addition a single storey extension would be less likely to have an adverse effect on neighbouring properties than a two storey extension, which would be more likely to reduce daylight to neighbouring properties and lead to problems of overlooking". (Para 2.3)

2.5.12.As stated above, the proposal is effectively creating a two-storey extension to the rear of No. 14, which would cause a serious reduction in daylight to and overshadowing of No. 16, contrary to Policy AH7 and DC Standard No. 3.

2.6.Impact on Outlook

2.6.1.The distance from the side elevations of the bungalows to the boundary is only about 1 metre each, making a total distance between

the two properties of 2 metres. While this distance may be appropriate for bungalows with hipped roofs it would be totally inappropriate when one of the dwellings effectively becomes two storeys high.

2.6.2.The side elevation D-D, as shown on submitted plan 26CAS/ 10/1674/03, would be greatly extended by 2.5 metres to the front and by a further 5 metres to the rear. In the light of the proximity of the two dwellings, the proposed front and rear extensions, being 2.5 metres to the front and a further 5 metres to the rear, would double the length of the side elevation of the building facing No. 16, and, being in essence two-storeys in height, with a gabled end, would have an overbearing and overdominant effect on the neighbouring property at No. 16, contrary to DC Standard No. 3, which states:

> "the outlook of neighbouring properties should not be dominated by the extension since this could be overbearing and oppressive." (para 2.2 (iii))

2.7.The proposed infilling of the front recess by a 2.5 metre extension would enclose the present open aspect and have an overbearing and overshadowing effect on the access to the neighbouring property at No.16.

2.8.The impact of the proposed development on the character and appearance of the existing bungalow.

2.8.1.It is stated in DC Standard No 3;

> "The most important basic principle is that any extensions should be in keeping with the appearance, scale, design and character of both the existing dwelling and street scene generally.....In particular, the proposal should not be allowed to over-dominate the house or clash with its appearance". (Para 2.5)

2.8.2.The neighbouring properties are bungalows, not two-storey dwellings, and the proposal would be completely out of scale and character with the existing building, as well as the character and appearance of the surrounding area.

2.8.3.The design would not respect either the character of the existing bungalow or the appearance and character of the street scene. The side dormer would be a visible and very dominant feature when viewed from Milton Drive, and the 5 metre, two-storey rear extension would

overdominate the appearance the building when viewed from neighbouring properties to the rear.

2.8.4.The first floor windows in the gable end of the two-storey rear extension would not be not in line with or match the proportions and style of existing windows, and the extensions would not be in keeping with the appearance, scale, design and character of the existing dwelling and street scene.

2.8.5.It is stated in DC Standard No 3;

> "Roof extensions should respect the scale, character and appearance of existing dwellings." (Para 3.14)

2.8.6.The proposal would create a two-storey 3-bedroomed house with master bedroom and en-suite at first floor level, and kitchen dining area, separate lounge, two bedrooms and wc at ground floor level. Effectively the bungalow which currently consists of a kitchen and separate lounge with 2 bedrooms and a wc, would become a two storey 3-bedroom dwellinghouse.

2.8.7.It is stated in the design and access statement;

> "The amount of developed floor space providing the proposed new extended floor area is 50.8sqr.m, equivalent to an overall increase of 59%."

2.8.8. It is being proposed to extend the building beyond its optimum size, and this is evidenced by the seriously unacceptable negative impact of the proposals in terms of loss of light and privacy for neighbouring properties, and on the character and appearance of the building and the street scene.

2.8.9. The proposal does not respect the character, scale or appearance of the existing dwelling. The front elevation, with the proposed side dormer projecting from the roof, would be out of scale and unbalanced. The design would be ugly, and not in keeping with the existing elevation. To the rear, the enlargement of the hipped roof by creating a gable would not respect the appearance and character of the bungalow. This elevation would create a two storey building. The proposal would clearly overdominate the existing bungalow.

2.9.**Impact on street scene and character and appearance of Milton Drive**

2.9.1. The design would have a detrimental effect on the street scene. This part of Milton Drive consists of bungalows with uniform roof profiles which have not been extended. Some bungalows have roof lights but these respect the roof line of the original building. None of the roofs have been so altered that the rear roof slope has been extended into a gable end, with windows at ground and first floor levels, as is now proposed.

2.9.2.The proposed side dormer extension would be visible from the street: it would be ugly and incongruous and would be out of character with the bungalow and the character and appearance of the street scene. It would imbalance the appearance of the building from the road, and would introduce an incongruous feature into the roof line of the bungalow, disrupting the visual rhythm of the streetscene.

