3337155

Case officer :- MIKE LLOYD

Case team :- WEST 3

REGISTRY

13 MAY 2024

RECEIVED

THE PLANNING INSPECTORATE
ROOM 3K
TEMPLE QUAY HOUSE
2 THE SQUARE
BRISTOL
BS1 6PN

1L

Royal Mail.b

POSTAGE PAID UK.4
10/05/24 £3.05 BN42
127907 2-4857750

· SINGLE USE ONLY ·

Royal Mail
Signed For

KL 4288 0744 7GB SIGNED FOR

KL 4288 0744 7GB SIGNED FOR

P6600 Rev Feb 18

[redacted]

The Planning Inspectorate
Room 3K
Temple Quay House
2 The SquareBristol
BS1 6PN

10 May 2024

Dear Sirs,

Planning Inspectorate No: APP/Y3805/W/24/3337155
Cheyne Court, Rectory Road, Shoreham by Sea, West Sussex

Please find enclosed a copy of a second letter that we delivered, by hand, to Adur and Worthing Councils on 2 January 2024 relating to the Planning Application for the above property. This was not processed and therefore will not have been included in the bundle that they have now passed on to you. As the points raised still remain relevant, we would like them to be added in support of the objections to the proposed development of the above property, which is now at the Appeal stage and currently with yourselves. Your call centre have confirmed that on receipt, it will be added to the documentation already received.

We would also like to add some further points in support of dismissing this Appeal having read the Appellant's Grounds of Appeal document for your consideration.

Page 11 – 5.7

We would also like the Inspector to walk along Stoney Lane and Wilmot Road, so that you will be able to see that, once again, these are not comparable examples. Kingston Court are not flats but maisonettes. They face directly onto Stoney Lane and on the other side of the road are trees. To the rear, in Pebble Way, there is planting and beyond that, is the road. Therefore, they do not overlook the houses, as they have been built at the end of the block, so privacy is maintained and they are not adjacent to a Conservation Area.

It would also appear that Kingston Court was built before the surrounding properties, so more recent development has taken into account any issues that may arise and with that in mind, have been built sympathetically and tree screening provided. It would also appear that neighbours are not negatively impacted by bin and bike storage.

With regard to Wilmot Road, there are few blocks similar to Kingston Court, these are also possibly maisonettes and not flats and of a similar age. However, they are on their own development and are surrounded by other flats, so again their neighbours are not overlooked and there is no invasion of privacy, as there are no gardens and thought has been given to planting. They also do not have a boundary with a Conservation Area.

Cheyne Court are not maisonettes and were built in a different period and next to properties of historical importance in a Conservation Area, which were built many years before, where they already

overlook and where little thought has been given to their neighbours in respect of planting or the placement of bin and bike facilities that not only cause a nuisance but are also a security risk.

When visiting both Shoreham and Southwick, it will be noted that the majority of buildings are not built with more than three storeys. There is a new development, which has been given Planning Permission, in nearby Kingston Lane that will only have three storeys and newer council offices, the library, the police station, GP Surgeries, even Hospitals are all of similar height.

Page 19 – Impact on Kingston Buci Conservation Area

7.1 We disagree. Officers did consider that there would be harm to the significance of the Conservation Area. The second reason for refusal, as detailed on page 14, paragraph 6.1, states that the increased height of the building would cause increased overlooking and have an overbearing impact resulting in harm. This applies to our property, which forms part of the Conservation Area.

We are already at a disadvantage being overlooked by Cheyne Court, as it is currently made up of three storeys and apart from our neighbours, no other property within the Kingston Buci Conservation Area is having to live with any neighbouring property above two storeys. This means their privacy is not invaded in any way from increased overlooking or increased heights in buildings that have an overbearing impact resulting in harm. To add a further storey to Cheyne Court, would disadvantage us further and that is not acceptable.

7.2. We disagree, this is factually incorrect, as there are no intervening buildings or distance on our property that would ensure that the increased height of appeal building would not harm our property, which is within a Conservation Area.

7.3 We disagree. Without conifers, Cheyne Court is already taller than their neighbours and with an additional storey that is hardly a minor feature. By submitting a photo that is taken at a distance, it cannot, in our opinion, be used to support the argument, as it does not give an accurate portrayal of the negative impact of the Appeal. The fact that our property is within the Conservation Area and not only will the increased height in Cheyne Court have an overbearing impact but the increased overlooking takes away our right to privacy and enjoyment of our property, which is supported in law, resulting in harm.

