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Planning appeal: APP/Y3805/W/25/3360537

4 WILMOT ROAD, SHOREHAM BY SEA, BN43 6BN.

Replies to Adur Council comments and third party representations.

NB: This follows the layout of the LPA's submission.

1. Photo 3.
   This photo clearly shows that there will be no significant adverse effect on the properties to the north.

2. Photo 6.
   This photo of the Adur development at Wilds Row, has been carefully framed to exclude the bungalow at the east end, also it does not show that all the surrounding properties are two-storey or higher. Adur Council gave themselves planning consent for this development on a garage compound under application AWDM1434/21.

   Part of the reason for refusal of our application was because it was a bungalow amongst two-storey houses, yet they have done that very thing.

   Similarly the previous inspectors comments that it would "conflict with the two-storey dwellings close by" does not hold water if Adur allow themselves to do the same thing.

I have added pictures as follows:-

1. The bungalow
2. The small back gardens with no sunshine.
3. The east of the site showing 2 storey houses and 3 storey flats.
4. The west of their site showing only 2 storey houses.








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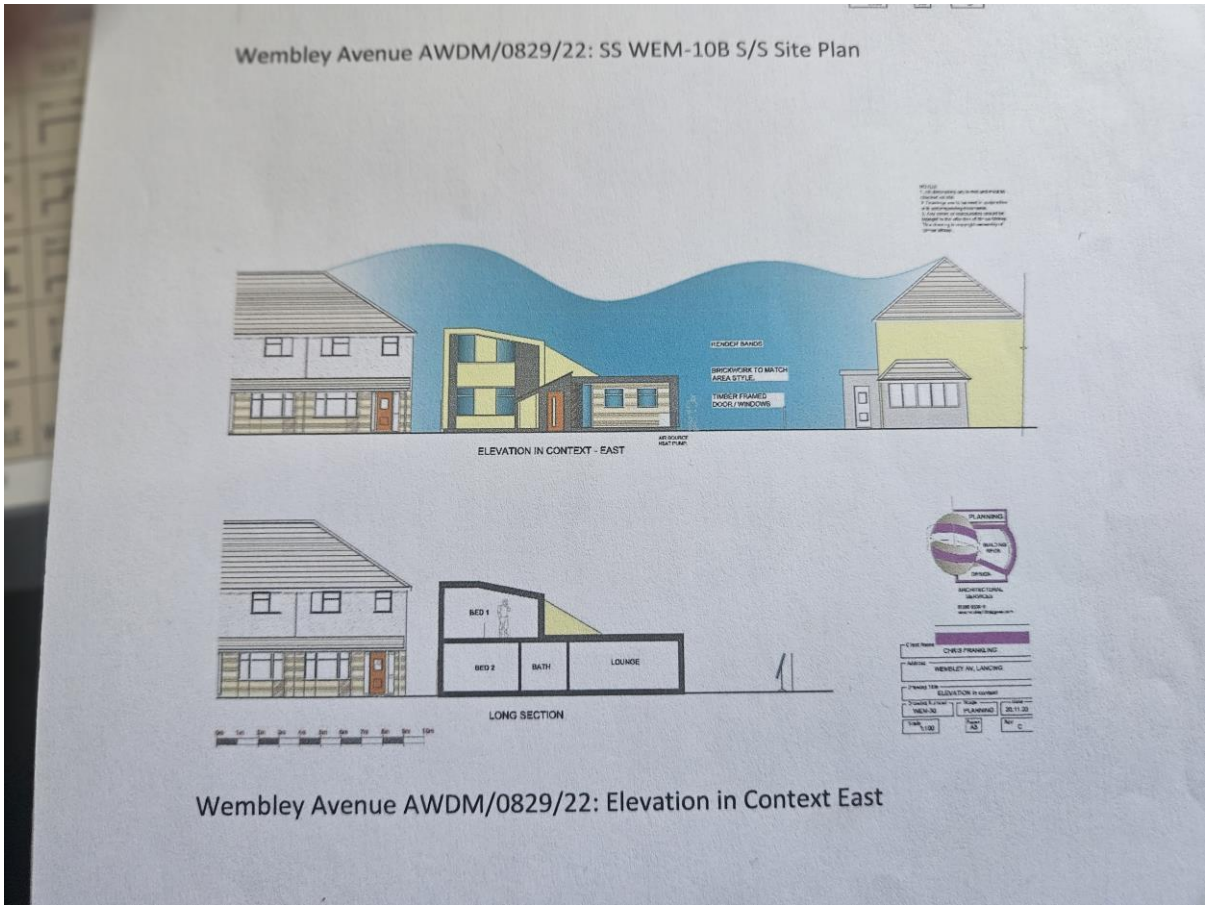
Introduction

We note that page 2, paragraph 2 now omits the claim that this property would be "harmful to the character and appearance of the area".

