28 Mill Hill
Shoreham-by-Sea
West Sussex
BN43 5TH

Adur & Worthing Councils
Development Management Economy Directorate
Portland House, 44 Richmond Road,
WORTHING
BN11 1HS
For the attention of Gary Peck

22nd December 2018

ADUR & WORTHING
24 DEC 2018
PLANNING SERVICES

Dear Sir

Your Reference AWDM/1682/18

I object to planning application AWDM/1682/18 on the grounds of the harmful impact on the amenity of occupiers of properties to the west, namely Nos. 26 and 28 Mill Hill and loss of privacy to those properties, in particular the rear gardens.

Before moving on to the detailed reasons for my concerns, the first matter to resolve is accuracy of the description of development. The application is described as "Retention of single storey rear extension to west elevation (retrospective)". However, a large dormer window has also been added to the dwelling as part of a single building operation to construct a part single storey/part first floor rear extension.

I note that the application forms refer to a 'loft conversion' as 'previous works'. However, although the construction of the dormer window commenced earlier in the year, construction of the ground floor element commenced prior to the completion of the dormer window and both have been worked on in the last few months. They have therefore been carried out as a single building operation, and a single enlargement of the dwelling.

The application forms also refer to the Applicant being advised by Officers that the 'loft conversion' "was accepted as within Permitted Development". While the dormer widow alone may fall within the limits set out in the GPDO, the ground floor extension attaches to the rear dormer. The drawings clearly show the roof of the ground floor element to abut the rear elevation of the dormer. As the two sections are not separate entities and clearly link together, they amount to a single building operation and single enlargement of the dwellinghouse, which can best be described as a part single storey/part first floor rear extension.

As this amounts to a single enlargement of the dwellinghouse, the extension as a whole must comply with both Class A (extensions) and Class B (alterations to the roof) of Part 1 of Schedule 2 of the General Permitted Development Order 2015, as amended.

The DCLG April 2017 Technical Guidance on Permitted Development Rights for Householders is clear that "In order to be permitted development, a proposal must meet all the limitations and conditions under each Class relevant to the proposal. It is therefore essential that any proposed household development is considered in the context of the permitted development rules as a whole in order to determine whether it benefits from permitted development rights and therefore does not require an application for planning permission.

For example, where a proposed two storey extension at the rear of a house has a roof that joins onto the main roof of the original house, the works will need to meet the requirements of both Class A (which covers the enlargement of the house) and Class C (which covers any alterations to the roof) in order to be permitted development. If the works also include the creation of a dormer window to enlarge the roof space, either in the extension or the original roof space, then they would also need to meet the requirements of Class B." (my underlining)

This single building operation must therefore meet the criteria of both Class A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, but fails to comply with the following criteria:

Class A

The enlargement, improvement or other alteration of a dwellinghouse is not permitted under Class A if:

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.

The eaves of the original bungalow were just above the ground floor window frame height. The first floor element therefore has eaves at a level which is greater in height than the original (the Householder Technical Guide confirms that in the case of flat roofs, the eaves height is the height of the flat roof). A(d) is therefore failed.

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse

The ground floor element projects 5m from the original rear wall, and an application for prior approval was not made in accordance with paragraph (g). A(f) and A(g) are therefore both failed.

(h)the enlarged part of the dwellinghouse would have more than a single storey and-
(i)extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

This single extension comprising a part single storey/part first floor rear extension lies well within 7m of the boundary opposite the rear wall of the dwellinghouse, and extends beyond the rear wall of the original dwellinghouse by more than 3m. Although it is the single storey element which causes the extension to breach this criteria, where an extension comprises a single operation, the extension as a whole needs to meet all of the relevant criteria, i.e. including the rear dormer element which results in the extension having more than a single storey. A(h) is therefore failed.

(j) the enlarged part of the dwe//inghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would(i) exceed 4 metres in height,
(ii) have more than a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse;

The extension extends beyond the side elevation of the existing garage and it exceeds 4m in height (as it is part single storey/part first floor) and has a width greater than half the width of the original dwellinghouse. A(j) is therefore failed.

Class B: Additions etc to the roof of a dwellinghouse

(d) the cubic content of the resulting roofspace would exceed the cubic content of the original roof space by more than 40 cubic metres in the case of a terrace house or 50 cubic metres in any other case The addition of an attached single storey rear extension to the dormer window increases the volume of the addition, such that it is now likely to exceed 50 cubic metres, even if the dormer alone did not breach the volume limit. B(d) is therefore failed.

