The Planning Inspectorate

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HOUSEHOLDER PLANNING APPEAL (Online) FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372. **To help you fill in this form correctly please refer to the guidance leaflet "How to complete your householder planning appeal form"**.

WARNING : The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time we will not accept the appeal**.

APPEAL REFERENCE: APP/Y3805/D/14/2216766

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr James Campbell
Organisation name (if applicable)	

B. AGENT DETAILS

Name	Mr shaun morphew
Organisation name (if applicable)	
Your reference	campbell

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA	Adur District Council
LPA reference number	AWDM/0108/14
Date of application to LPA	30 Jan 2014
Date of the LPA's decision	01 Apr 2014

D. APPEAL SITE ADDRESS

Address
7 The Thatch Court
The Street
LANCING
West Sussex

Postcode BN15 0PL Grid Reference: Easting 05185687 Northing 01057839

1. Is the appeal site within a Green Belt? Yes ☐ No ☑

2. Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☐ No ☑

3. Are there any health and safety issues at, or near the site which the Inspector would need to take into account when visiting the site? If so please describe them below Yes ☐ No ☑

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form? Yes ☑ No ☐

Single storey rear extension

Area of floor space of proposed development (in square metres) 17

F. REASON FOR THE APPEAL

This reason for this appeal is that the LPA has (please tick which applies)

1 Refused planning permission ☑

2 Refused permission to vary a condition(s) ☐

3 Refused prior approval of permitted development rights ☐

G. GROUNDS OF APPEAL

Do you intend to submit a costs application with this appeal? Yes ☐ No ☑

Reason for appeal.
We are appealing the councils decision to refuse planning permission for this rear single storey extension on the basis that it's judgement was unduly weighted by the number of objections received.

Policy documents, AG1, AH7 and the Development Control Standard No3 'Extensions and alteration to dwellings' quoted in the decision, clearly show that Proposals "should not reduce the daylight to neighbouring properties to an unacceptable extent." Also it says "the fact that a neighbour may be able to see an extension would not in itself make a proposal unacceptable, the outlook of neighbouring properties should not be dominated by the extension since this could be overbearing and oppressive."
The wording of these policies makes it essential for councils to make a judgement, case by case, about the extent to which an application unacceptably reduces light and intrudes. It is obvious that this type of judgement will be affected by other factors, including the views of neighbours. Indeed the council has received 6 letter of objection to this application. We believe the force of these objections means that the council has judged the proposal to be contentious. Hence the extension has been judged more critically.

The 6 letters of objection were received by the council. Of the six letters three were from the same address. Six areas of concern are listed in the planning officers report. Four of these, while being important concerns have no bearing on the planning application. These issues are all addressed under, standard planning conditions and or the statutory requirement of building control or Party wall law. Two of the letters specifically apply to the original proposal to convert the loft using small dormer windows on the front and rear elevations. The concern over loss of privacy was also connected with the loft conversion. Because of these objections and after consultation with the planning officer the application was amended, retaining only the rear single storey extension.
The planning officer wanted the applicant to withdraw the application completely and build the rear extension under permitted development. In our letter and accompanying drawing that was sent to the council date 20 Feb 2014 we presented our reason for continuing with the extension in its present form. This letter accompanying the drawing was not added to the documents list registered on the website. The argument presented were thus not available for consideration by all the parties concerned. We have included the letter among the documents in the appeal, but in case this is not accepted as part of the original application we briefly present the thoughts below.

Letter 20 Feb 2014 summary.
The drawing sent along with the letter showed the height of the existing boundary fence between 6 &7 Thatch Court. Because the fence follows the natural rise of the ground the extension becomes less visible above the fence the further away from the building. The proposed fascia level is @2.1M above the DPC.
The proposal has been set back 400mm from the boundary fence, deliberately to mitigate impact and also to make sure that the fascia and the entire guttering is behind the existing fence.
The low pitch full hipped roof has the least impact possible.
The top of the ridge is a maximum of 3.7M above the DPC.
By means of 3D modelling the shadowing caused by the new proposal on the adjoining property was examined. Because of the orientation of the block of houses, it was not possible to identify any time when a direct shadow will be cast over the rear windows of No6.
To reduce the size of the proposed extension to 3M would compromise its purpose as a dinning /kitchen area.
A 3M deep extension can be built as permitted development. The additional meter depth which the planning application would allow is the part of the extension that is almost out of view from the neighbours side.

