WORTHING BOROUGH COUNCIL
PLANNING SECTION
RECEIVED 16 JAN 2008
TO
REF No. 7y
WB/

Beech Down,
36, Third Avenue,
Charmandean,
Worthing,
West Sussex,
BN14 9NZ
15th January 2008

Mr P Devonport,
Planning Services,
Worthing Borough Council,
Portland House,
Richmond Road,
Worthing,
West Sussex
BN11 1LF

Dear Sir,

Application No: WB/07/1374/FULL
38 Third Avenue Worthing West Sussex
Construction of a detached single storey boat store

Thank you for your letter of 24th December 2007, addressed to my wife, advising her that the above application relating to the construction of a boat store in the grounds of 38, Third Avenue has been approved. In view of the overbearing impact which this large and especially high structure will have on my garden, I have reviewed the Planning Department file relating to this application in some detail. In your letter you invite queries in relation to the decision, and offer clarification of the conditions which apply; I do have a number of questions, and would be grateful for a formal response to these.

1. In my letter of objection of 18th December 2007, I referred to the dimensions of the store. The LPA Assessment Sheet states that the boat store is 14.5metres long by 4.5metres wide; the plans submitted (both 435/4 and Revised 435/4) as part of the Application show dimensions of 15metres long by 4.2metres wide. For several reasons I am very keen to be clear about the detail of the building which is to be constructed 300cm from my boundary, so which are the approved dimensions? From where did the figures in the Assessment Sheet arise?

2. I have gone to some trouble (see photograph and related sketch in my letter opposing this proposal) to emphasize the impact of the roof height, originally 5 metres, subsequently reduced to 4.3metres following LPA negotiation; this is accurately represented on plan 435/4 (Revised), but not actually written down, an omission which I continue to be amazed by. The negotiation/reduction is

presumably a reflection of the recognition by LPA that the roof was of significant height, and was visually intrusive. Is this correct?

On 15th August 2007 I discussed my concerns over the height of the roof with the Applicant; I stated that the roof height of the East end of the store was unacceptable. The Applicant said that the boat which was to be stored in the West end of the building required clearance and hence a roof ridge height of 5metres was required (but now negotiated/reduced to 4.3metres). The East end however was to be used for storage of garden tools/machinery (currently stored in a garden store (see 6660607 Site Plan) which would be demolished), so we discussed a compromise where the Eastern end of the building could be at a significantly lower height, a situation which would be far more acceptable to myself. I am disappointed that this 'compromise' agreement with the Applicant did not receive further consideration. Was there any discussion on this approach during the negotiations on ridge height?

3. The Applicant had approached me in July on the boat store, and subsequently in mid-August. The latter discussion (see last paragraph) was to obtain acceptance from me so that work could start the following week on the access, as appropriate personnel were available to progress with this. While it may be considered that the construction of such a drive from Third Avenue had been approved 7 years previously (as part of the 2000 outline application for a chalet dwelling to be constructed within the grounds of No38), I assumed that this had lapsed. I pointed out that Planning Permission could be required, but this was dismissed. The work was started in August, and is still not finished. The work carried out included removal of the pavement in the area of the access, which, I understand, contravenes Highway requirements. However, I am unclear about the legal position surrounding this area, but little has been done since September, and, in my view, the situation is far from ideal (nor am I clear as to what is going to happen). Perhaps you could advise me of the plans to complete this work, and the circumstances under which Planning Permission will be required.

4. The Assessment Sheet makes reference to trees on the boundary between 36 and 38 covered by a TPO. I would be grateful if you could identify which trees these are, as I have no record of any protected trees in this location.

5. The Assessment Sheet states that there is a large garage in the grounds of No36 'interposed' between the house and the development, ie there is an inference that there is screening by the garage. I am unclear how this conclusion is drawn as the garage is to the West of the store, and certainly provides no screening from the rear door of No36. Additionally, because of the lie of the land, the base of the boat store is about 1.5metres above the floor level of the garage. I would be grateful for clarification of how this garage provides screening.

6. The Assessment Sheet makes reference to screening due to the presence of a thick hedge. As I have already stated in my letter of objection, in my view the hedge is

thin, shorter than claimed in plans submitted, and is complemented by a six-inch mesh wire fence, and dilapidated fencing panels. I would be grateful for your comments on the effectiveness of screening, especially at the exposed East end.

7. The Assessment Sheet refers to the compost area being the nearest existing open part of the garden of No36, inferring that the store will exert greatest impact on this area, and far less impact on the rest of the garden. I do not spend time in the compost area. My major concern, as I showed in the photograph and sketch attached to my letter of objection, is the overbearing nature of the roof of the store when viewed from the wider aspects of my garden. The Assessment Sheet also states that I have indicated in my letter of opposition that the store 'would not be used to store a boat, but other materials'. I did not say this in my letter. These points suggest to me that you did not digest/review my letter of opposition/attached photograph/sketch. Perhaps you can clarify your line of thinking in these areas.

8. I understand that you visited the site on 20th December 2007. Bearing in mind the size of the construction, I do think that it would have been appropriate for you to visit No36 (as the most affected neighbour) to assess the impact.

9. There will also be a significant impact from Charmandean Lane. Can you advise me of local/legal requirements relating to the height of buildings positioned 300cm from a neighbouring private boundary, and 1metre from a lane involving public access? Would a building of this type/height be acceptable in and adjacent to smaller gardens, of say width 10-15metres?

10. Condition 6 specifies that the schedule and samples of materials to be used for the roof require to be submitted and approved by LPA. If the building progresses, with a height of 4.3metres, then there will be a significant amount of roof visible from my land. I would therefore wish to see the samples of materials of construction for the roof, especially the colour of these, and be clear about which is to be used.

11. I am concerned about drainage from the roof of the store, as I do not wish to have rainwater from the roof of the store being directed (downhill) onto my land. Perhaps you can advise me whether this building will be subject to Building Regulations and whether drainage will be included.

12. Plan 735/4 (resubmitted 21.12.07) shows the store positioned on level ground. The Site Plan 6660607 shows the North side of the store positioned on ground rising in level from 7.74 to 8.36 which indicates that there will be some ground leveling to achieve the stated floor level of 8.2. The South side is positioned on ground rising from 7.74 to ca 8.1. In view of the sensitivity of the ridge height, and that some leveling is required (I assume), why cannot the floor level be reduced to 8.0 (or less)?

13. I note that as an objector I do not have the right of appeal. In this case, I find this completely unacceptable. The Assessment Sheet states that the store is 'well set back and will not be prominent'. The front (West) end, which the Applicant will be exposed to, may well not be obtrusive, but my view of the South roof most certainly is. When I sit in my garden, I will have sight of 6-7metres of roof with a visible height of 2.4metres, a height which is totally unnecessary as this part of the store is being used for storage of garden tools and machinery. Is the rule that objectors do not have a right of appeal a national ruling, or local?

I look forward to hearing from you. In view of the number and nature of the points raised, it may be appropriate to meet to discuss the position.

Yours sincerely

MA Lee [redacted]

Cc Mr J Appleton
Mrs J Morin