Fwd: 20 Beach Green AWDM/1265/24

1 message

Planning - <planning@adur-worthing.gov.uk> 17 December 2024 at 14:18
To: Planning - <planning@adur-worthing.gov.uk>

---------- Forwarded message ---------
From: **jacqui Bottasso-Nye** <>
Date: Tue, 17 Dec 2024 at 08:33
Subject: Fwd: 20 Beach Green AWDM/1265/24
To: Hannah Barker <hannah.barker@adur-worthing.gov.uk>

Mrs. Jacqueline Bottasso-Nye

18 Beach Green

Shoreham-by-Sea

BN43 5YG

16 December 2024

Re: Objection to Amended Planning Application AWDM/1265/24 at 20 Beach Green

Dear Ms. Barker,

I am writing to lodge a comprehensive objection to the amended planning application (Reference: AWDM/1265/24) submitted by Ms. Juliet Joy of 20 Beach Green, Shoreham-by-Sea. Although I recognise that boundary disputes are not usually within the Council's purview, the accuracy of the boundary is integral to determining whether the proposed works would encroach upon my land and potentially lead to overdevelopment.

1. Ongoing Boundary Dispute & Multiple Inconsistent Plans

1.1 Acknowledgement of the Council's Limited Role

I appreciate that the Planning Department does not arbitrate boundary lines. Nonetheless, the question of whether the proposed extension sits on or over my property directly affects the planning merits of this application. I have raised concerns about the unclear fence line, as Ms. Joy's own documents (architect's drawings, Ordnance Survey map, and Land Registry references) do not align with one another.

1.2 Request for a Joint RICS Boundary Survey

Specifically in relation to this application, I have asked Ms. Joy to arrange a jointly instructed, RICS-certified boundary survey. This would be the fairest means of definitively establishing the true boundary before any building work proceeds. She has so far declined to follow through on this request.

• A boundary survey at this stage would prevent potential legal and structural complications later.

• I respectfully urge the Council to encourage or require such a survey to ensure no unauthorised encroachment takes place.

1.3 Conflicting Documents (Two Overlays)

To illustrate the inconsistent boundary depiction, I have prepared two overlays:

• Overlay A: Land Registry vs. Architect's Drawing

• Overlay B: Ordnance Survey Map vs. Architect's Plan

Please also refer back to my original objection for the previous overlay (Architect's Drawing vs. Original Plans), which further highlights the discrepancy in boundary lines. Even with these amendments, the true boundary location remains unclear.

2. Overdevelopment Concerns (50% Rule)

2.1 Cumulative Extensions

The property at No. 20 already includes a large kitchen extension, an additional conservatory, and further additions to the side of the property. If the proposed build also covers part of what I believe to be my land, the new structure could push the total built area beyond 50% of the original garden.

2.2 Accuracy of Garden Size

Because the exact boundary is disputed, the applicant's calculations for the garden's total area may be misleading. If the fence line is incorrect, Ms. Joy's property is effectively smaller than her plans suggest, potentially amplifying the overdevelopment issue. A boundary survey is therefore crucial to determining whether the 50% threshold is truly met or exceeded.

3. Roof Lights & Prohibition of Any Future Roof Terrace

3.1 No Objection with Conditions

I wish to clarify that I do not oppose the principle of installing roof lights on the existing extension, provided the roof is never used as a terrace or raised platform.

• Door Replacing Window: Ms. Joy previously replaced a window with a fully opening door, granting direct access onto the roof. Despite being labelled a "window," it opens as a door. This issue was brought up with the Council in the past, and my objection to the door was previously raised. It should already be on record that this "window" effectively enables a future roof terrace unless explicitly prohibited.

• Vaulted Roof Lights: The plans do not clearly state how much higher than the existing roof line the proposed vaulted roof lights will be. I request exact measurements from the existing roof line to the top of the proposed roof lights, as this could significantly impact the extension's height and appearance. Without these details, I cannot fully assess the proposal's effect on neighbouring amenity or overall design.

3.2 Planning Condition Requested

Should the Council consider granting any aspect of this application, I request an explicit planning condition forbidding the use of this roof area (including the roof lights section) as a terrace, deck, or balcony—now or in the future. This measure would prevent overshadowing, overlooking, or other amenity impacts for myself and neighbouring properties.

4. Council Not the Final Arbiter of the Boundary… But Relevant

I fully accept the Council does not resolve boundary disputes; that role belongs to civil processes or the Land Registry. Nonetheless, I believe the unclear boundary is directly relevant to this planning decision, as it affects:

• Encroachment: Whether the proposed footings lie on my land.

• Overdevelopment: Potentially inflating the allowable footprint if the fence line is incorrect.

When boundary lines are significantly in question, granting planning permission could inadvertently legitimise building on land not owned by the applicant.

Additional Note: Potential Party Wall Act Obligations

Given how close the proposed extension may be to my property line—possibly less than three metres from my building in parts —the Party Wall etc. Act 1996 could apply. I have not received any Party Wall Notice, nor is there a clear measurement provided. If the foundations are within 3 metres of my external walls and deeper than my own foundations, the applicant would legally be required to serve notice and enter into a party wall agreement. While I recognise this is separate from planning, it underscores the importance of accurate boundary measurements and proper consultation before any excavation begins.