The councils view implied, has been that the 3M depth of extension that permitted development allows is sufficient space. However according to the "Good practice guidance notes" as adopted by the Council the minimum total floor space expected for a 3 bedroom home is 93M2. An extension under permitted development would be 91M2. Clearly seeking the additional space is not being unreasonable.
The council have accepted that an extension 3M deep can, and probably will be built under permitted development. The wall on the boundary could be up to 3M high, this is considered acceptable. However because the application has been judged to be contentious the council has refused permission for an extension that has less visual impact and is far less overbearing although it extends 1M further.
It has not been possible to show by 3D modelling that the proposed extension would cause direct shadow to the rear of No6. The policy document uses the wording"loss of light to an

Continued on Supplementary Sheet

CHOICE OF PROCEDURE

There are 3 possible choices:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE ✔

This is normally the simplest, quickest and most straightforward way of making an appeal. The 'Householder Appeals Service' written procedure is particularly suited to small-scale developments.

2. THE HEARING PROCEDURE ☐

This procedure is likely to be suited to more complicated cases which require detailed **discussion** about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate will consider whether your appeal is suitable for this procedure against the criteria. You must give detailed reasons below or in a separate document why you think a hearing is necessary.

Please answer the question below.

a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES ☐ NO ☐

3. THE INQUIRY PROCEDURE _____

This is the most formal of procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure against the criteria. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

Please answer the questions below.

a) How long do you estimate the inquiry will last? (Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.) No. of days

b) How many witnesses do you intend to call? No. of witnesses

c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. YES NO

H. (part one) SITE OWNERSHIP CERTIFICATES

We need to know who owns the appeal site. If you do not own the appeal site or if you own only part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the 'certificates' applies.

If you are the **sole** owner of the **whole** appeal site, certificate A will apply:

CERTIFICATE A A ✔

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B B ☐

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance leaflet*) to every one else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name	Date the notice was served (this must be within the last 21 days)

CERTIFICATES C & D C/D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the *Guidance leaflet* and attach it to the appeal form.

H. (part two) AGRICULTURAL HOLDINGS CERTIFICATES

We need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding: A ✔

OR

(b)(i) The appeal site is, or is part of, an agricultural holding and the appellant is the sole agricultural tenant: B(i) ☐

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below: B(ii) ☐

Tenant's name	Date the notice was served (this must be within the last 21 days)

Details of additional tenants ☐

I. ESSENTIAL SUPPORTING DOCUMENTS

If we do not receive both your appeal documents by the end of the appeal period, we will not accept your appeal.

You must send the documents listed below with your appeal form. Please tick the boxes to confirm the documents are enclosed.

1 A copy of the original **planning application** sent to the LPA. ✔

2 A copy of the **LPA's decision notice.** ✔

J. OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

K. NOW SEND…

● **1 COPY to the LPA** Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.	● **You may wish to keep a copy of the completed appeal form for your records**

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **householderappealform@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

APP/Y3805/D/14/2216766

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

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*****************************************************************
* The Documents Listed Below Were Uploaded With The Appeal Form *
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==========  DESCRIPTION OF THE DEVELOPMENT  ==========
TITLE:       LPA's Agreement to the change
DESCRIPTION: LPA's Agreement to the change
FILENAME:    change of reference agreement.pdf


==========  ESSENTIAL SUPPORTING DOCUMENTS  ==========
TITLE:       01. A copy of the original planning application sent to the LPA.
DESCRIPTION: original application forms
FILENAME:    original application.pdf

TITLE:       01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Supporting statememnt
FILENAME:    supporting statement.pdf

TITLE:       01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Letter to planning officer 20
FILENAME:    letter to planning officer..pdf

TITLE:       02. A copy of the LPA's decision notice.
DESCRIPTION: decision notice
FILENAME:    LPA decision notice.pdf
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M. SUPPLEMENTARY SHEET

Grounds of Appeal (continued)

unacceptable extent" Without direct shadowing, loss of light must be minimal. To judge that minimal loss of light is unacceptable must include other factors beyond the position of the sun as a light source.
Conclusion.
The council has refused permission for the application because it appears to be an unpopular decision. The councils positive and proactive approach to negotiate a satisfactory way forward, was a recommendation to with draw the application and build the extension under permitted development. This will absolve the council from any further responsibility in the matter, but will not address or assist the local residence in any of the grievances they have raised. Without planning approval the council have no specific control over design. The standard planning conditions such as prescribed work hours are not binding. And the local community losses a level of protection and arbitration to help resolve issues that may arise.
We therefore want the appeal to examine if the design is indeed unreasonable and unacceptably overbearing and not weather it is simply unpopular.