DMH Stallard

FAO: Ms Hannah Barker
Development Management
Adur & Worthing Councils
Portland House
44 Richmond Road
Worthing
West Sussex
BN11 1HS

**Date** 23rd December 2020
**Your ref** AWDM/1983/20
**Our ref** A57/335428-1

**Sent by email to planning@adur-worthing.gov.uk**

Dear Ms Barker,

**Planning Application: Roof extension including raising of ridge and eaves height, enlarged barn ends and ground floor infill extension to north and south elevations (amended resubmission of AWDM/0812/20)**
**at 22 Mill Hill, Shoreham-By-Sea, BN43 5TH**

**Application Reference: AWDM/1983/20**

I write on behalf of my clients, Mr & Mrs Brand who are the owners of the neighbouring property to the south (20 Mill Hill), to object to the above planning application.

Our clients, have a number of significant concerns regarding the above planning application and would like to draw your attention to the following issues.

**Information submitted**
Firstly, we are concerned at the level of information submitted in support of this application. It is our view that given the scale of the works and the amount of additional floorspace created by the scheme, a Design & Access Statement should be provided.

It is also considered that a planning statement should also be submitted in order to provide information on the proposal, and how the proposed works would be considered to address the relevant local and national planning policies and objectives. It is considered that the information submitted in support of this application is insufficient, and this information is required in order for the council to make an informed decision on this proposal.

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Furthermore, the plans submitted with application do not contain dimensions of the increased eaves height, dimensions of the ground floor infill extension to the south elevation and dimensions of the additional windows. It is considered that this information should be provided in order for the Council and neighbouring residents to be able to fully assess the impact of the proposal.

**Relevant planning policy**
The proposal should be assessed against the relevant national and local planning policy. The Development Plan is formed of the Adur Local Plan (2017), in light of the proposed development the most relevant policy is considered to be Policy 15: Quality of the Built Environment and Public Realm.

Policy 15 states that "Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping." It sets out a number of criteria, the following of which are considered to be relevant to the proposal:

- Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development;
- Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;

Policy 15 makes specific reference to applications for extensions and alterations to existing properties, and states that: "When considering applications for extensions or alterations to dwellings, proposals will be expected to comply with the criteria contained in the Council's adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" (as amended or superseded by other Council guidance in force at the time an application is considered) or any other appropriate national standard."

The adopted SPG: Development Control Standard No.3 "Extensions and Alterations to Dwellings" is also therefore relevant to this proposal. This SPG sets out planning principles and standards for extensions to dwellings, and any proposals are expected to comply with the criteria therein.

The National Planning Policy Framework is also a material consideration, in particular chapter 12 is relevant to this proposal.

Having considered, the statutory development plan and all other material planning considerations, it is our view that the proposal does not comply with policy 15 of the Adur Local Plan, or the contents of the SPG. As such, the planning application should be refused on the grounds of unacceptable overlooking, impact on amenity of neighbouring occupiers, and overdevelopment.

**Planning history and background**

It should be noted that the application property has been subject to a number of previous applications. Of particular relevance is application SU/43/96/TP/22337, which granted permission for a room in the roof with a dormer window on the south elevation. In making this decision the Council's assessment advised that the dormer window was reduced in scale during the application process confirming that the originally proposed larger dormer was unacceptable. The assessment also confirmed that the proposed dormer window would face the side wall of our client's property and only overlook part of its rear garden and that this would be at an oblique angle.

It should also be noted that a condition was imposed to remove permitted development rights so that no openings in the north elevation of the roof could be created. This would indicate that in principle new openings here are considered unacceptable, it also suggests that great care is needed in assessing the impact of new and amended openings along the southern elevation.

Most recently a certificate of lawfulness for the proposed enlargement of the existing south dormer with an additional dormer to north and south slopes (ref: AWDM/1180/20), and a planning application (ref: AWDM/0812/20) for a ground floor extension, Juliet balcony to east elevation, covered way to south, with a porch and verandah, and dormers on the south and north elevations to be constructed under permitted development were both withdrawn earlier this year. It is understood that the proposed development under the planning application was considered to be unacceptable. The current application is essentially an amended submission of the withdrawn planning application.

We would also draw your attention to the planning application at the neighbouring property of 24 Mill Hill (ref: AWDM/1772/16), there was a requirement for no windows on the ground floor, a single obscure window at first floor level and no roof lights in the southern elevation. This permission included conditions which prohibit windows or other openings on the side walls of the extensions and stipulates the new first floor window in the south side elevation at all times to be obscure glazed.

This position re-affirms new openings on side elevations are unacceptable in principle.

**Design and scale of proposal**
The design, scale, siting and layout of the proposal is a significant concern of our clients.

Paragraph 122 of the NPPF states that planning policies and decisions should support development which makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Policy 15 of the Adur Local Plan requires development to be of high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, and scale.

We note from the plans that there are a number of extensions and alterations proposed in the application which comprise the following:

- Raising of the roof height and eaves height of roof;
- Infill rear extension to the rear;
- Removal of existing dormer on south elevation and replacement with revised dormer;
- Insertion of 3no. rooflights on south elevation;
- Insertion of 2no. rooflights on the north elevation;
- Porch and verandah to front elevation; and,
- Covered walkway along south elevation;

It is considered that the amount and type of extensions and alterations proposed to the existing dwelling are extensive. The extensions and alterations proposed, particularly the alterations to the roof, would completely transform the dwelling from a 1 &1/2 storey property to a 2-storey dwelling, the design of which would be out of keeping with the existing properties on this part of Mill Hill.