Comparators

The Planning Officer states that "attempts to make comparison with alternative 'approved' applications are completely without merit.

With regard to Wembley Avenue; this is an area of traditional two-storey houses. Permission has been given for a part one-storey, part two-storey box. This clearly does not match anything around it and to claim that it is compatible with the surroundings, is incomprehensible.



Thus our proposal for a traditional property can be no more and in fact somewhat less “harmful to the character and appearance of the area”.

To claim that the aesthetic of 2 Wembley Avenue is not of consequence because it is not in conservation area is a fallacy. I have an example where a house has been refused by Adur Council because the first floor window does not align with the ground floor window. They cannot have it both ways.

Re the councils own development at Wilds Row; whether or not this is part of a larger development, it still contains a bungalow where there are no other bungalows around.

The LPA maintain that it is “sensitively planted, bright and airy setting”.

What they are now ignoring is that the back gardens of their bungalow and indeed adjacent houses get no sunshine whatsoever except perhaps in the late evening. Also the size of the rear garden is not significantly different to our proposal.

The garden to our proposal will have sunshine all day and there is no significant effect on the sunshine to the properties to the north.

The LPA claim that this proposals is not “well positioned within an existing community and that it is isolated from the existing community”

With this proposal, the bungalow is on residential land and has 11 other houses within 20m.

Access to and fro would result in walking within 4m of 5 other properties.

They state that it is a utilitarian narrow track; however it is well used for pedestrian access already. Clearly if you park your car in the garage compound you have to walk out of the site. It is also used by a number of back gardens in Hammy Lane both for vehicular and pedestrian access. Further it used as a pedestrian cut through to Mansell Lane where there is a shop and post office.

Replies to representation

No loss of sunshine

Whilst we dispute the table provided as the 16° is clearly inaccurate, we enclose a further plan showing the lines for 20°. From this it can be seen that there is no significant loss of sunshine to the house and the negligible difference between the effect of the house and the rear fence. It further shows that this would only be the situation in deep winter (when people are not sitting outside) and also only in the middle of the day.

The Highways are happy

The LPA comments appear to suggest that this is a regularly used highway with continuous traffic. Where our survey shows that 4 cars a day using this, would be a lot.

Also there are cars in the back gardens of Hammy Lane which reverse onto this lane and there have been no problems.

It is not “unsafe” and is used by pedestrians all the time as noted above.

Noise

The garden area to our proposed bungalow faces away from the houses in Wilmot Road and thus any noise would be deflected towards the south.

There would be no more noise to 4 and 4a Wilmot Road than would be the case with 4a to 4 when they gave approval for the former property. Indeed because of the arrangement, probably less.

Application form AWDM/1089/24

7 Bin store

The LA refuse vehicles happily back down the passage beside Britannia House in the High Street without any problems. This includes negotiating all of the traffic in the High Street during the rush hour.

There is enough room in the garage compound for the refuse vehicle to turn around, thus they can go in frontwards and come out frontwards.

Re 9 and 12 Vehicular Access and Hard Standing

This could easily be covered by way of a condition. Such a condition was required with the application for the house now known as 4a Wilmot Road, application no AWDM/0772/19, condition 04.

9 Roof

This again can be a condition, as per the above application, condition 03.

14 Existing use

Whilst our client would be happy to accept ground testing, we note that this was not included as a concern on the Planning Officers original report.

We also note that the position of the proposed bungalow is on the garden and never used for anything else.

With regard to the garage areas, they have concrete floors which would prevent contamination of the ground.

Re Radon

This is a building regulations matter not a planning matter.

Conclusion

The living space within this proposal complies with the national requirements and is indeed better than the previous Adur District Council recommendations.

The garden area is better than for properties where Adur and Worthing have given themselves approval.

The subject of contamination was not included in the original report and the safety aspects of the lane have been at best over emphasised, but really do not exist.

We have shown that none of the concerns raised by the Planning Officer either originally or which they have now tried to include in this statement, are valid and we would ask that Planning Inspector accept this appeal.

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