Brown, Kerr

From: DAWN CLENTONSPAREY [redacted]
Sent: 04 November 2013 12:11
To: Team P11
Subject: APP/Y3805/W/13/2207923 please could we have an email in reply as confirmation thankyou

DAWN CLENTONSPAREY 12:01 (8 minutes ago)
[redacted]
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to tp11
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Dawn & Andy Clenton-Sparey
25 The Meadway Shoreham Beach BN43 5RN West Sussex
T [redacted]

Ref: APP/Y3805/W/13/2207923 - 39 Old Fort Road Shoreham Beach 30th October 2013

Planning Inspectorate 3/05a Wing Temple Quay House 2 The Square Bristol BS1 6PN

Dear Sir/Madam

We would like to oppose the above appeal for the following.

We have also written in objection of the appeal at 17 Old Fort Road and 25-27 Old Fort Road.

In response to the appellant's grounds for appeal number 7.18

We would agree with the outcome of the planning committee in that:

'The proposal is unacceptable in that it does not relate sympathetically in design, form, scale and massing with the existing character of the locality and, cumulatively developments of this form and scale are eroding the original character of the area to the detriment of the visual amenities and residential environment of the area. It therefore conflicts with saved policies AG1 and AH2 of the Adur District Local Plan and the policies of the National Planning Policy Framework.'

Having regard to the limited area of the site and its relationship to existing properties in The Meadway, the proposal by reason of its size, height and massing would give rise to an unneighbourly form of development which would be detrimental to the residential amenites and environment of the locality, resulting in loss of light and an overbearing effect on existing dwellings contrary to the saved policies of the Adur District Plan (AG1, AH2) and the policies of the National Planning Framework.'

'The appeal proposals meet all the necessary policy requirements, and will cause no significant harm to the character of the surrounding area or the residential amenities of any nearby property.'

This build does have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space.

And it's appearance, character and scale do not create a pleasant place in which to live and it is not in keeping with nor enhances the existing local environment with its architectural form, height, materials, density and layout...

We live behind a design similar to this proposal that has been built - please see accompanying letter dated 30th October 2013 (Ref: APP/Y3805/A/13/2206067 - 25-27 Old Fort Road Shoreham Beach). We opposed the build of the development at the above plot as did all our neighbours - which had no impact on the council planning services or the planning committe in January 2012. However, once we gained substantial local residents support who had become frustrated at the relentless rate of these square 2 storey builds with 3rd floor roof terraces - the planning committee began to take action, out of clear sympathy for our position.

At the planning committee meeting on 27th September 2013 to decide the retrospective planning application for 25-27 Old Fort Road it was decided by this committee if had they been given the option to refuse this build at initial planning application they unanimously would have done.

one
As the build at 25-27 Old Fort Road had almost neared completion of the construction it was too late - the only condition stipulated being to obscure glaze the rear 1st floor bedroom windows. To reduce the enormous loss of privacy on our properties they overlook. It was decided by this committee that the impact of these builds was substantial in a very negative way.

I would therefore very strongly emphasise our support in objection at the refusal of this planning application. We can categorically state with experience and we are living it - that to have a property behind one of these style of houses is not pleasant from a number of points.

We are overlooked from numerous bedroom windows and also the roof terrace. It is irrelevent where the roof terraces are positioned - the residents can still look down and into gardens and other residents who back onto these properties. This is not neighbourly.

The vastness of these type of builds appear completely over bearing.

The architectural form is not in keeping locally. There are other properties such as these but this is due to this council not considering neighbours views as significant.

From here there will be repeated residents in objection wherever these style of builds appear on Old Fort Road where they dominate over a plot and back onto other residents in a way that is over bearing. We have contacted the council to advise we are forming a neighbourhood committee and plan with the full backing of Shoreham Beach Residents Association and both local councillors who are residents of Shoreham Beach.

I have written a letter of complaint to the Adur and Worthing Council regarding their repeated approval of properties irrespective of the opposing number of local residents in objeciton.