Conditions of Class B

(b) the enlargement must be constructed so that-

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves The first floor/roof enlargement does not serve to simply join the original roof to the roof of the rear extension and is an addition of habitable space in its own right. Therefore, conditions (aa) and (bb) must apply. The eaves of the original roof have not been maintained, as the rear extension alters the eaves line to the rear, and as a result of the rear extension, the enlargement is much less than 0.2m from the original eaves. Condition (b)(i) is therefore failed.

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

As the first floor/roof enlargement does not serve to simply join the original roof to the roof of the rear extension and is an addition of habitable space in its own right, this condition is breached as the extension as a whole extends well beyond the rear of the original dwelling. Condition (b)(ii) is therefore failed.

I trust you will agree that the addition of a rear extension that attaches to the dormer window now results in a single building operation comprising the enlargement of the dwelling through the addition of a part single storey/part first floor rear extension, and must therefore comply with all parts of the GPDO relevant to enlargement of a dwellinghouse. As such, it is not just the single storey rear extension currently stated in the description of the development which is under consideration by the Council, but the enlargement and building operation as a whole.

In my view, the dormer window is the most harmful element of the development. While I acknowledge that it only requires planning permission as a result of its construction as a single enlargement of the dwellinghouse and would have been PD if it did not link to the ground floor extension, the reasons for the conditions and restrictions set out in the GPDO attempt to protect the amenity of neighbouring residents by ensuring that there is sufficient separation maintained between properties and that windows which have the potential to overlook neighbours are obscurely glazed and non-openable. This is why criteria (h) of Class A requires an extension of more than a single storey to be sited a minimum of 7m from the rear boundary and for side facing windows to be obscurely glazed and non-openable. The GPDO does not account for all circumstances, and it is unfortunate that there are no similar controls for the addition of dormer windows in rear elevations which are close to rear boundaries. This development has essentially introduced new windows directly overlooking and in close proximity to rear gardens which were previously not overlooked at all.

Policy 15 of the Adur Local Plan requires development not to have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space. The Policy confirms that the Council will expect proposals for extensions or alterations to dwellings to comply with the criteria contained in the adopted Development Management Standard No. 2: Extensions and Alterations to Dwellings (DMS2).

The DMS2 confirms that in considering a planning application for an extension to a dwelling one of the main planning concerns is to ensure that the proposal will not have an adverse effect on neighbouring properties. It clearly states at para 2.2 that proposals will not be granted planning permission if they have an unacceptably adverse effect on neighbouring properties, including through direct overlooking of rooms in neighbouring properties or excessive amounts of overlooking of garden areas. It also confirms that where the outlook of neighbouring properties is dominated by the extension, this could be dominating and oppressive.

In terms of overlooking, section 3 of DMS2 requires at least 22m from the adjacent dwelling to the rear. In this case, the distance appears to just comply with the 22m threshold in relation to No. 28. However, this is in the context of changing from an absence of windows facing No. 28 to three large, prominent windows facing rear, all within about 6m of the rear boundary. The DMS2 also requires rear garden depths of 11m. This assists not only that the host property retains sufficient amenity space, but also that there is sufficient separation to the rear boundary to prevent an overbearing appearance and loss of privacy. Clearly, the proposal does not leave 11m garden depth to the boundary with Nos. 26 and 28.

In terms of dormer windows, paragraph 3.11 of the DMS2 confirms that these should not be so large that they over-dominate the dwelling, resulting in a top-heavy box-like appearance, and should be kept well below the ridge level of the existing roof. The section on dormer windows also confirms that dormers less than 22m from the rear of a neighbouring dwelling are unlikely to be acceptable as they would cause an excessive degree of overlooking.

We do not want to prevent the Applicant from extending the property. However, the manner in which the dwelling has been extended is un-neighbourly and intrusive, due to the location in close proximity to the rear boundary with No. 28 Mill Hill. There would have been far less harmful impact on adjacent occupiers if the roof extension had been carried out with the layout reversed, so that the dormer window with full views out from three bedrooms was to the front of the property, and the eaves storage was to the rear. There are other large front dormer windows to properties on Mill Hill Close (Nos. 9 and 11), which set precedent for such extensions and mean that a front dormer would not be out of character in the street scene. Had the Applicant engaged with adjoining residents before commencing work on the extensions, perhaps a better design which did not impact on occupiers to the rear to such a degree would have been arrived at.

I trust these comments will be considered in the determination of this application, and that the Council will refuse the application, or required amendments to reduce the impact on neighbouring residents to an acceptable level.

Yours faithfully,

[redacted]

Ann Jackson

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