Statement of Case for:

39 Saxons, Shoreham-By-Sea, West Sussex, BN43 5JE on behalf of Mr Lee Teer.



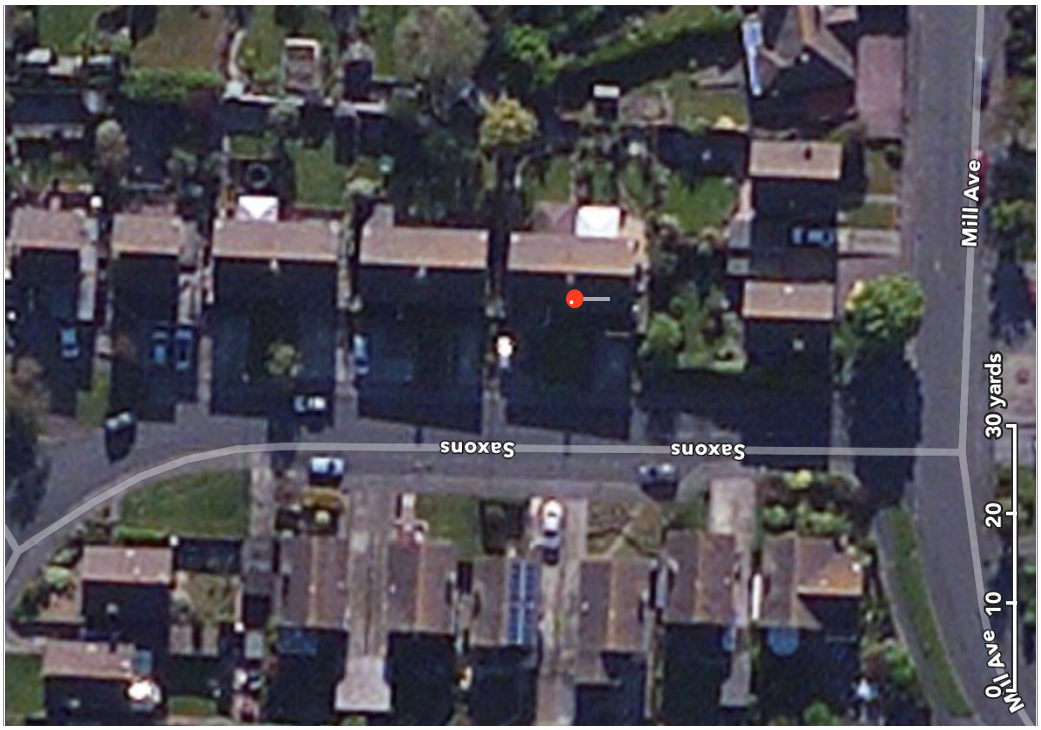
LPA's Ref: AWDM/0384/15

31st May 2015

Nigel Locke Planning Consultant F.P.C.S.
The Office
129 Tarring Road
Worthing
West Sussex
BN11 4HE

T: 0845 5196131
M: 07500 657642
E: nigeljlocke@gmail.com
W: www.nigellockeplanning.vpweb.co.uk

The Property and its Surroundings



Since the aerial view was taken the owners of No. 39 have purchased part of the neighbours plot to extend the rear garden back to the hedge.

The property comprises a semi-detached post war two storey house of brick and part white rendered elevations under a concrete tiled roof. There is an existing flat roofed front projection, which would appear to be the original attached garage to the property and has been converted into living accommodation.

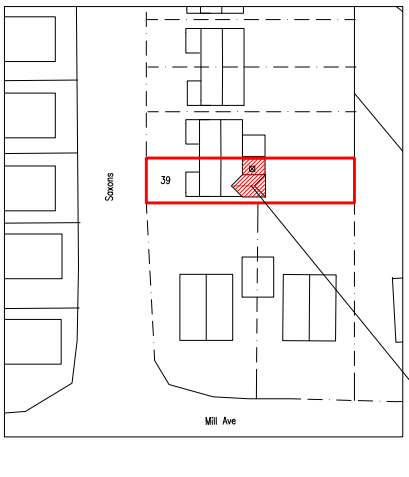
There is vehicular access and driveway with parking to the front together with an area of formal front garden. There is a good sized area of enclosed garden to the rear.

