Adur District Council

Planning, Regeneration and Wellbeing

Mr James Boys
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33 Stoneleigh Avenue
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East Sussex
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PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/0200/16

Details of Development
DEMOLITION OF EXISTING DETACHED BUNGALOW AND ERECTION OF 1NO. DETACHED 3-BEDROOM HOUSE FRONTING ROAD AND 1NO. DETACHED 4-BEDROOM HOUSE WITH BASEMENT ACCOMMODATION IN REAR GARDEN

Location of Development
55 VICTORIA ROAD SOUTHWICK BRIGHTON WEST SUSSEX BN42 4DJ

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 2016.

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

G Peck

Gary Peck
Planning Services Manager
04/05/2016

ADUR DISTRICT COUNCIL
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SCHEDULE

Reasons for Refusal

01. The constraints of this site are such that in terms of its irregular shape and relationship to neighbouring dwellings the proposed back-land dwelling at the rear of the site by reason of its form, orientation and position on the site, would represent an anomalous and awkward form out of scale to adjacent buildings at odds with the prevalent street pattern, its character, and sense of place as well as resulting in harm to the living conditions of neighbouring residential occupiers. The development is therefore contrary to paragraphs 56 and 64 of the National Planning Policy Framework and Saved Adur Local Plan Policy AH2 with allied Supplementary Planning Guidance Development Control Standard No. 2

02. The new back-land dwelling at the rear of the site would, by reason of its position on the site and to the sycamore tree canopy, fail to provide adequate standards of residential amenity for future occupiers in terms of daylight and sunlight and outlook and privacy. The development is therefore contrary to paragraphs 56 and 64 of the National Planning Policy Framework and Saved Adur Local Plan Policy AH2 with allied Supplementary Planning Guidance Development Control Standard No. 2

03. The new back-land dwelling at the rear of the site, by reason of its position and inclusion of a basement within the Root Protection Zones of the preserved Sycamore trees (subject to TPO No.1 of 1982 SW) and its orientation and arrangement of its fenestration onto the Sycamore trees canopy, the Council is not satisfied that the new back-land dwelling is compatible with the future health and longevity of the existing trees with consequential detriment to visual amenity, and failure to conserve and enhance biodiversity contrary to paragraph 109 of the National Planning Policy Framework and Saved Adur Local Plan policies AB25 and AH2.

Informatives / Notes to Applicant

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

Reference/Drawing Number	Version	Date Rec
EXTG SITE/BLOCK PLAN	Drg No. E01	05.02.2016
PROPOSED LAYOUT/FLOOR PLANS	Drg No. P01A	05.02.2016
PROPOSED ELEVATIONS/SECTIONS	Drg No. P02a	05.02.2016
PROPOSED - REAR HOUSE	Drg No. P03A	05.02.2016
TREE CONSTRAINTS PLAN	Ref: 1275.E03	05.02.2016
ARBORICULTURAL SURVEY	PJC/3641/15	05.02.2016

Cont…/

02. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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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 must be made using a form which you can get from the Secretary of State online at https://acp.planninginspectorate.gov.uk or at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (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.