39 The Meadway
SHOREHAM BY SEA
West Sussex
BN43 5RN

Philip Navier

28 April 2018

Gary Peck
Planning Services Manager
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Adur and Worthing Council
Portland House
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ADUR & WORTHING
30 APR 2018
PLANNING SERVICES

Your ref: AWDM/0251/18

Dear Mr Peck

ERECTION OF PAIR OF SEMI-DETACHED HOUSES WITH ONE ADDITIONAL VEHICULAR ACCESSES AND ASSOCIATED CAR PARKING AND LANDSCAPING

FORMER – 43 OLD FORT ROAD, SHOREHAM BY SEA, WEST SUSSEX BN43 5RL

Since my first letter I have invested in a laser measuring devise. My garden is 9.5m at the widest point dropping down to 9.3m as you move to the west. From my patio doors to my fence is 9.4m. From the rear of my conservatory to the fence is 5.3m.

Nothing in the revised plan addresses my concerns regarding: -

- the failure to observe the minimum standards,
- the disregard to the characteristics of and open environment of the area, and
- the disregard to historic character of the properties on Shoreham Beach.

This development is highly unsuitable for use by anyone who has access issues and the needs of an aging population This residential development can be seen to be an over development of what is a small plot of land. The reinstatement of a bungalow is what is needed.

I repeat that the published Development Management Standard/Policies and objectives are not being followed:-

DEVELOPMENT MANAGEMENT STANDARD No1 – SPACE AROUND NEW DWELLINGS AND FLATS

Purpose of this Development Management Standard/Policies and Objectives

1.1 This Development Management Standard is concerned with minimum standards for residential development. It is largely aimed at the provision of dwelling houses flats on small infill and redevelopment sites.

1.3 .....Given the limited amount of land available in Adur, it is important that developments make efficient use of land by developing at appropriate densities whilst respecting the character of the area.

Shoreham Beach was historically known as the bungalow town which provided an open aspect to all residents.

After a bit of research I have found that in respect of 39 Old Fort Road, just a short distance from the proposed development a decision was made, on 5 February 2014, by The Planning Inspectorate on the issues of character, appearance and on the living conditions of the occupants of neighbouring properties on The Meadway, with particular regard to outlook, privacy and lighting.

The Planning Inspectorate said that the area is characterised by a spacious and open pattern of suburban development set within a beach-side context. Low detached dwelling predominate. Further some contain accommodation is the roof. The Planning Inspectorate said that together, the modest scale and form of the buildings and spaces between them contribute to the area's character and local distinctiveness.

As with the current planning application the proposed development would replace a low pitched, detached dwelling with a pair of substantial semi-detached homes close to similar developments. As with this proposal the scale, mass and form of the proposal would introduce a much more dense, urban form of housing which would be at odds with the local distinctiveness. The height and bulk of the current proposals also reduce the gap between properties.

The inspector refused the planning appeal and expressed concerns over the bulk and massing of the development. The inspector said *"The bulk and massing of the proposed dwellings would be significantly greater than the existing bungalow they would replace. The development would introduce a substantial 2 storey element in relatively close proximity to the modest gardens of the dwellings to the rear which front The Meadway. Due to its size and siting, the building would be a dominant and intrusive feature which would be harmful to the relatively open aspect from the rear windows and gardens of the neighbouring properties in The Meadway."*

Further the inspector was concerned about the distance between the conservatory and the rear of the new buildings which would be below the minimum standard in the Council's guidance. The inspector was concerned about loss of light to dwellings in The Meadway and concluded that proposal would cause substantial harm to the living conditions of the residents in The Meadway. Again the inspector referenced the core planning principles that are designed to make places better for people and reinforce local distinctiveness. Please remember that 39 The Meadway extends further back that other properties in The Meadway.

The point I have made about characteristics of the area is made by the picture, already provided, at the front of the particulars of 39 The Meadway that shows the apex of the roof of the bungalow than occupying 43 Old Fort Road. I object to this erosion of the characteristics of this area. I now see I have the support of a Planning Appeal Decision on a neighbouring property.