The property forms the end one of a row of semi-detached houses on the eastern side of Saxons. Its setting is unique and not replicated by any of the other semi-detached houses in that its southern flank boundary is adjacent to the rear gardens of Mill Avenue properties to the south.

The area generally comprises mainly post war development of detached and semi-detached two storey houses with some 1930s bungalows and houses in the near vicinity.

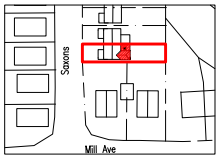
It is situated in an elevated position in a residential area of the northern outskirts of Shoreham-By-Sea. It is within easy reach of schools for all ages. Local shopping facilities and it is close to local bus routes linking Brighton to the east and Worthing, Chichester and Portsmouth to the west. It is about ¾ of a mile from Shoreham-By-Sea railway station and town centre.

It is therefore in an accessible and sustainable location.



BLOCK PLAN 1:500

10m 20m 30m 40m
1:500 Scale Bar



Location PLAN 1:1250

10m 20m 30m 40m 50m
1:1250 Scale Bar

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BJW Architectural & Planning Services
15 West Street
Shoreham By Sea
West Sussex
BN43 5WF
01273 441009
07856899101
e-mail: benw@bjwarchitectural.co.uk
website: bjwarchitectural.co.uk

Project:
Proposed extension at:
39 Saxons
shoreham

Title:
BLOCK & Location PLAN existing

Note: All dimensions to be checked on site.

Client:

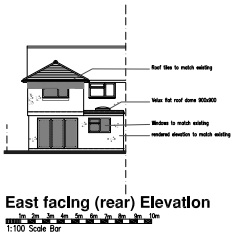
Scale:
1:500, 1:1250 @ A3 paper size

Date: 16.3.2015
Drawn: BJW

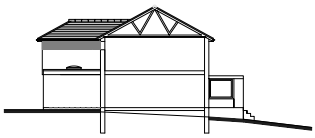
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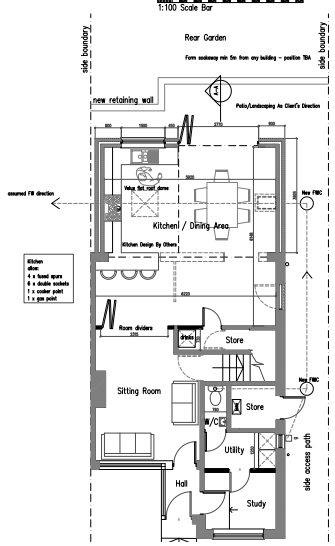
South facing (side) Elevation
1:100 Scale Bar

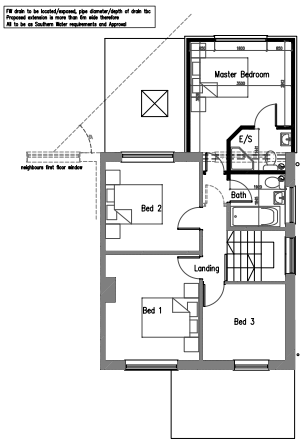


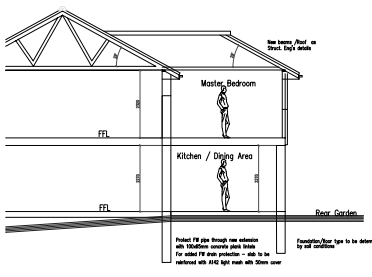
East facing (rear) Elevation
1:100 Scale Bar



North facing (side) Elevation
1:100 Scale Bar







SECTION A-A
1:50 Scale Bar

Project:
Proposed Extensions & Alterations At:
39 Saxons
Shoreham By Sea
West Sussex
BN43 5JE

Drawing title:
Plans & Elevations As Proposed

Client:
Lee Teer

BJW

The Proposal

Is for a part two storey and part single storey extension to rear (east) elevation.

It is proposed to replace the existing rear conservatory with a full width ground floor extension to provide a modern open plan kitchen/living area. In addition a first floor extension is proposed to provide a new master bedroom suite. In order to respect the amenity and outlook from the adjacent property No. 38 this first floor element to the extension will be stepped away from the common boundary with No. 38 and will respect the 45 degree outlook rule from their first floor rear window.

