Final Submission for Appeal at:
87 Old Fort Road, Shoreham-By-Sea, West Sussex, BN43 5HA on behalf of Mr A Dickson.



PINS Ref: APP/Y3805/W/15/3018530

LPA's Ref: AWDM/1030/14

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Final Submission in Response to the Local Planning Authority's Statement

Third Party Representation

I note that there is just one letter of objection from No. 35 East Meadway and the relationship to the development with this property has been fully covered in the appellant's statement of case.

There was also a letter of support from the owner of No. 89 Old Fort Road submitted in response to the application.

Local Planning Authority's Statement

With regard to the Local Planning Authority's statement I consider that the council's reasons for refusal have been comprehensively dealt with in the appellant's statement of case.

I would like to draw the inspector's attention to the following points raised in the council's statement.

Character and Visual Amenity 5.3 and Residential Amenity 5.6

The council include the 2005 appeal in respect of No. 89 Old Ford Road in the appendix but again there is no mention of the much later approval given by the council for two houses on the site in 2010.

This project was originally submitted to the council in July last year. Following discussions with the planning officer a number of perfectly reasonable amendments were made and the plans re-submitted. These plans were due to be submitted to a planning committee meeting on September 29th.

The officer's report referred to the current controversial issues, including the problem of overbearing, the distances to the boundaries, the screen of trees & the size of the rear garden, the officers conclusion was that all of the above issues were acceptable and the project was recommended for approval. this report was withdrawn on the day of the meeting.

In the subsequent refusal the planning officer then decided that all these very same issues were then not acceptable. The main plank of the argument rests on an unsuccessful appeal made for the house next door, at 89. Subsequent to that appeal a further application ADC/0313/10 for a very similar development of two 2 storey houses was then approved.

One of the most contentious issues in the rejection of this project has been the "unneighbourly form of development". We can only reiterate our previous submission in this regard, which is that the houses in East Meadway are already considerably overlooked by the existing property. Our proposals will result in them being less overlooked.

5.8

The substantial evergreen trees on the boundary do provide a significant screen between the properties. These trees were fairly drastically pruned back by the appellant last year but when this foliage regrows it will provide a dense and effective screen between the properties.

Comments on Appellant's Statement

The council refer to the 2005 appeal at No. 89 Old Fort Road, which was overlooked by the council when the original recommendation for approval was given. However once again they do not refer to the later application for two houses on the site that was approved by them.

It is also a material consideration that all previous applications referred to by the council was prior to the introduction of the National Planning Policy Framework. As the council cannot at the present time show a five year housing land supply as required by the NPPF under paragraph 49, the application should be judged on whether or not it provides suitable sustainable development in accordance with the guidelines set out in the NPPF and which have been fully dealt with in the appellant's original statement of case.

6.2

With regard to the application's affect on the amenity of the property to the rear, No. 27 East Meadway, it should be noted that the first floor windows of the existing property at No. 87 Old Fort Road have a much clearer view towards No. 35 East Meadway than will be the case with the proposed new properties. The original application drawings were amended to show high level windows to the rear bedrooms, i.e. bedrooms two and three, which will give sufficient light and ventilation to these bedrooms whilst reducing any overlooking to the rear. It should be noted that the main bedroom for the new houses will be to the front i.e. the south side. The council make no mention of the existing overlooking from the first floor rear windows.

The original application drawings were also amended to include an asymmetric pitched roof to reduce the eaves height and therefore mitigate any overbearing impact upon properties at the rear.

With regard to examples given by the council, the application at 39 is particularly relevant, this is part of a run of distinctive pre war beach bungalows. Although a 2 house development was indeed turned down a single 5 bedroom house is is currently under construction and two doors away on an almost identical site a development of 2 No. two storey houses is also under construction. This leaves No. 41 as a lone bungalow development. The appellant would like the inspector to view these sites on the site visit.

Another development project that is currently under construction near to the site is on land between No's. 75-79 Old Fort Road (Reference: AWDM/1405/14), which is for

the development with a very substantial pair of houses with a rear garden that appears to be less than ten metres from the rear boundary.

It is the appellant's view that the proposal is sustainable in terms of design, construction, location and economic benefit to the local community and would respectfully ask the inspector to allow the appeal.