Adur District Council

Planning, Regeneration and Wellbeing

Mr Jason Pagulatos
Jason Michael Design
8 New Cottages
Vapery Lane
Pirbright
GU24 0Qe

PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/1537/17

Details of Development
SINGLE STOREY EXTENSION TO NORTH/EAST ELEVATIONS; NEW METAL CLADDING TO SOUTH, EAST AND WEST ELEVATIONS. CONVERSION OF FIRST FLOOR ONE BEDROOM FLAT INTO 2NO. ONE BEDROOM FLATS.

Location of Development
75 UPPER BRIGHTON ROAD SOMPTING LANCING WEST SUSSEX BN15 0JQ

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 24th October 2017.

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

GPeck

Gary Peck
Planning Services Manager
09/01/2018

ADUR DISTRICT COUNCIL
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SCHEDULE

Reasons for Refusal

01. In the absence of a noise assessment relating to traffic noise generated from the A27 trunk road and how it would affect any residential use of the property, together with what forms of sound proofing may be required, it has not been adequately demonstrated that the occupiers of the flats would not be severely affected by traffic noise. The proposed change of use of the first floor to residential flats is therefore contrary to Policies 15, 34 of the Adur Local Plan 2017 and the relevant policies of the National Planning Policy Framework.

02. The proposed use of an external staircase as the sole means of access to the proposed flats is likely to result in a loss of amenity for the occupiers of neighbouring residential properties. The proposal is therefore contrary to policy 15 of the Adur Local Plan and the relevant policies of the National Planning Policy Framework.

03. The proposal contains no provision for private external amenity space for either of the flats. The proposal is thereby contrary to Policy 15 of the Adur Local Plan 2017, Development Management Standard No.4 'Flat Conversions' and the relevant policies of the National Planning Policy Framework.

Informative

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

Reference/Drawing Number	Version	Date Rec
LOCATION & BLOCK PLAN	CARECO 2.2	24.10.2017
FIRST FLOOR PLAN	CARECO 1.2	24.10.2017
PROPOSED ELEVATIONS	CARECO 2.1	24.10.2017
PROPOSED GROUND FLOOR PLAN	CARECO 1.1	24.10.2017
EXISTING FIRST FLOOR PLAN	UKES001.2	24.10.2017
EXISTING EAST, WEST ELEVATIONS	UKES002.2	24.10.2017
GROUND FLOOR PLAN	UKES001.1	24.10.2017
EXISTING NORTH, SOUTH ELEVATIONS	UKES002.1	24.10.2017

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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 you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this 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.

7. 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.

8. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

9. 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.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).