ADUR DISTRICT COUNCIL

Mr James Breckell
James Breckell Architects
The Adur Business Centre
Little High Street
Shoreham By Sea
West Sussex
BN1 1YR

PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/1152/19

Details of Development
DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF FOUR STOREY REAR EXTENSION TO PROVIDE EXTENDED GROUND FLOOR RETAIL FLOORSPACE PLUS 3NO. STUDIO FLATS WITH REAR BALCONIES. CONVERSION OF UPPER FLOORS OF EXISTING BUILDING TO PROVIDE A FURTHER 3NO. STUDIO FLATS INCLUDING EXTENSION TO EXISTING ROOF TO FORM MANSARD ROOF WITH DORMER WINDOWS TO FRONT. NEW SHOPFRONT TO INCLUDE SEPARATE ACCESS TO PROPOSED FLATS. STORAGE FOR FLATS TO BE INCLUDED AT GROUND FLOOR LEVEL. RESTORATION OF FRONT ELEVATION OF EXISTING BUILDING INCLUDING NEW SASH WINDOWS.

Location of Development
43 HIGH STREET SHOREHAM-BY-SEA WEST SUSSEX BN43 5DD

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 25th July 2019.

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

G Peck

Gary Peck
Planning Services Manager
08/10/2019

Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

SCHEDULE

Reasons for Refusal

01. The scale, design and proximity of the proposed extensions will be harmful to the setting of the adjacent listed building and to the appearance of Shoreham Conservation Area. The application is therefore contrary to policies 15, 16 and 17 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework.

02. The development provides cramped and substandard accommodation and fails to provide cycle parking or accessible refuse storage resulting in an unsatisfactory living environment for future occupiers. It is therefore contrary to policy 20 of the Adur Local Plan, the Technical Housing Standards 2015 - DCLG, and the National Planning Policy Framework.

03. The scale, height, proximity and design of the proposal will have an unacceptable impact on adjoining occupiers due to an overbearing impact, overlooking, loss of outlook and loss of light. The proposal is therefore contrary to policy 15 of the Adur Local Plan and the National Planning Policy Framework.

04. The application fails to demonstrate that future occupiers will not be exposed to poor air quality, excessive noise or overheating, to their detriment. The development is therefore contrary to policies 15 and 34 of the Adur Local Plan and the National Planning Policy Framework.

Informatives / Notes to Applicant

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

Reference/Drawing Number	Version	Date Rec
EXISTING E ELEVATION	Drg JB 409/planning11	25.07.2019
PHOTOGRAPHS X 2		25.07.2019
EXISTING LOCATION & BLOCK PLAN	Drg JB 409/planning01	25.07.2019
PROPOSED LOCATION & BLOCK PLAN	Drg JB 409/planning02	25.07.2019
DIGITAL SURVEY EXISTING	Drg JB 409/planning03A	25.07.2019
EXISTING FLOOR PLANS	Drg JB 409/planning04A	25.07.2019
EXISTING FRONT & REAR ELEVATIONS	Drg JB 409/planning05A	25.07.2019
PROPOSED SITE PLAN	Drg JB 409/planning06	25.07.2019
PROPOSED FLOOR PLANS	Drg JB 409/planning07	25.07.2019
PROPOSED FRONT & REAR ELEVATIONS	Drg JB 409/planning08A	25.07.2019
PROPOSED SECTIONS	Drg JB 409/planning09A	25.07.2019
WEST FACING SIDE SECTION	Drg JB 409/planning10A	25.07.2019

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 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.

6. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

7. 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.

8. 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.

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

10. 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).