ADUR DISTRICT COUNCIL

Mr Paul Smith
Domus Architecture Ltd
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LS28 6DP

PLANNING REFUSAL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/0163/24

Details of Development
DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A 4-BEDROOM DETACHED DWELLING OVER 3 LEVELS WITH REAR TERRACE AND ASSOCIATED WORKS. NEW OUTBUILDING WITH RAISED TERRACE TO THE SOUTH. NEW DETACHED GARAGE WITH GUEST BEDROOM OVER AND CYCLE STORE TO THE NORTH. APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF PREVIOUSLY APPROVED AWDM/0923/21. AMENDMENTS: LOWERING OF GROUND LEVEL ON UPPER TERRACE ADJACENT TO THE EASTERN BOUNDARY BY 1M AND ERECTION OF 1.5M HIGH FENCE; LOWERING OF LOWER GARDEN LEVEL BY 0.4M

Location of Development
LAND BETWEEN 40 AND 44 BRIGHTON ROAD LANCING WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they REFUSE to permit the above development, in accordance with the application and relevant correspondence registered on 5th February 2024.

The reasons for the Council's decision to refuse to permit the development are stated on the schedule overleaf.

GPeck

Gary Peck
Planning Services Manager
04/09/2024

Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
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SCHEDULE

Reasons for Refusal

01. The rear garden levels as built are excessively high in relation to neighbouring gardens resulting in an overbearing development which causes overlooking, loss of privacy and a harmful loss of amenity for the occupiers of 44 Brighton Road, contrary to policy 15 of the Adur Local Plan.

Informatives / Notes to Applicant

01. For the avoidance of doubt this refusal relates to the following drawings/plans:-.

Reference/Drawing Number	Version	Date Rec
PART REAR GARDEN PLAN	A1-08 C	16.08.2024
PROPOSED SECTIONS SHEET 1 OF 2	A3-12 A	16.08.2024
PROPOSED SECTIONS SHEET 2 OF 2	A3-13 C	16.08.2024
PLANTING: TREES	3005 P0 B	05.02.2024
PLANTS: FRONT	3010 P0 B	05.02.2024
PLANTS: REAR	3015 P0 B	05.02.2024
SURFACES	4000 P0 B	05.02.2024
WALLS / STEPS	4005 P0 B	05.02.2024
BOUNDARIES / ELEVATIONS	4011 P0 C	05.02.2024
LIGHTING	5000 P0 B	05.02.2024

02. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision relates to a householder application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.