I am also going to write to the Local Government Ombudsman regarding our experience with this council planning services and their inabiltity to follow their own minimum guidelines.

Yours faithfully

two

I have also copied here below a reply to a letter of complaint we had written to Dr Kevin Masters at Adur and Worthing Council regarding the planning services.

DAWN CLENTONSPAREY [redacted] 11:42 (17 minutes ago)

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to kevin.masters

Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the Internet.

Dear Mr Kevin Masters

25-27 Old Fort Road Shoreham Beach

Complaint letter

Thankyou for your letter. I am not sure it answers all the specific points I raised which in essence are associated with the issue of the Council Planning Services listening to the voices of local residents in objection.

I have just spoken with Colette Blackett at Planning Policy and I discussed with her a meeting may be a positive way forward to outline our position directly.

We are keen to set up a Neighbourhood Plan to protect local residents rights to enjoy their own properties without being overlooked and have vast buildings dominate their own space. We have the full backing of the Shoreham Beach Residents Association for the Neighbourhood Plan and are having meetings this week to form a steering committee.

One of my issues with our experience of the planning services was being advised we would have answers to questions raised, by a specific deadline - for this to not happen. My experience was that any dealings with Peter Barnett or Gary Peck they would be accountable and responsive. This did not happen with Mr Appleton.

With the development behind us, and the fact that the council not 'doing' enforcement has now left us vulnerable to this developer currently appealing the obscure glazing of the rear 8 bedroom windows. The condition set by the planning committee. Had the council planning services insisted on enforcement this would have negated the need for the planning committee's involvement surely? The planning services were legally entitled to ask a developer to adhere to set plans when advised prior that a condition for initial approval was a minimum garden depth?

The council planning services in their role of enforcement could have insisted the developer adhere to the original approved plans and remove the rear wall of the property and build according to those plans. There were several options I understand which could have rectified the build which were less costly than demolishing. Which would have resulted in a build which would have had less impact on us local residents - we feel this planning services left us wide open to this developer doing nothing to lessen the fact that they pushed all the boundaries in terms of the added increase in the build from all angles.

In the council not doing this we have the current situation where we are now addressing this yet again, in answering why we feel justified in opposing the removal of the condition to obscure glaze these rear windows.

In essence as residents we are aware this council is following the national planning framework policies. However we are also aware this council is legally obliged to be seen to also act on the interests of the local communities. Which we categorically feel they neglect to do, repeatedly. It is clear that creating a stronger voice with local residents writing in objection and being present at committee in large numbers 'has' actually made an impact on the decision of the planning committee. Whereas I was advised in writing by Mr Appleton a day prior to the planning committee that 'just because we had a lot of residents in opposition this would not impact on the committee'. Which I feel is slightly unprofessional. We had no other route with which to raise the awareness of our position as this council planning services was not listening or acting on the wishes of the local residents.

I would personally like to ask those in a position of authority who make these decisions: would they be happy with living behind these style of buildings and would they be content to do nothing, where the developer has not adhered to approved plans?

I am not convinced personally that this planning service has acted equally vociferously on the rights and wishes of the local residents and community, as they have seemed to be very generous in accommodating the wishes of the developer. Yet again.

There are now 3 appeals currently in application for the planning inspectorate for the small area of road of Old Fort Road where the council has approved - but the planning committee voted against or set conditions. Surely the pattern developing is the planning committee are beginning to listen to local residents and not approving what the council planning services do.

Perhaps this council planning services could begin to simplify this process and start listening directly to the local residents and local community more and encourage developers to build developments which have less of a negative impact on other residents properties. Some of who have been here for 30 years or more. That perhaps more balance could be reached in negotiation and out of sensitivity to other residents.

