Mr G & Mrs S J Moffatt
3 Third Avenue, Lancing, West Sussex, BN15 9PU

11 July 2017

Adur and Worthing Councils
Development Management
Economy Directorate
Portland House
44 Richmond Road
Worthing
West Sussex
BN11 1HS

For the attention of: Hannah Barker

Dear Ms Barker,

PLANNING APPLICATION: AWDM/0953/17
SINGLE-STOREY REAR EXTENSION TO SOUTH ELEVATION
5 THID AVENUE, LANDCING, WEST SUSSEX. BN15 9PU

Thank you for your consultation dated 26 June 2017 on the above application which was received on the 4 July 2017.

I can confirm that we have no objections in principle to the proposed extension but do object to the current application for the following reasons.

Insufficient information has been provided to fully assess the submitted application, including the height and precise location of the proposed extension in relation to our boundary.

It is apparent from the submitted details that the proposed extension is higher and extends further southwards than the existing conservatory. It would also appear that the proposed extension is closer to the boundary fence than the existing conservatory, all of which will result in a significant reduction in light within our own property.

Although there are no dimensions submitted on the drawings in relation to the distance between the proposed wall and the existing fencing it would appear, from the scale bar on the drawing, to be approximately 300mm.

Therefore, it would be useful if a precise dimensioned plan could be submitted to confirm the above and that, in order to reduce the implications of the extension, the proposed eastern wall of the extension be moved as far as practical from the boundary line.

I would point out that the realignment of this eastern wall may be required anyway as it is unlikely that a 300mm access width would be sufficient to construct and render this wall. The applicant and their agent should be aware that access to construct any part of the extension whatsoever will not be permitted from our property.

There are also no details of the proposed foundations on the eastern boundary in relation to our existing conservatory foundations and the combined sewer highlighted on the plans. Assuming that the existing foundations are not being re-used and that the new foundations are being constructed in the standard format then they are likely to be within 200mm of our own foundations.

Although outside of the planning regulations I would wish to take this opportunity to point out that the works are likely to come under the requirements of the Party Wall Act 1996 (the Act), which the above required foundation details would confirm.

If any new foundations are constructed within 3 metres of our own conservatory foundations and if the excavation required to build them is deeper than the base of our own foundations then the applicant is legally obliged to comply with the Act.

The purpose of the Act is to provide a framework for preventing and resolving disputes in relation to party walls and excavations near neighbouring buildings. Anyone intending to carry out works of any kind described in the Act **must** give adjoining landowners a minimum of two months' written notice of their intentions. The requirement of the Act is separate to gaining planning permission.

Other works have previously been carried out by our neighbour that should have complied with the Party Wall Act. Unfortunately they have not complied with the Act which has resulted in us having to pay costs to rectify their actions.

As such we understand that if a notice is not submitted to ourselves then we can seek to get any works stopped until the Act is complied with, which could delay the works. The applicant and their agent should be aware that if no notice is submitted and if the applicant refuses to pay the reasonable costs to employ a Party Wall Surveyor, in accordance with the Act, then we are likely to pursue this route to protect our property.

Hopefully the applicant will comply with their legal responsibility and employ a Party Wall Surveyor so that we will not need to go down this route.

Finally, we appreciate that the location of the eastern wall is in part controlled by the location of the existing rear patio doors. Therefore, if the proposed eastern wall could be set back as far as possible from the boundary fence, possibly by an additional 300mm according to the submitted plan, then our objection can be overcome.

If you require any further information or wish to view the proposal from our property then please do not hesitate to contact me on [redacted]

Yours faithfully,

Mr G Moffatt **Mrs S J Moffatt**