2.9.3.The rear two storey extension with a gable end, that would be fully glazed at first floor level, together with the side dormer and rear extension, would significantly alter the appearance of the building, which in turn, would not respect the integrity of the bungalow as a single-storey dwelling and its contribution to the rhythm of the street scene.

2.9.4.The proposed extensive glazing would not respect the fenestration details of the existing bungalow, and would result in significant overlooking of adjacent properties and private gardens at the rear.
2.9.5.Additional floorspace could be created in the existing roof space within the shape and envelope of the existing building which would protect the integrity and design characteristics of the existing bungalow and would not result in overlooking, loss of privacy and loss of daylight and sunlight.

2.9.6.According to the submitted design and access statement, parking to the front of the site would not be affected by the proposed development, although with less area available because of the proposed 2.5metre infill extension, more of the existing front garden would be taken up with parking than is currently the case, having a further damaging impact on the street scene.

3.Inadequate information provided by the applicant to enable proper assessment and determination of the application.

3.1.As stated above, the Council should require the applicant to provide an independent assessment of the impact of the proposed front and rear extensions on the adjoining properties and in particular No16, which is located to the north of the site and would be most affected.

3.2. The Building Research Establishment (BRE) report 'Site layout planning for daylight and sunlight - a guide to good practice' by P J Littlefair and BS 8206-2:2008 "Lighting for Buildings - Part 2: Code of practice for daylighting' should be used to determine whether there would be a significant impact on the levels of daylight and sunlight received by the windows and garden of No. 16, likely to be affected by the proposed development.

3.3.Without full and independent analysis relating to sunlight and daylight, the Council would be unable to comply with their duty to properly assess the application in terms of the impact on neighbouring bungalows, particularly in relation to No. 16.

3.4.Furthermore, the submitted plans do not show either the proximity of the application bungalow to the adjoining properties or the location of the proposed windows and how they relate to the existing windows and doors of the adjoining bungalow at No. 16.

3.5.Additional plans, showing the existing and proposed layout of the dwelling in relation to the neignbouring bungalow at No.16 should be provided. The application bungalow and the neighbouring bungalow are only about 2 metres apart. In order to fully assess the impact of the proposal, in terms of dominance and overbearing, as well as the impact of the development on the existing glazed front door (located on side elevation) and windows of No. 16 further details should be required.

4.Conclusions

4.1.The proposed front infill and rear two storey extensions are contrary to the policies in the West Sussex Structure Plan 2001-2016, Adur District Local Plan Adopted April 1996, and the Development Control Standard No.3 "Extensions and Alterations to Dwellings".

4.2.The over-dominant front, side dormer and rear extensions, and the inappropriate placement of windows in the side elevation, in the dormer at first floor level, and the full-height glazing at first floor level of the gable end elevation at the rear, would cause unacceptable overlooking and loss of privacy, especially to No. 16.

4.3.The scale and bulk of the front, side dormer and rear extensions would result in loss of daylight and sunlight to the adjoining bungalow at No. 16, and the applicants have not proved that this would not be the case.

4.4.The scale and bulk of the front, side dormer and rear extensions would result in an overdominant and overbearing effect on the neighbouring bungalows, especially No. 16.

4.5.The side dormer extension, and the two storey rear extension would not respect the character and design of the existing building or the character and appearance of the local area.

4.6.The proposal would constitute an over-development of the site, which would result in a single storey two bedroom bungalow becoming a 3 bedroom two-storey house, with a design which would be incompatible with the existing building and its surroundings.

4.7.The Council should require the applicant to provide independent analysis using established guidance such as the Building Research Establishment (BRE) report 'Site layout planning for daylight and sunlight - a guide to good practice' by P J Littlefair and BS 8206-2:2008 "Lighting for Buildings - Part 2: Code of practice for daylighting' to determine whether there is a significant impact on the levels of daylight received by the windows of no. 16, likely to be affected by the proposed development.

4.8.The Council should require the applicant to provide plans showing the proximity of the adjoining bungalows and the positioning of the existing and proposed windows and doors.

4.9.The Council would be failing to comply with its duty to fully assess the impact of the proposal without the information detailed in 4.7 and 4.8 above.

Having regard to the robust reasons as set out in this letter, we respectfully ask that Adur District Council refuses planning permission.

Yours sincerely,

[redacted]

Ms S Thomas BA (Hons) Dip Planning
Planning Division

cc Mr Harris, 16 Milton Drive, Southwick, Brighton, East Sussex, BN42 4NE