As already stated, the trees are to be significantly reduced or may have to be removed for reasons already stated in previous correspondence. This can be supported by documentation that shows that this was already being actively researched long before the Application for Planning Permission was submitted to the Council. If the Inspector would like a site visit to see the negative impact on our property, please do not hesitate to let us know.

We hope that these additional points we have raised can be added to the bundle you have received from Adur and Worthing Councils and we respectfully ask that the Appeal is denied.

Yours faithfully,

[redacted]

TANYA HAWKINS

[redacted]

Development Management
Adur & Worthing Councils
Economy Directorate
Portland House
44 Richmond Road
Worthing
West Sussex
BN11 1HS

2 January 2024

Your Ref: AWDM/1561/23

Dear Sirs

Cheyne Court, Rectory Road, Shoreham by Sea, West Sussex

The planning officer associated with this application visited us on site on 14 December 2023, at our request, to discuss this proposed application.

As no formal minutes of the meeting were taken but we publish here for the sake of transparency, our additional thoughts.

We had hoped that we would have had the opportunity to walk with the planning officer to the site to inspect our rear wall from the other side and with the plans discuss the proposed changes and the negative impact it will have on us. However, we were informed by him that this was not acceptable. So unfortunately, we can only work from the documentation and photographs provided.

Both the applicant and the residents of Cheyne Court have reported the lack of site security and trespassers wandering around the back of the block. We remain unconvinced that the developer's proposals, in this matter, will significantly mitigate this issue. In fact, the provision of a bicycle shed and bin store along our rear wall will serve well as a climbing frame to allow easier access over our back wall. This breach of our security is unacceptable.

We note from photographic evidence contained within the documentation of the application that the bins are sited in the open air against our back wall. Having been made aware of this situation, we currently query whether or not this method of bin storage is responsible for attracting foxes and rat activity and in the summer, fly infestations, all of which we have experience of. If this is the case, then possibly a sealed bin store is a better solution to the storage requirements. We also do not want these structures against our wall. We have recently been gardening at the very back of our property and there is rubbish, children's clothing and footballs along the back wall, which could only have come from the flats. From the photographs, there are currently a number of bins lined up against our wall. The lids, when open, appear to be leant against our wall, the freeholder of the block does not have our permission to do this and without a site visit, we are unable to check for any damage.

May we respectfully remind all parties that our back wall is an original "flint boundary wall" and therefore part of the Conservation Area.

The photographs currently show that the proposed new bin area is to be built up against our wall. We would reasonably expect that enough space would remain between the wall and any structures to allow the wall to be adequately maintained but without a site visit, we are unable to ascertain if this indeed will be the case. We also assume with a further four flats that there will be more bins than the

photographs currently show, causing even more problems with security, smells, noise, etc.

With regard to the bicycle store, this together with the proposed bin store will run the entire length of our back wall and will indeed be seen from our back garden. Again, how do we maintain our wall, when we have no access point. We will also have the noise from residents parking and removing their bicycles, impacting on the enjoyment of our property. We want both of these resited well away from our boundary.

We also need to ensure that the hardstanding has sufficient provision for drainage so that the flint wall and footings are not eroded by water run off. The hardstanding needs to be offset from the wall to enable the flint walling to be adequately maintained bearing in mind it forms part of the Conservation Area. We cannot see where this is demonstrated in the application.

The addition of a further floor to the block would cause our garden to be further overlooked by another four flats to the detriment of our property. During the site visit, the planning officer was able to see that the back third of our garden is totally overlooked by the three upper floors of the block in its entirety and that the block can actually be seen through the trees. The planing officer helpfully suggested that this could be easily remedied by the provision of hedging. Having researched this solution, we find that we would need "close knit" evergreen hedging to a height of some 10.5 metres, the ideal planting for this application being cyprus leylandii.

