ADUR DISTRICT COUNCIL

Mr Paul Smith
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PLANNING REFUSAL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/1209/24

Details of Development
DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A 4-BEDROOM DETACHED DWELLING OVER 3 LEVELS WITH REAR TERRACE AND ASSOCIATED WORKS. NEW OUTBUILDING WITH RAISED TERRACE TO THE SOUTH. NEW DETACHED GARAGE WITH GUEST BEDROOM OVER AND CYCLE STORE TO THE NORTH.

APPLICATION TO VARY CONDITION 1 (APPROVED PLANS), 14 (NO USE OF FIRST FLOOR FRONT AREA AS BALCONY) AND 15 (FIRST FLOOR FRONT PATIO DOORS TO BE REPLACED WITH FIXED GLAZING) OF PREVIOUSLY APPROVED AWDM/0970/23. AMENDMENT: TO USE THE FLAT ROOFS AS BALCONIES AND REVERT TO SLIDING DOORS AND GLAZED BALUSTRADING. ADDITIONALLY, SIDE ELEVATIONS WOULD FEATURE AN OPAQUE, GLAZED SCREEN UP TO 1.8M FROM FINISHED FLOOR LEVEL TO MAINTAIN PRIVACY TO THE SIDE ELEVATIONS.

Location of Development
LAND BETWEEN 40 AND 44 BRIGHTON ROAD LANCING WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they REFUSE to permit the above development, in accordance with the application and relevant correspondence registered on 20th September 2024.

The reasons for the Council's decision to refuse to permit the development are stated on the schedule overleaf.



Gary Peck
Planning Services Manager
21/10/2024

SCHEDULE

Reasons for Refusal

01. The use of the first floor front flat roofed areas as balconies with access via patio doors would result in unacceptable overlooking and loss of privacy, causing harm to the residential amenities of the neighbouring occupiers. The proposal would therefore be contrary to policy 15 of the Adur Local Plan and the relevant paragraphs of the NPPF.

Informatives / Notes to Applicant

01. For the avoidance of doubt this refusal relates to the following drawings/plans:-.

Reference/Drawing Number	Version	Date Rec
PROPOSED GA HOUSE FIRST FLOOR PLAN	A2-03 REV Q	20.09.2024
PROPOSED GA HOUSE ELEVATIONS	A4-01 REV L	20.09.2024

02. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision relates to a householder application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.