Having spoken to Colette at planning policy - the approach the residents we have spoken to have is that as this is a unique area with a hugely strong local community which is an enormous strength - all we want is for residents (when asked) to feel we actually have a voice and that it is significant to have an opinion about what our local community looks like. That where we argue that a build is not in keeping, is over bearing, creates a loss of privacy, impacts on increased noise levels. That these aspects actually be considered as hugely significant where deciding on new builds.

That the planning officers argued that the square builds are in keeping - the committee disagreed with this. At the extreme, at this rate the whole of the north side of Old Fort Road (with the approval of this council) could end up 2 storey square builds with roof terrace.

Because the council does not appear to listen or acknowledge that they are not in keeping. And they are overbearing!

It seems arbitrary for planning officers to approve builds. Where, what we can counter argue as residents could be seen to be open to a matter of opinion.

This is what I would like clarifying.

Or it seems a pointless exercise and a waste of everyone's time and effort to object.

Please could we have a meeting directly with you, Mr Appleton, The Chief Executive, Colette Blackett, . Myself and my neighbour Rita Eccles. And hopefully too Joss Loader and Ben Stride from the Shoreham Beach Residents Association

I feel that after our experience from dealings with the council planning services this would be really helpful to draw a line under this - to establish clear boundaries over what residents could expect to voice and then feel that they will be heard.

To be reassured that developers will be made to be accountable, that processes will be in place to ensure developments will be monitored by the relevant planning department, that emails will be answered in full by the person the email is addressed to or delegated to a different member of staff where unavailable.

I think we feel that this process lacks integrity and clear boundaries and guidelines that are open to misuse and ignorance. It leaves us as residents feeling that the floodgates will open and as this council planning services seem reluctant to protect those residents in opposition we have no option other than to form a neighbourhood plan and I will also be sending a copy of this (kindly sent via Tim Loughton MP) to Nick Boles Minister for Planning.

I will also copy in Ben Stride, Liza Mckinney, Colette Blackett, Rita Eccles.

Many thanks and best wishes

James, Philip

From: DAWN CLENTONSPAREY [redacted]
Sent: 04 November 2013 12:09
To: Team P11
Subject: Ref: APP/Y3805/A/13/2206067 -please could we have an email in reply as confirmation

DAWN CLENTONSPAREY [redacted] 11:58 (9 minutes ago)

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Please could I have an email in reply as confirmation - thankyou

Dawn & Andy Clenton-Sparey 25 The Meadway Shoreham Beach BN43 5RN West Sussex
T [redacted]

Ref: APP/Y3805/A/13/2206067 - 25-27 Old Fort Road Shoreham Beach 30th October 2013
Planning Inspectorate 3/05a Wing Temple Quay House 2 The Square Bristol BS1 6PN

Dear Sir/Madam

We wish to oppose the appeal regarding the above reference. We would like to invite you to come and see the impact of this build on our property and we would like to be informed of your decision once decided please.

We objected as did all our neighbours to the original planning application. There was no site visit by the chairman and planning committee. All neighbouring properties alongside or behind have pitched roofs in entirety the majority are bungalows. We argued: this was not in-keeping and would be over-development of the site; it would create a loss of privacy for us all; it would dominate over other properties; it would reduce significantly the light hitting our property; we now have no view of sky from our lounge; there would be significant increase in noise levels given the height of these 4 builds, the roof terraces, the balconies. It is irrelevent where the roof terraces are positioned the noise carries directly into our gardens and properties.

And all of this multiplied by four.

We are aware at 39 Old Fort Road of a new appeal to the Planning Inspectorate and as quoted in the appellants document states: Peter Barnett's advice for the original applications specified:
'rear first floor windows are obscure glazed and non-opening up to a height of 1.65m above finished floor level. We consider: This build does have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space. And it's appearance, character and scale do not create a pleasant place in which to live and it is not in keeping with nor enhances the existing local environment with its architectural form, height, materials, density and layout...The appellant has stated that 'In particular, it must be noted that a number of planning applications similar to our own that have been permitted since the adoption of the current Local Plan, and indeed since the NPPF was published (i.e. two dwellings replacing one original property).