<u>DEVELOPMENT MANAGEMENT STANDARD No1 – SPACE AROUND NEW DWELLINGS AND FLATS</u>

<u>Relationship between dwellings/flats</u>

2.1 *The space around and between dwellings/flats is an important factor in the creation of a new pleasant residential environment, contributing to the individual character, identity and appearance of an area. In infill and redevelopment schemes new buildings should reflect the existing character and appearance of an area and ensure the retention of adequate privacy for and daylight to existing dwellings/flats.*

2.3 *Residential developments, in order to prevent over-development layouts, should not* have excessive overall site coverage of buildings and hard surface area.

2.17 *Houses and bungalows should usually be designed so that it would be possible for extensions to be added without detriment to adjoining properties. Where this is not possible "permitted development" rights will be removed by condition…..*

The plan reduces the number of bedrooms but continue to ignore the historic building line which formed the rear of the demolished bungalow and the rear

external wall of 41 Old Fort Road. The garden space is sacrificed - the rear gardens on the proposed development are both less than the requirement of 85 square metres remaining at 66 square metres and 70 square metres respectively. I am not persuaded that ***"A distance of 22m is the minimum requirement between facing principal windows in order to retain sufficient privacy"*** is being respected

The local environment is sacrificed to achieve this overdevelopment of the site. The "blocks" swamp the bungalows that are left. The open environment of the Beach is lost. The bungalows that are left are the ones that look out of character. Bungalows are supposed to be one of characteristics of the area together with the open environment. The continued erosion of the characteristics of Shoreham Beach must be stopped. The minimum standards are set out in the *Space Around New Dwellings and Flats issued by Adur District Council.* The continued erosion of the characteristics of Shoreham Beach must be stopped and this is the view of the Planning Appeal Decision.

I again say that the properties to immediate left or right of the proposed development will now look out of character. The Council should not be sanctioning an approach which does not fit in with an area historically known as the bungalow town. If you walk along Old Fort Road you can see how the new developments have swamped the nearby properties, not only to the North of Old Fort Road but to either side.

<u>DEVELOPMENT MANAGEMENT STANDARD No1 – SPACE AROUND NEW DWELLINGS AND FLATS</u>

<u>Amenity Spaces</u>

3.1 The rear garden of a dwelling provides a private outdoor amenity space as well as providing an attractive setting for a dwelling. New dwellings should normally have a rear garden sufficiently large to allow for the possibility of adding small extensions without reducing the garden unacceptably… The size and type of amenity space required should be related to the size of a dwelling/flat and whether it is suitable for family occupation. It will also be affected by the character of the area. The main criteria for assessing amenity space are their depth, area, privacy and daylight.

3.5 The area required for a rear garden depends on the size of dwelling/flat that it is proposed to serve.

DWELLING TYPE	*Small semi-detached and detached dwelling (up to 3 bedroom or 120 sq m)*
GARDEN SPACE REQUIRED	***85 sq m***

3.9 DAYLIGHT It is important that rear garden areas are not unduly overshadowed by adjoining properties. The distance between facing principal windows will usually ensure there is no problem with properties to

the rear. Overshadowing of gardens from adjoining properties to the side can be minimised by maintaining a rear "building line". Dwellings will not usually be allowed therefore that project significantly beyond the rear of adjoining dwellings.

The removal of bungalows with apex roofs effectively obstructs the winter sun for the buildings in The Meadway but also the rear gardens of properties on the North side of Old Fort Road.

It is for the Planning Department to respect that it is important that narrow rear garden area is not unduly overshadowed by adjoining properties. The Council say that they are there for "Planning, Regeneration and Wellbeing". What regard has been given to the wellbeing of the older residents of Shoreham Beach who value their small gardens? My garden on a property to the North of the proposed development is now likely to be noticeably colder and dimmer during the winter.

PROPERTIES ALONG THE MEADWAY

39 The Meadway was constructed in 1966 and my bungalow extends further back than most of the properties along The Meadway. 39 The Meadway has a narrow garden, and the garden width decreases the further you move to the West. With my narrow garden I am badly overlooked by the first floor kitchen of 45 Old Fort Road. I do not want my privacy further eroded.