The proposed alterations to the roof are significant and extensive, and would result in a dwelling which would be fundamentally altered in scale and design. The proposal includes the raising of the height of the roof and the eaves. The raising of the height of the eaves in particular is considered to be excessive, especially when viewed from the north and south elevations. From these viewpoints the height of the eaves are considered to have an overbearing appearance which would detract from the existing character of the property.

The changes to the dwelling comprise alterations to the fenestration, the proposed openings are considered to lack symmetry and result in a dwelling which would have a disjointed appearance.

The proposed extensions and alterations are considered to be of a layout and design which results in a cramped and contrived design, this is a clear indication that the proposal represents an overdevelopment of the site.

The scale of the proposal represents an overdevelopment of the site which would be out of keeping with the character of the existing dwelling and the character of the area. When the size, height, and bulk of the proposal is taken into account, the outlook from our clients property would be dominated by the proposed extensions, and this would be unacceptably overbearing and oppressive to our clients.

**Impact on neighbouring residential amenity**
Policy 15 of the Adur Local Plan sets out that all developments should make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space.

Of particular concern to our clients are the proposed alterations to the side (south) elevation, this elevation of 22 Mill Hill faces directly onto our clients property and their rear garden, in addition the windows from the habitable rooms within our clients home look out onto the side elevation of the application site.

The proposal comprises alterations to the existing dormer on the side (south) elevation, from a review of the submitted plans, it would appear that the proposed works would result in the dormer window being re-positioned so that it is closer to our clients property. This is unacceptable to our clients.

As shown in the photographs below, the side elevation of the existing dwelling is highly visible from our clients garden, and from the windows of their property.

The proposal also comprises of three additional rooflight windows positioned at first floor level on the south facing side elevation. There is a lack of material information submitted with the application, and as such it is unclear whether obscure glazing would be provided in these rooflight windows and whether they will be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level. It is understood that our client has sought clarification on this from you, and it has been confirmed that the windows in the proposed rooflights will be obscure glazed and

non-opening below 1.7m from floor level. However, that does not change our view that the additions will be overbearing and the obscure glazing to the rooflights will not mitigate the perception of being overlooked from our client's property.

Whilst it is noted that there is currently a dormer window at first floor level, it is nonetheless considered that the proposed additional rooflights and the re-siting of the dormer window to be located closer to our clients property would give rise to the potential for more overlooking, and would be significantly visually intrusive and overbearing to our client.

***Photo 1: View of application site from rear garden of 20 Mill Hill (eastern part of roof of 22 Mill Hill)***



Because of the siting of 20 Mill Hill, it is considered that the proposed two rooflight windows on the eastern part of the first floor of the south elevation would have direct views down and across the rear garden of our clients property. There are currently no windows in this position, and the proposed insertion of a window in this location would

cause overlooking to our clients property and result an unacceptable loss of privacy to our clients.

20 Mill Hill sits further back than 22, therefore the positioning of the proposed window in the western part of the first floor on the south elevation will have a direct view down across the front elevation of No20. There are currently no windows in this position and the insertion of this window would result in the unacceptable perception of overlooking to our clients property.

***Photo 2: View of application site from front garden of 20 Mill Hill (western part of roof of 22 Mill Hill)***



It should be noted that there is a difference in ground level along Mill Hill, with the application property being circa 1.2 metres higher than the our clients property to the

south. The height and depth of the proposed alterations would therefore be located on raised ground in relation to our clients property. It is considered that the increase in the eaves height and the re-positioning of the dormer window to be sited closer to our clients property would have an unacceptable dominating and enclosing effect on the outlook from our clients property.

With respect to the ground floor rear extension and proposed infill extension to the south elevation. The combined extensions extend 8.5 metres into the rear garden. Additional full-length folding sliding doors together with a separate window are proposed on the south-facing side walls of the extension. The folding sliding doors would extend to 7.5 metres into the rear garden and are within 6.0 metres of the southern boundary. There is no permanent structure on the south boundary which would help o reduce the impact of overlooking, except for a 1.5 metre fence that is prone to collapse.

The only viewpoint from the proposed window and folding sliding doors is across the rear garden and into the rear principle ground floor window and first floor bedroom window of our clients property. This is considered to be highly intrusive. On this point it should be noted that a previous application at 22 Mill Hill (ref: SU/10/06/TP) for a single-storey rear extension with pitched roof plus attached conservatory was approved, however, the proposed window on the south-facing side wall adjacent to the conservatory was removed from the plan as a result of adverse impact to our clients property.

One of the main planning considerations in determining this application is whether the proposal would have an adverse effect on the neighbouring properties and their residential amenity. The proposal clearly has an adverse impact on our clients existing residential amenity, and should therefore be considered unacceptable.

Our clients would like to invite you to visit their property in order to fully assess the impact of the proposal on their existing residential amenity.

**Conclusion**

In summary, the proposed development by virtue of its scale and design would be overbearing and un-neighbourly, sited in such a way that would visually dominate our clients neighbouring property, and the proposed additional windows and re-siting of the existing dormer closer to our clients property would lead to the perception of increased overlooking and an unacceptable loss of privacy.

As such the proposal is considered to be contrary to Policy 15 of the Adur Local Plan, and the criteria set out in the Council's adopted SPD: Extension and Alterations to

Dwellings. The proposal is also considered contrary to paragraph 127 of the NPPF, which requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

It should be noted that paragraph 130 of the NPPF states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area".

Therefore, it is respectfully requested that the application be refused. However, should the application be recommended for approval, please note that we would request the opportunity to speak at the Committee meeting against the proposal.

Yours sincerely



Peter Rainier
Principal Director of Planning
For and on behalf of DMH Stallard LLP