PB

39 The Meadway
SHOREHAM BY SEA
West Sussex
BN43 5RN

Philip Navier

27 December 2011

Peter Barnett
Planning Services
Adur and Worthing Council
Portland House
Richmond Road
WORTHING
West Sussex
BN11 1LF

Your ref: AWDM/0827/11

Dear Mr Barnett

DEMOLITION OF CHALET BUNGALOW AND ERECTION OF 2 SEMI-DETACHED TWO-STOREY THREE-BEDROOM HOUSES WITH PARKING AT FRONT

LOCATION OF DEVELOPMENT – 43 OLD FORT ROAD, SHOREHAM BY SEA, WEST SUSSEX BN43 5RL

I am shortly going away with my daughter and will be unable to attend the planning committee hearing. As I am a single parent I have no partner who could attend in my place. I trust that you will be able to place my letter before the committee.

PRIVACY/RIGHT TO LIGHT
The previous landowners of No.43 Old Fort Road, the property to the rear of my bungalow, did not take steps to prevent my bungalow obtaining a right to light by instigating the procedures under the 1959 Rights of Light Act. The required notices were not filed and cannot now be filed as my property has enjoyed 20 years enjoyment of light.

The report to the Committee says: -
At the rear, No.39 The Meadway is a bungalow, the nearest part of which (a rear conservatory) is approximately 19m from the rear wall of the proposed

dwellings. While this is less than the 22m recommended in the DC Standard, this figure is usually required in order to prevent overlooking between dwellings. In this case, the rear-facing windows of the dwellings at first floor will serve kitchens and will be high level, 1.8m above the floor level, to prevent any views to the north towards The Meadway. Overlooking of dwellings to the east and west will also be avoided by high-level windows at first floor.

It goes on to say: -
The proposed dwellings will not project as far into the site as No's 45 and 47 to the east and, at only 5.5m tall, they will not result in unacceptable loss of daylight to the rear garden and conservatory of No.39 The Meadway. That property is already partly shaded by vegetation on the boundary within the site which may be removed as part of the redevelopment. The proposed dwellings will be 12m from the rear boundary. No.39 owner's claim to a right of light under common law (and the Prescription Act 1832) is not a planning matter but a civil matter between the landowners involved which he could attempt to pursue privately whether or not planning permission is granted.

The statement "*That property is already partly shaded by vegetation on the boundary within the site*" ought to have clarified that the vegetation are trees – the main tree is a fig that during the Winter has no leaves thereby allowing Winter sunshine into my property which will not occur should a solid structure be erected. This issue of privacy will be further impacted should, in particular, the fig tree be removed – "*vegetation on the boundary within the site which may be removed as part of the redevelopment.*".

From my prospective there is an admission that there will be a loss of light. I have flagged up an issue that I have an overriding interest that earned itself from a Right to Light. Whilst "*the 22m recommended in the DC Standard*" concerns privacy I believe it reasonable to argue that waiving the standard has a wider impact and if planning consent is given on the plan as currently drafted then I will refer this matter to the Local Government Ombudsman as I believe that it is entirely inappropriate to waive the DC Standard.

PARKING

The documentation filed contains conflicting information. The now appears to be a wall going down the shared driveway between the properties on Old Fort Road [see sheet "A"] – access to the properties at 43 Old Fort Road being via halls situated to the East and West of the development [see sheet "B" which has no boundary wall between 41 and 43]. The plan shows the existing crossover is retained but yet the proposed new boundary wall between 41 and 43 will render the crossover to be unusable. The current driveway is large enough to allow parking at the rear. If the driveway is narrowed then I would question whether

the neighbour at No41 will be able to access their garage. The plans show the parking bays to be accessed via a crossover close to the boundary wall with no.45 [see the Block Plan "C"] but on the photographic representation submitted [sheet "A"] it is towards the middle of the front boundary wall of the plot. From my untrained eye the scaling used on the images does not accord with the location plan? Accordingly if as recommended in the submission to the committee that *"A condition is recommended to control the details of new boundary walls/fences."* This will need to be carefully crafted and enforced.

Sincerely,

[redacted]

Philip Navier

43 Old Fort Road Shoreham - Front Elevation 3d Vis.

Contextual Perspective

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