BUILDING LINE RUNNING ALONG THE REAR OF PROPERTIES ON THE NORTH SIDE OF OLD FORT ROAD

The Planning Department know of the problem of the closeness between the rear of my property and the proposed development as the report to the Committee on the previous application, your ref: AWDM/0827/11 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 dwelling".*** Remember this report is before the proposed movement of the building line further to the north. The rear of conservatory is 5.3m from my fence. My conservatory is approximately 2.8 metres long and runs on from what was my dining room/now my daughter's study. I submit that a dining room/study needs privacy as would my daughter's study. I intend to return my daughter's study to a dining room.

The Development Management Standard says:-
"The acceptable distance between the rears of buildings is governed mainly by the distance required to give adequate privacy between facing principal windows which is 22m in the case of 2 storey developments".

REAR BOUNDARIES

"The acceptable distance between the rears of buildings is governed mainly by the distance required to give adequate privacy between facing principal windows which is 22m in the case of 2 storey developments. However, houses and bungalows should preferably be designed so as to allow for the possibility of future extensions constructed under the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or as amended) as "permitted development" – Source – Space Around New Dwellings and Flats issued by Adur District Council.

"The space required between buildings is affected by the location of principal windows and the need to maintain privacy between facing windows and allow light to enter such windows. ***A distance of 22m is the minimum requirement between facing principal windows in order to retain sufficient privacy"*** *- Source – Space Around New Dwellings and Flats issued by Adur District Council.*

There is no solid obstruction between my home and 43 Old Fort Road.

As my lounge faces on to my rear garden this must be a principal window. I also have the dining room/study that runs further South to which my conservatory is attached.

In respect of 43 Old Fort Road the garden room windows will face my lounge, my conservatory, and my dining room/study. Matters are compounded by the proposed raising of the ground floor.

There remains a leap forward in the building line of 43 Old Fort Road. Using the scale provided on the plan this is in the region of 2 metres. I am not persuaded that the minimum requirement of 22m is being taken seriously and that it is for the Planning Department to enforce the published requirements - ***A distance of 22m is the minimum requirement between facing principal windows in order to retain sufficient privacy"*** *- Source – Space Around New Dwellings and Flats issued by Adur District Council.*

Remember the plans have to allow for the possibility of future extensions constructed under the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015.

Any movement of the building line to the North cannot be permitted. I say that the original property line of the pervious bungalow and the evidence of the rear wall of 41 Old Fort Road, together with the information sourced from

the Land Registry detail the appropriate Northern boundary for the development.

PRIVACY

The proposed development again ignores the previous information issued by the Planning Department, ignores the minimum requirement between facing principal windows and the requirements on garden sizes. The Council is already aware how close my home is to the proposed development ***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.***

This issue of privacy is important to me.

The new plan shows that no regard has been taken as to my privacy – **TO WHICH I OBJECT.** If the new plans continue with the idea that the drift back in the building line not a breach the development standards: -

"The acceptable distance between the rears of buildings is governed mainly by the distance required to give adequate privacy between facing principal windows which is 22m in the case of 2 storey developments. However, houses and bungalows should preferably be designed so as to allow for the possibility of future extensions constructed under the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or as amended) as "permitted development" – Source – Space Around New Dwellings and Flats issued by Adur District Council.

"The space required between buildings is affected by the location of principal windows and the need to maintain privacy between facing windows and allow light to enter such windows. A distance of 22m is the minimum requirement between facing principal windows in order to retain sufficient privacy" - Source – Space Around New Dwellings and Flats issued by Adur District Council.

I look to the Council to protect my privacy.

Specific rules have been stated that are designed to: -

- ensure the adequacy of the space between properties to protect privacy,
- make developers aware that sites must be designed to allow for the possibility of further extensions,
- inform developers of the rear garden sizes that must be:
  - ✓ *adequate to provides a private outdoor amenity space,*
  - ✓ *an attractive setting for a dwelling,*
  - ✓ *sufficiently large to allow for the possibility of adding small extensions without reducing the garden unacceptably,*
  - ✓ *such as to assist in the maintenance of privacy,*

- ✓ *[given the number of bedrooms] suitable for family occupation, and*
- ✓ *in keeping with the character of the area.*

The requirements are there as a set of rules for all to respect. I look to the Council to ensure that these rules are not overridden.