This planting, at this height, would produce a root spread of some 2 metres at a depth of approx 60 centimetres. To avoid possible damage to the foundations of the flint wall, this hedging would need to be inset from the flint wall by approx 1 metre. We would reasonably expect the developer at their expense to provide this hedging on their land and not on ours. Could the planning department please give a view as to how part 8 of the Anti-Social Behaviour Act (2003) squares with this solution, as even if we planted hedging on our side of the rear wall, the minimum height would need to be six feet from the top of any structure on the other side of the wall for security reasons

We are committed to help in way that we can to preserve and maintain the Conservation Area until such times as we are no longer here and the responsibility is passed on to future generations. Special mention has been made as to the relevance of the flint walls within the Conservation Area in the Conservation Area Character Appraisal. If we are to safeguard and maintain these walls, we require unbridled access to allow us to inspect and maintain and this probably means that structures should not be built close to them. However, if we need to maintain or repair the wall and if this access is denied, there would seem little point in our property remaining in the Conservation Area. Shoreham College demonstrated this recently following a storm when a tree fell and demolished part of their Conservation Area flint wall in Kingston Lane. The flint wall was not just repaired but sympathetically restored from both sides.

We are merely custodians of the Conservation Area and that is jointly and severally a community and council responsibility. It is good to see that residents in the surrounding area also appreciate and value its importance.

The applicants refer to the new building at Shoreham Academy, as a good example of what they wish to achieve with the development of Cheyne Court. We would therefore like to bring to your attention the Pre Planning Application FAQs submitted by the Academy in November 2015.

Although the new building at the Academy is not populated above ground level and is not in use 24 hours a day 365 days a year, unlike Cheyne Court, the following questions were raised:

1. "Is the image of trees at boundary fence-line of Kent Close an artistic impression or will there be a tree screen or other screen between school grounds and gardens of Kent Close residential housing?"

The Academy responded as follows:

"We are happy to increase the tree screen as part of the proposed build depending on the opinion of

the nearest residents but are also mindful of one resident's desire to retain a view from first floor toward the downs."

2. "I live at the bottom of the proposed site of the building and am worried about the height and the fact of losing light and view of the hills."

The Academy responded as follows:

"We will work with the closest local residents to try and accommodate their views into the planning process including using more planting if requested and we are working with our design team on the overall height of the building."

Unlike the Academy, the applicants in this case have clearly demonstrated that they have absolutely no regard for the negative impact that their plans have on their neighbours or the surrounding area, as this would appear to be an exercise for financial gain.

It would have been appreciated if the nearby residents could have been shown the same level of respect afforded by the Academy, bearing in mind the negative impact of the proposed development.

At the site meeting, the planning officer mentioned that we could plant a hedge in front of our rear wall. However, we do not feel it is reasonable that we are put to the inconvenience, not to mention the expense, of having to plant a hedge when the problem it is trying to rectify has been caused by the owners of the neighbouring block of flats. We feel that, like the Academy, the resolution should be provided by them, at their expense and on their side of the boundary. The Academy should be commended for working with their neighbours to find solutions to the negative impact that their application caused.

It would appear from photographs submitted by the applicants that there is also a precedent in that our neighbour's property, who also forms part of the Conservation Area, have the benefit of two trees that have been planted by the owners of the flats on their land in front of our neighbours' flint wall. They are therefore afforded not only additional privacy but the trees also lessen the security risk to their property, as they do not have a row of bins placed against their wall. Clearly the applicants do not wish to offer us the same courtesy and therefore we are at an unacceptable disadvantage.

When discussing our plans to lower the height of our trees, which are currently too tall and at risk of becoming dangerous, particularly with the increasing number of storms and the high winds we are experiencing along the coast, presumably as a result of climate change, the planning officer suggested that we could leave them tall enough to shield us from a potential fourth storey. Even though you can see the flats through the trees, again we do not find this acceptable. We should be able to decide the height of our trees and the enjoyment of our amenity should not be dictated to by our neighbours. Any negative impact or inconvenience should be bourne by the applicant causing the problem and not by us, as shown by the Academy. If through storms, we ever lost any of our trees, how many years would it take to grow a new tree to the necessary height to retain our privacy?

The documents on your website shows a list of everyone that you have informed that you have received an application but does not show the actual letter. Therefore, did the residents of Cheyne Court receive a different letter, as although they are the only ones in favour of the application, their arguments in favour appear to fall under your examples of irrelevant planning considerations, i.e. Effect on value of property/Personal or financial circumstances.

Yours faithfully,

[redacted]

TANYA HAWKINS