Reasons for Refusal

I would like to comment upon the Local Planning Authority's reasons for refusal as follows.

The proposed extension by reason of its large size would be out of keeping in scale and appearance with the existing building. It would result in an unneighbourly form of development, which would restrict outlook and aspect to the adjacent dwellings and is therefore detrimental to the visual and residential amenities of the locality. If permitted the Local Planning Authority would find it difficult to resist further similar proposals related to other dwellings within the cul-de- sac, the cumulative effect of which would spoil the existing character and appearance of the area resulting in overdevelopment. The proposed development is therefore contrary to policy AH7 of the Adur District Local Plan and the NPPF.

With regard to the size of the proposed extension whilst this will cover the full width of the property at ground floor level, the first floor element of the extension will only be to the southern end of the rear elevation, therefore well away from the adjacent property No. 38 to the north. This will therefore respect the neighbour's privacy at No. 38 and being stepped away from their boundary it will not provide an over bearing presence.

The proposed first floor extension will have a hip roof, which will be set below the existing roof ridge height and therefore appearing subservient to the host property and minimising its visual impact.

The proposed extension being to the rear of the existing property will hardly be visible from the Saxons streetscene.

There will be an oblique glimpse of the extension between the two detached properties in Mill Avenue immediately adjoining the site to the south, but this will be partially obscured by the existing mature boundary trees between the two properties.

With regard to the application if permitted setting a precedent for similar applications, it should be noted that No. 39 has a unique setting in that it is at the end of a row of semi-detached houses with the rear gardens of the Downsway houses forming its southern boundary. It is therefore a setting that cannot be replicated by the other similar semi-detached houses to the north and in any case the Local Planning Authority should judge each application on its individual merits.

It is noted from the planning officer's delegated report that there is no objection in principle to the proposed development, which involves the extension to an existing dwelling house.

It is also noted from the delegated report that the ground floor extension would be acceptable to the council.

The application plans show that the proposed first floor extension would not infringe the 45 degree rule and this is accepted by the planning officer in the delegated report.

The 45 degree rule is to protect neighbouring properties from development that would obstruct their light and outlook and this has satisfactorily been addressed with this design.

The loss of a view is not a material planning consideration.

The planning officer has suggested reducing the size of the first floor extension. This would however mean losing the en-suite bathroom and therefore the object of the proposal to provide a master bedroom suite could not be achieved.

The planning officer's delegated report states that the extension would be unneighbourly to the two detached dwellings that adjoin the site to the south, however I think it is significant that there have been no objections from the detached house immediately adjoining to the south.

The proposed extension will be well screened from the first detached house in Downsway to the south. From the next house No. 75 Downsway the ground floor extension will be fully screened by fencing and planting. There are no proposed windows to the south elevation, so there will be no direct overlooking into their gardens. Likewise there are no windows in the first floor north side elevation and therefore no direct overlooking into the garden of No. 38, which adjoins to the north.

However mutual first floor overlooking both from the appeal site property and others already exists and is not an unusual occurrence within the normal urban relationship such as this one.

Paragraph 17 of the National Planning Policy Framework states that planning should not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.

It also states under Paragraph 58 that planning decisions should aim to ensure that developments optimise the potential of the site to accommodate development. I will expand on these and other relevant policies contained in the NPPF in the next section of this statement '*Planning Policies*'.

Planning Policies

In their decision notice the Local Planning Authority state that they consider the application to be contrary to policy AH7 of the Adur District Local Plan and I would therefore like to comment upon this as follows.

Policy AH7 of the Adur District Local Plan: Extensions/Alterations to Dwellings

This policy states that extensions and alterations to existing houses and bungalows will be expected to be designed so that:-

(a) Proposals would not result in an unacceptable degree of overlooking, loss of natural light or overbearing effect on neighbouring dwellings;

(b) Design and materials are sympathetic to both the original dwelling and the area in general;

(c) The proportion of the garden area taken by the proposal would not be excessive having regard to the character of the area;

(d) Access and car parking provision is acceptable under Policy AT12, and

(e) It accords with the standards adopted by the District Planning Authority.

It is considered that the proposal would not result in an unacceptable increase in overlooking over that, which already exists by way of mutual overlooking from existing first floor windows in this urban location.

The 45 degree rule is respected as shown on the application drawings and it is considered that the proposal will not have an overbearing effect or loss of light to any of the nearby properties.