GARDENS - OVER DEVELOPMENT OF 43 OLD FORT ROAD
Everything points to the site at 43 Old Fort Road being over developed. ***"A distance of 22m is the minimum requirement between facing principal windows in order to retain sufficient privacy".*** My neighbours have made points highlighting the overdevelopment of this site. The proposed changes do not respect my privacy, respect the historic building line, the maintenance of the minimum space requirements around the development and adhering to the garden space requirements.

Standards must be upheld. There can be no excuse for departing from the DC Standard on privacy and garden size as they are interlinked.

LOSS OF LIGHT
My lounge is south facing and any loss of light during the year makes my garden, lounge, dining room/study and conservatory less fit for purpose. My bungalow was constructed over 50 years ago and the property has not gone under any significant adjustments – the original French doors being replaced with sliding doors the opening has not been extended and the lounge has, to my knowledge always been at the rear of the property.

The level of light to my garden, lounge, dining room/study and conservatory may fall below the accepted level by a failure to adhere to:-

The Space Around Dwellings and Flats issued by Adur District Council says "A distance of 22m is the minimum required to maintain privacy and allow light to enter windows." The word requirement imposes an obligation. A minimum requirement means the smallest that is possible.

The reduction in light and privacy will make my garden, lounge, dining room/study and conservatory less fit for purpose. The size of the development is bound to increase noise levels. The Planning Appeal decision does not support the type of development that is proposed

As you will be aware the amount of light considered to be sufficient has been a repeated feature on health programmes. The Planning Appeal decision says developments should not be unneighbourly in terms of privacy, daylight/sunlight and outlook – and dismissed the appeal making reference

to a reduction in sunlight to a property to the rear of a proposed development.

Overlooking, noise and privacy are important issues that ought to give rise to increasing the distance of 22m between my bungalow and the proposed development together with a reduction in the scale of the proposed development.

The overshadowing will affect my patio and decking plus the plants/lawn.

I routinely sit out in during the day/and early evening. I have family and friends around to eat meals in my garden/on my decking.

DESIGN/APPEARANCE/ CHARACTER

The new proposals have unacceptably features. The scale in height, width and length is out of keeping in relation to its surrounds and breaches the space requirements between buildings – a point that featured in the Planning Appeal Decision.

The height of the property is unacceptable as is the undue mass of the structure buildings – a point that featured in the Planning Appeal Decision.

Yours faithfully

[redacted]

Philip Navier

Enc. Planning Appeal Decision APP/Y3805/A/13/2207923

The Planning Inspectorate

Appeal Decision

Site visit made on 6 January 2014

by D Lamont BSc(Hons) MBA MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 February 2014

Appeal Ref: APP/Y3805/A/13/2207923
39 Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5RL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Jonathan Pressley against the decision of Adur District Council.
- The application Ref AWDM/0864/13, dated 17 July 2013, was refused by notice dated 4 October 2013.
- The development proposed is the erection of 2 no. semi-detached dwellings following the demolition of the existing property.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area; and on the living conditions of the occupants of neighbouring properties on The Meadway, with particular regard to outlook, privacy and light.

Reasons

Character and Appearance

3. The area in the vicinity of the appeal site is characterised by a spacious and open pattern of suburban development set within a beach-side context. Low detached dwellings predominate. Some contain accommodation within the roof. Together, the modest scale and form of the buildings and the spaces between them contribute to the area's character and local distinctiveness.

4. The proposed development would replace the existing low-pitched, detached dwelling with a pair of substantial semi-detached homes extending to three floors of accommodation, close to similar development to the west and a low roofscape to the east and north.

