Adur District Council

Planning, Regeneration and Wellbeing

Mr Phil Rowe
PROwe Planning Solutions
Melton Lodge
Rusper Road
Newdigate
Surrey
RH5 5BX

PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/1264/16

Details of Development
CONSTRUCTION OF 1 X 3 BED DWELLING (WEST OF 10 SHOPSDAM ROAD).

Location of Development
THE OLD LIFEBOAT HOUSE SHOPSDAM ROAD LANCING WEST SUSSEX BN15 8ES

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 13th September 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
09/02/2017

ADUR DISTRICT COUNCIL
Adur District Council, Planning Services, Portland House,
Richmond Road, Worthing, West Sussex, BN11 1LF
Tel: (01903) 221065 Fax: (01903) 221072
Minicom: (01903) 204500 DX: 142965 Worthing 10
web: www.adur.gov.uk

SCHEDULE

Reasons for Refusal

01. The constraints of this site are such that in terms of its irregular size, shape and relationship to neighbouring dwellings the proposed dwellinghouse building by reason of its scale, orientation, and siting on the site, would represent an unduly assertively anomalous and obtrusively awkward form which would be out of scale to adjacent buildings and at odds with the prevalent street pattern, its character, and sense of place as well. It would fail to improve the quality of the area. 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 proposal has failed to pass the Exception Test set out in the National Planning Policy Framework as it has not been adequately informed by a site-specific Flood Risk Assessment that the development would be appropriately flood resilient and resistant and that any residual risk can be safely managed, including by emergency planning, and it gives priority to the use of sustainable drainage systems. Accordingly, it would be contrary to Saved Adur Local Plan AP4 and paragraphs 100 to 103 of the National Planning Policy Framework in that the proposal has failed to pass the Exception Test as it is not adequately informed by a site-specific flood risk assessment demonstrating that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall.

03. The new dwellinghouse building would, by reason of its size, orientation of its fenestration, and proximity to the rear gardens of neighbouring properties to the east, adversely overbear and overshadow and result in intrusive loss of privacy and overlooking resulting in harm to the living conditions of neighbouring residential occupiers. As such the proposal is in conflict with saved policies of the Adur District Local Plan (AH2) with allied Supplementary Planning Guidance Development Control Standard No. 2and the Core Planning Principle of the National Planning Policy Framework related to safeguarding residential amenities.

INFORMATIVES

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

Reference/Drawing Number	Version	Date Rec
BLOCK & LOCATION PLAN	012 Rev. 01	13.09.2016
PAVILION HOUSE: ILLUSTRATION	013	13.09.2016
PAVILION HOUSE: ELVATIONS 2 OF 2 SECTIONS	011	13.09.2016
PAVILION HOUSE: ELVATIONS 1 0F 2	010	13.09.2016
PAVILION HOUSE: PLANS	009	13.09.2016

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

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 you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this 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.

7. 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.

8. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

9. 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.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).