With regard to materials it is proposed that the roof tiles will match the existing and windows will also match the existing style of windows to the rear elevation. The elevations will be rendered to match the existing side elevation and the delegated officer's report states that due to its light appearance in this case it is considered acceptable.

There is an existing conservatory to the rear of the property and it is considered that with the extension as proposed built there will be adequate amenity and rear garden space left with the property, particularly as the original plot of No. 39 has now been extended back to the hedge after purchasing further land.

There is no alteration to the parking provision or access to the property by virtue of this proposal.

The National Planning Policy Framework

In their decision notice the Local Planning Authority state that they consider the proposal to be contrary to the NPPF, however they have not stated in their decision notice which of the NPPF policies they consider it to be contrary.

I set out below what I consider to be the policies contained in the NPPF relating to this application.

Core Planning Principles

Paragraph 17 states that planning should:

- *Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*

Section 6: Delivering a Wide Choice of High Quality Homes

Paragraph 49 states housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Section 7: Requiring Good Design

Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places

better for people.

Paragraph 57 states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including buildings, public and private spaces and wider area development schemes.

Paragraph 58 states decisions should aim to ensure that developments:

- *Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- *Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*

- *Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*

- *Are visually attractive as a result of good architecture and appropriate landscaping.*

Paragraph 60 states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

Paragraph 61 states that visual appearance and the architecture of individual buildings are very important factors but securing high quality and inclusive design goes beyond aesthetic considerations.

These Framework Policies emphasise the importance of inclusive design, which functions well for the lifetime of the development creating attractive and comfortable places to live. They also emphasise the importance of sustainable development.

In this case the proposal will make efficient and effective use of ground floor and first floor space at the rear of the property. It will provide extensions to the existing rather limited and dated accommodation layout with the provision of contemporary style open plan kitchen/dining area to the ground floor and the addition of a master bedroom suite to the first floor. This will then leave three further bedrooms plus a family bathroom.

It is therefore an opportunity to optimise the development potential of the property without having an adverse visual impact upon the streetscene or character of the area in general.

The extended and reconfigured accommodation will provide a more adaptable family friendly layout more suited to present modern day living requirements.

The property is in a sustainable location in an existing urban settlement area of Shoreham within easy reach of local transport links and local amenities.

Construction will be sustainable in that it will be built to modern day building standards incorporating a high level of insulation and water and energy saving measures.

The only demolition works will be the removal of the existing conservatory and site waste will be kept to a minimum and controlled as follows.

Construction: Waste will be minimised by ensuring only those quantities of materials to be used in the works are ordered and supplied or batched.

In the rare instance where material is oversupplied, such material will be returned to the supplier. Any oversupplied materials will be separately stored on the site in order to prevent accidental damage.

Waste Management: Specialist companies will be utilised to make regular collections from the site in order to keep the majority of the site clear with regular collection of:

- Polythene packaging
- Cardboard packaging
- Glass
- Metal
- Hazardous waste such as plants, glues etc

Timber will be sorted in a set area so that any off cuts can also be reused in other areas of the construction. Once the off-cuts are considered waste, these will be stored in a separated area for collection.

New building materials will generally be sourced from local suppliers where possible.

Conclusion

I set out below a summary of the appellant's grounds of appeal and rebuttal of the council's reasons for refusal.

- ✓ The first floor extension will be set well off the common boundary with No. 38 Saxons and will comply with the 45 degree rule.

- ✓ Neighbour amenity will be respected both to properties to the south and north of the site, with no directly overlooking windows to either of the proposed side elevations of the proposed extensions. It is in an area where first floor mutual overlooking already exists and is common place in such an urban environment.

- ✓ It is considered that the proposal conforms to the guidelines set out in Adur Local Plan policy AH7.

- ✓ As set out in this statement it is considered that the proposal conforms to the aims and guidelines set out in the relevant policies of the National Planning Policy Framework.

- ✓ The first floor rear extension will be set lower than the existing roof height and will appear subservient to the host property.

- ✓ It will make efficient and effective use of space at the rear of the property to maximise the sites development potential to provide additional accommodation more suitable to modern family living.

- ✓ The development will be sustainable both in terms of construction and location.

The inspector is respectfully asked to allow the appeal.