5. The scale, mass and form of the proposal would depart from this prevailing pattern of development, introducing a much more dense, urban form of housing which would be at odds with the local distinctiveness I have described. The height and bulk of the building, the reduction in the gap between dwellings

at first floor level on the western boundary and the introduction of two buildings on this restricted plot would result in a development which would be at variance with the spacious character of the area by diminishing open views across and between buildings. Furthermore, the proposal would be perceived by neighbouring residents as a radical alteration from a modest bungalow to a substantial building, and the harm would be compounded by the cumulative effect of the close proximity of the substantial adjacent properties to the west.

6. I acknowledge that the proposal would reflect the taller pairs of semi-detached properties which have recently replaced lower, detached single dwellings on some sites on the north side of Old Fort Road. However, these are exceptions to the more modest properties which make a significant contribution to the character and appearance of this side of the street and the wider neighbourhood. The scale, form, massing and design of the proposal would repeat and compound the cumulative effect of these similar developments and further undermine and detract from the visual amenity the locality.

7. For these reasons, I conclude that the proposal would cause substantial harm to the character and appearance of the area. This would be contrary to Policies AG1 and AH2 of the Adur District Local Plan 1996 which require new residential development to be in keeping with and enhance the existing local environment in terms of, amongst other things, architectural form and layout. The proposal would also be contrary to the National Planning Policy Framework (the Framework) which requires development to contribute positively to making places better for people and reinforce local distinctiveness.

Living Conditions

8. The bulk and massing of the proposed dwellings would be significantly greater than the existing bungalow they would replace. The development would introduce a substantial two-storey element in relatively close proximity to the modest rear gardens of the dwellings to the rear which front The Meadway. Due to its size and siting, the building would be a dominant and intrusive feature which would be harmful to the relatively open aspect from the rear windows and gardens of the neighbouring properties on The Meadway, and particularly No 35. The harm to the occupiers' outlook would be exacerbated by the cumulative impact of the proposed dwellings and the adjacent property to the immediate west of the appeal site.

9. The rear first floor bedroom windows in the proposed building would have restricted opening and incorporate obscured glazing, which would prevent direct overlooking of the properties to the rear. However, the expansive areas of glazing would be likely to impose a sense of overlooking for the occupiers of adjoining properties on The Meadway, and particularly those at No 35 where the distance between the conservatory and the rear of the new building would be below the minimum standard in the Council's guidance[1]. Furthermore, the proposed glazing arrangements would restrict views from the windows for future occupiers of the dwellings to the detriment of their living conditions.

[1] Development Control Standard No.2: 'Space around New Dwellings and Flats' (DCS2).

10. Although the proposal would not result in an unreasonable loss of daylight for adjoining occupiers, it would reduce sunlight to No. 35 The Meadway to some extent, and this adds weight to my concerns.

11. For these reasons, I conclude that the proposal would cause substantial harm to the living conditions of the residents of neighbouring properties on The Meadway. As such, it would conflict with Policies AG1 and AH2 of the Local Plan which, amongst other things, state that new residential development should not be unneighbourly in terms of privacy, daylight/sunlight and outlook. The proposal would also be contrary to one of the Framework's core planning principles which requires a good standard of amenity for all existing and future occupants of land and buildings, and would conflict with DCS2.

Other Matters

12. I acknowledge the proposal's sustainability credentials and the modest contribution it would make to housing stock in the District, and I have also considered the appellant's suggested conditions for landscaping and obscure glazing. However, these factors do not outweigh my conclusions on the main issues in this case. Whilst the Planning Officer supported the proposal, it is the decision of the Council that is before me in the determination this appeal. I have also taken into account other concerns raised locally, including highway safety and drainage. However, they do not add to my reasons for dismissing the appeal.

13. I have also taken into account other concerns raised locally, including access and parking, amenity space and flooding. However, they do not have a bearing on the main issues in this case or add to my reasons for dismissing the appeal. I have also considered the proposal within the context of similar local structures, associated planning permissions and the appeal decision at No 17 Old Fort Road (Ref. APP/Y3805/A/13/2202322). However, from the information before me and the particular circumstances of the site and the subject development, these issues do not outweigh the harm I have identified.

Conclusion

14. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D Lamont

INSPECTOR