In response to this we would argue that our own personal experience only came to light after

the planning application at 25-27 Old Fort Road. We were surprised that where all residents approached objected and this carried no weight with either the council or the planning committee it outlined to us the requirement for more and louder voices to articulate our position. It has proved the argument that this council planning services and committee finally began listening to local residents and acting on our objections when the numbers in opposition rose significantly.

This was proved to the be case when we had substantial residents write letters amounting to almost 60 and the gallery was full at the restrospective planning application/committee. It was clear there was pressure on the committee to listen to local residents. Where there had been a lack prior. We would strongly disagree with point 7.10: 'It is our view that the proposal would represent an acceptable form of development that would relate sympathetically in design, form, scale and massing with the existing character of the locality...'

page one
Where all local residents in the local vicinity are not in agreement with this and the majority of other builds are pitched roof style and we as residents who back onto this style of square build - we are categorically stating that they are particularly unpleasant to live behind. They dominate, they create over looking. They are over bearing, they impact negatively on others loss of privacy and light. The build began earlier this year. It was highlighted by a neighbour as too high. The council were informed. The developers advised to cease construction and submit new planning application retrospectively. To have approved, the additional depths and height that they had now gained. After this had already been built to maximum capacity, guidelines set by the council. The council recommended for approval this development retrospectively.

Despite inconclusive measurements/despite ignoring their own minimum guidelines/despite overwhelming local residents objections.

And despite having stated in their own document for approval at initial stage - outlining this would not be approved on garden depths of less than 11m. Given our previous experience we approached other residents to invite support. It highlighted an issue among local residents who have collectively been frustrated at this council planning services repeated over-looking of our views or objections with over-development on Shoreham Beach. There is a very strong local community.

This peninsular area is fast losing what once made it unique with two houses repeatedly replacing one. I was advised by the council that they anticipated Shoreham Beach to become the next 'Sandbanks' although it is my understanding there, two houses tend to be replaced with one. This accentuates the space - yet here the opposite is repeatedly happening. The council planning committee made comments that 'this should not have been approved at the initial planning application' due to the loss of privacy and substantial overlooking - so acknowledging our position.

At the planning committee meeting we were advised we were entitled to make comment from a position of having all the relevent information - which we did not have. In our 3 minutes given, we requested a delay of a month and asked the council provide an independent surveyor to measure the distances in question - which kept changing - and the boundaries not conclusive therefore. We had repeatedly requested this directly from the council, yet refused. I received an email on the day of the planning committee from the head of planning finally saying he was comfortable that the 'applicant had measured the depth of the garden and he was satisfied the garden now measured 11m'. We were surprised the head of the planning services did not acknowledge that the applicant may lack impartiality over this measurement or its significance. It was established after the planning committee meeting that this measurement

was taken from the wrong boundary wall entirely - and verified apparently by 'google maps.' Hence the new measurement of 11m provided on the day of the planning committee meeting.

This application is the first experience we have had with making any comments on a development. We have spent hours and days on this, defending our position. Using the local council document 'Space around dwellings' as reference. However it has now been established this is irrelevant as the council themselves do not value the minimum guidelines they themselves specified - and they seem arbitrary. This has been a rollercoaster ride of attempting to negotiate the lack of boundaries and lack of clear information from this council and their reluctance to 'do' planning enforcement.

We would wish to retain as much privacy, while avoiding unecessary and extensive over-looking by this vast build which dominates our skyline to the rear of our property. The view we now have would be in-keeping in an inner city, like Brighton or London.
page two

Not a peninsular area where there is one road on and off. We have been advised this is in essence comparable to living in a cul de sac. Therefore this 'over-development' would not have been approved elsewhere.

