Gmail

Planning - <planning@adur-worthing.gov.uk>

Fwd: Fw: PLANNING APPLICATION APPEAL

1 message

CATHERINE KURTON [redacted] 14 August 2023 at 18:16
To: planning@adur-worthing.gov.uk

Dear Sir/madam

I have tried to post this on your system, however have been unable to do this.

Please accept this as my objection and acknowledge receipt.

Attn: Mr Gary Peck

Planning Services Manager

Adur & Worthing Councils

15 August 2023

Dear Mr Peck

APPLICATION FOR PLANNING PERMISSION Ref: AWDM/0594/23

We refer to your letter dated 24 July 2023 received on 31st July 2023 giving notice of the above-mentioned planning application. We also refer to the email from Jo Morin dated 2 August granting additional time up to 21 August 2023 for us to submit representations.

We are now writing to object in the strongest possible terms to this proposed development for the following reasons:

Overlooking, Loss of Privacy and Light

We first of all wish to point out that the application form is incorrect in stating that the Site Location is 6m away from Flat 8, Queensborough Court. In fact, it is approximately 5 feet 6 inches away from our bedroom window which is Flat 9. This is referred to in the plans as “Neighbouring habitable room window”. Anyone looking through or over the top of the boundary fence would look directly into our bedroom. There will also be a window on the West Section of the proposed construction whereby, if someone looked out, they would be able to see directly into our en-suite shower room. Although it has frosted glass, we open the window for extra ventilation whilst taking a shower and after. The proposed house would therefore impact greatly on our privacy.

[redacted]



View from en suite shower room

The proposed height of the building will be increased above the existing boundary fence to the south / west elevation and this will impact adversely on the light currently enjoyed within our property. A loss of light will have a knock-on effect - less light, less heat reaching our flat meaning having to put on heating for longer.

When my husband and I initially viewed our property we noticed how bright and quiet it was and having lived here for just over 2 years we have not found it any different. Visitors have also commented on this. Therefore, any loss of light or additional noise would be unacceptable to us. We feel that we are entitled to continue to have our privacy and not have our light obscured further in any way. This is causing considerable distress and sleepless nights. We have felt safe and secure in our flat and even though we are on the ground floor we have not found it necessary to even have net curtains on the bedroom window. All that will change if the proposed development is approved.

We draw your attention to the Human Rights Act, in particular Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.

Additionally, Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.

Article 8. Private and family life therefore encompasses not only the home but also the surroundings.

The applicants state that a careful analysis has been made about the impact on light. However, in their application form they first state it will have no impact and later on that it might have an impact on our bedroom window. Clearly they are aware of the shadow the new building will create. Their calculations are based on a number of basic assumptions which we believe are flawed. A qualified person should carry out an assessment. We have no doubt that the construction of a building of the height quoted will impact on the light to our bedroom.



View from bedroom window

Noise, Disturbance and Smells

The only outside space for the proposed house is a courtyard patio area at the rear. This is situated approximately 5ft 6ins from our bedroom window. Inevitably it will be an area used for recreation such as gatherings, music, smoking, vaping and barbeques. This will result in possible noise, smells and smoke as the patio is located so close to our bedroom window. This will undoubtedly cause us unacceptable disturbance no matter how considerate the occupants promise to be. According to the Design and Access Statement the courtyard patio is also designated as the area where the refuse and recycling wheelie bins will be housed. Again this will be a cause of noise and smells. There has simply been no real consideration for our privacy and safety.



View of alleyway showing distance from our bedroom window to the fence

Design, Appearance, Materials, Character

The whole construction design is completely out of character when compared with the surrounding buildings and will have a negative effect. Your own Council's policy outlined in Development Management Standard No.1, states that "new buildings should respect the existing character and appearance of an area and ensure the retention of adequate privacy for and daylight to existing dwellings/flats". The proposed structure fails on all counts.

Mention is made that cladding is to be used. This is very worrying because it could potentially be a fire risk and if a fire did break out in the proposed property it would be a major hazard for our building due to its close proximity. There should be proof that no hazardous materials are to be used and that any cladding meets stringent fire safety tests.

A zinc roof is proposed. This is known to be very noisy when it is raining, hailstones or windy. This would add noise and disturb us and if water is running down the sloping roof when we have a deluge which does happen especially with global warming it could result in flooding. Additionally, it can become very hot in the sun resulting in overheating again a fire risk. As mentioned the metal will be out of keeping with other surrounding properties and look unsightly.

Effect on Trees:

There are a number of trees on the Willow Court side of our fence which have been maintained and looked after according to permission being granted by the local authority as the trees have a preservation order on them. Any tampering/damage to the roots could result in trees falling, causing untold injury to individuals and damage to buildings. Roots can continue to grow which could result in anything being built there liable to subsidence. Another concern is if a barbeque is used there is a danger that the nearby trees may be

compromised. Additionally, very close to our fence an immediate fire risk Your own guidance states that barbeques should be kept well away from trees.

Planning Policies

It is our understanding that there was a Worthing Councils Internal Space Standards Policy issued in 2012 that required a minimum of 32 sq m internal space for a studio property and 51 sq m for a 1 bedroom property. It would appear that the proposed property totals 24 sq m with net internal space of 21.5 sq m. If this policy is still in place the proposed building does not meet the minimum requirements.

The applicant is relying strongly on Housing need to justify the proposal. However, 1 bedroom units are amongst the lowest when it comes to housing need in the Local Authority area which reduces the benefits associated with the application. Such a small construction would not solve any housing problems there may be. Also, the property would appear not to be mortgageable as it falls below the minimum size required by lenders. This would likely prohibit first time buyers purchasing the property and permanently blight its saleability.

Previous Decisions

We feel a sense of enclosure with the threat of a house being built so close to our flat. There is case law and appeal decisions placing an emphasis on local authorities to avoid this impact. We therefore very much hope that the Council will refuse the application on the grounds that we and others have made.

Yours sincerely

Catherine and Malcolm Kurton

9 Queensborough Court, 90 Grand Avenue, Worthing, West Sussex, BN11 5BP

3 attachments



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