Given this we feel at this stage the least we would request is that to compensate: these 8 rear windows be obscure glazed. For us the residents who back onto this build we feel collectively this is a very small compromise at this stage, by this developer. Who has ignored all local residents views, built 4 houses in the wrong place, built it beyond what was approved not only in depth but also height. Who has pushed all boundaries to maximise the capacity of this development to the negative impact on others and continues to ignore all residents views and planning committee outcome further still. This has created contention where there previously was none.

Now that the scaffolding has been removed and given the build is 260mm higher than originally approved on all window and door heights from the ground up - the ground floor rooms are now also more visible and residents will also be able to see directly into our property from here too.
This was not apparent at the time of the planning committee meeting due to scaffolding. Which to us further necessitates the requirement to marginalise our sense of over-looking.

It is our understanding that a developer cannot submit a retrospective planning application for an aspect of a build which was categorically stated would not have been approved at the initial stage. This was outlined by Peter Barnett in his original letter for approval - that this build was already at the initial planning application stage pushed to capacity from all routes. So we are unsure why this council would be so lenient in giving the option to avoid and ignore these boundaries.

We are aware that the building control from the council did not assess this build. We have also argued to this council that this build is 3 storey and should have insisted on the relevent minimum depth therefore for a build of 3 storeys. As questioned by our Independent Councillor during the planning committee meeting - where no answer was forthcoming.

In the appellant's document page 6 - it states 'the appellant does not agree with the imposition of the additional condition' ... 'there is a planning permission for this site which does not require these very same windows to be obscure glazed, or non-opening'. With this we would like to comment that the planning permission was granted for an entirely different position of this build (and there had been no site visit by that planning committee) therefore this quote is not to be considered as argument. Surely the 'retrospective' planning application replaces the initial one, given the new location of the actual build. The previous build for the original

approved planning application does not exist.

'It is our case case that given this background and the lack of significant deviation from the original approved drawings with respect to the windows in question, it is now wholly unreasonable to impose a new condition that requires these first floor windows to be obscure glazed'.

We would suggest an opposing view to this. Where the applicant writes 'lack of significant deviation from the original approved drawings' this has cumulated in quite an impact on us as local residents in terms of what we now view from our properties. The additional 260mm from ground level means all lounge rooms and bi-fold doors are higher and enable more of a view into our properties.
page three

All rear bedroom windows are higher so give an increased sense of a loss of privacy for us and further exacerbate our sense of being over-looked. The parapet of all 4 builds is higher and this creates a more imposing look. The overall roof level is higher. It all adds up to a feeling of a vast building that dominates the view from our property. And it is under the minimum garden depth requirement specified by the council planning services in their own document. As a compromise given the discrepancies and the repeated ignorance of clear approved planning permission, we feel justified in requesting that as a small compromise these rear windows remain with a condition of being obscure glazed.

Please see in the appellants document for appeal as at 39 Old Fort Road (Ref: APP/Y3805/W/13/2207923)
Point 6.32: 'It should be noted that prior to the submission of a planning application Mr Barnett (Planning Officer LPA) stated consideration should be had to the properties to the rear of the site... he advised at this time that separation distances of 22m back to back should be provided'.

Point 4.8 clearly states to avoid over-looking by the bedrooms at the rear:
'The windows comprise double glazed aluminium units, which will be large to allow maximum light into the buildings. The windows have been carefully positioned to avoid over-looking of the neighbouring properties. All glazing on the East and West elevations will be obscured to assist with this, as will the first floor windows to the bedrooms and bathrooms which will be high level.'

This clearly acknowledges the impact of over-looking and the need for the windows to be at the correct agreed height. Which is not the case with the build behind us. They are in the wrong place - they are too high and unless obscure glazed will leave us at risk of being over-looked with a substantial loss in our privacy.

I would like to invite you to come and see for yourself the full impact of this development on our property. We do not have access to planning consultants and cannot counter argue the legal terminology the appellant has itemised. However we would like to have our faith restored in this system. The government's Localism Act 2011 invites the forming of a neighbourhood plan to allow and encourage local communities to play a significant part in how their communities look. We are forming a committee and neighbourhood plan in an attempt to ensure our wishes may be heard by this council in the future, regarding these over-developments.

We are aware of a similar issue at 17 Old Fort Road currently being appealed by an applicant and decided on by Planning inspectorate. Again this was approved by this council despite an attempt to build two houses on a plot large enough for one - and again this went to planning committee as contentious - where the committee refused the application. But again the

applicant is appealing. We were also present when the plot at 39 Old Fort Road was refused for developing 2 houses on a space that currently only has one bungalow. There was significant pressure from local residents who voiced again frustration to the council at this over-development. It was refused at planning committee last month. Though had yet again been recommended for approval by the council planning services.

Yours faithfully

page four

I am also copying in an email I have just written to Dr Kevin Masters Adur and Worthing Council regarding our frustration at this council and what has led us to this situation from our perspective.

Dear Mr Kevin Masters

25-27 Old Fort Road Shoreham Beach

Complaint letter

Thankyou for your letter. I am not sure it answers all the specific points I raised which in essence are associated with the issue of the Council Planning Services listening to the voices of local residents in objection.

I have just spoken with Colette Blackett at Planning Policy and I discussed with her a meeting may be a positive way forward to outline our position directly.

We are keen to set up a Neighbourhood Plan to protect local residents rights to enjoy their own properties without being overlooked and have vast buildings dominate their own space. We have the full backing of the Shoreham Beach Residents Association for the Neighbourhood Plan and are having meetings this week to form a steering committee.

One of my issues with our experience of the planning services was being advised we would have answers to questions raised, by a specific deadline - for this to not happen. My experience was that any dealings with Peter Barnett or Gary Peck they would be accountable and responsive. This did not happen with Mr Appleton.

With the development behind us, and the fact that the council not 'doing' enforcement has now left us vulnerable to this developer currently appealing the obscure glazing of the rear 8 bedroom windows. The condition set by the planning committee. Had the council planning services insisted on enforcement this would have negated the need for the planning committee's involvement surely? The planning services were legally entitled to ask a developer to adhere to set plans when advised prior that a condition for initial approval was a minimum garden depth?

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In essence as residents we are aware this council is following the national planning framework policies. However we are also aware this council is legally obliged to be seen to also act on the interests of the local communities. Which we categorically feel they neglect to do, repeatedly. It is clear that creating a stronger voice with local residents writing in objection and being present at committee in large numbers 'has' actually made an impact on the decision of the planning committee. Whereas I was advised in writing by Mr Appleton a day prior to the planning committee that 'just because we had a lot of residents in opposition this would not impact on the committee'. Which I feel is slightly unprofessional. We had no other route with which to raise the awareness of our position as this council planning services was not listening or acting on the wishes of the local residents.

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I am not convinced personally that this planning service has acted equally vociferously on the rights and wishes of the local residents and community, as they have seemed to be very generous in accommodating the wishes of the developer. Yet again.

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Perhaps this council planning services could begin to simplify this process and start listening directly to the local residents and local community more and encourage developers to build developments which have less of a negative impact on other residents properties. Some of who have been here for 30 years or more. That perhaps more balance could be reached in negotiation and out of sensitivity to other residents.

Having spoken to Colette at planning policy - the approach the residents we have spoken to have is that as this is a unique area with a hugely strong local community which is an enormous strength - all we want is for residents (when asked) to feel we actually have a voice and that it is significant to have an opinion about what our local community looks like. That where we argue that a build is not in keeping, is over bearing, creates a loss of privacy, impacts on increased noise levels. That these aspects actually be considered as hugely significant where deciding on new builds.

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Blackett, . Myself and my neighbour Rita Eccles. And hopefully too Joss Loader and Ben Stride from the Shoreham Beach Residents Association

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I will also copy in Ben Stride, Liza Mckinney, Colette Blackett, Rita Eccles.

Many thanks and best wishes

Dawn Clenton-Sparey (Mrs)

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