5. Conclusion & Formal Requests

6. Joint RICS Boundary Survey (Funded by Applicant):

Please consider deferring any decision until a jointly instructed, RICS-certified boundary survey confirms the true fence line. Given that this potential encroachment arises from Ms. Joy's development proposal, I request that she bear the cost of the survey in the interest of fairness.

7. Overdevelopment Check:

Verify whether the total footprint of existing and proposed extensions exceeds 50% of the original garden area—bearing in mind the disputed boundary may overstate Ms. Joy's actual plot size.

8. Exact Height of Vaulted Roof Lights:

Request further detail on how much higher the proposed roof lights will sit above the existing roof line, so their impact on visual amenity can be fully assessed.

9. No Roof Terrace:

If the roof lights are approved, kindly impose a clear condition prohibiting any use of the roof as a terrace or deck, including access via the original window-turned-door.

Attachments (Overlays A & B):

• Overlay A: Land Registry vs. Architect's Drawing

• Overlay B: Ordnance Survey Map vs. Architect's Plan

The added pictures are the original architect revised drawings and is report showing differing placement of extension outer wall compared to overlay B

Thank you for your time and consideration of these concerns. Should you require further details or clarification, please contact me at [redacted]

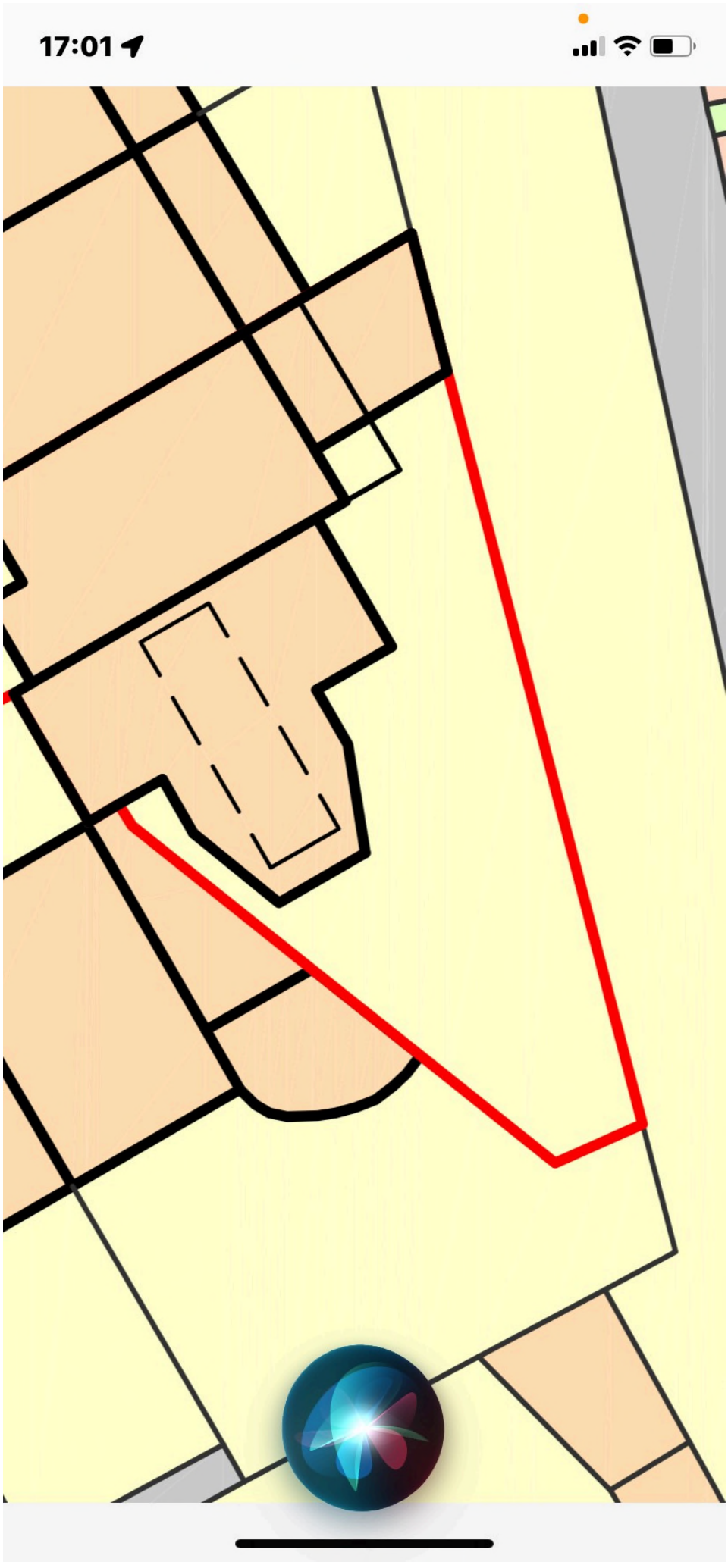
Yours sincerely,

Mrs. Jacqueline Bottasso-Nye

18 Beach Green

Shoreham-by-Sea

BN43 5YG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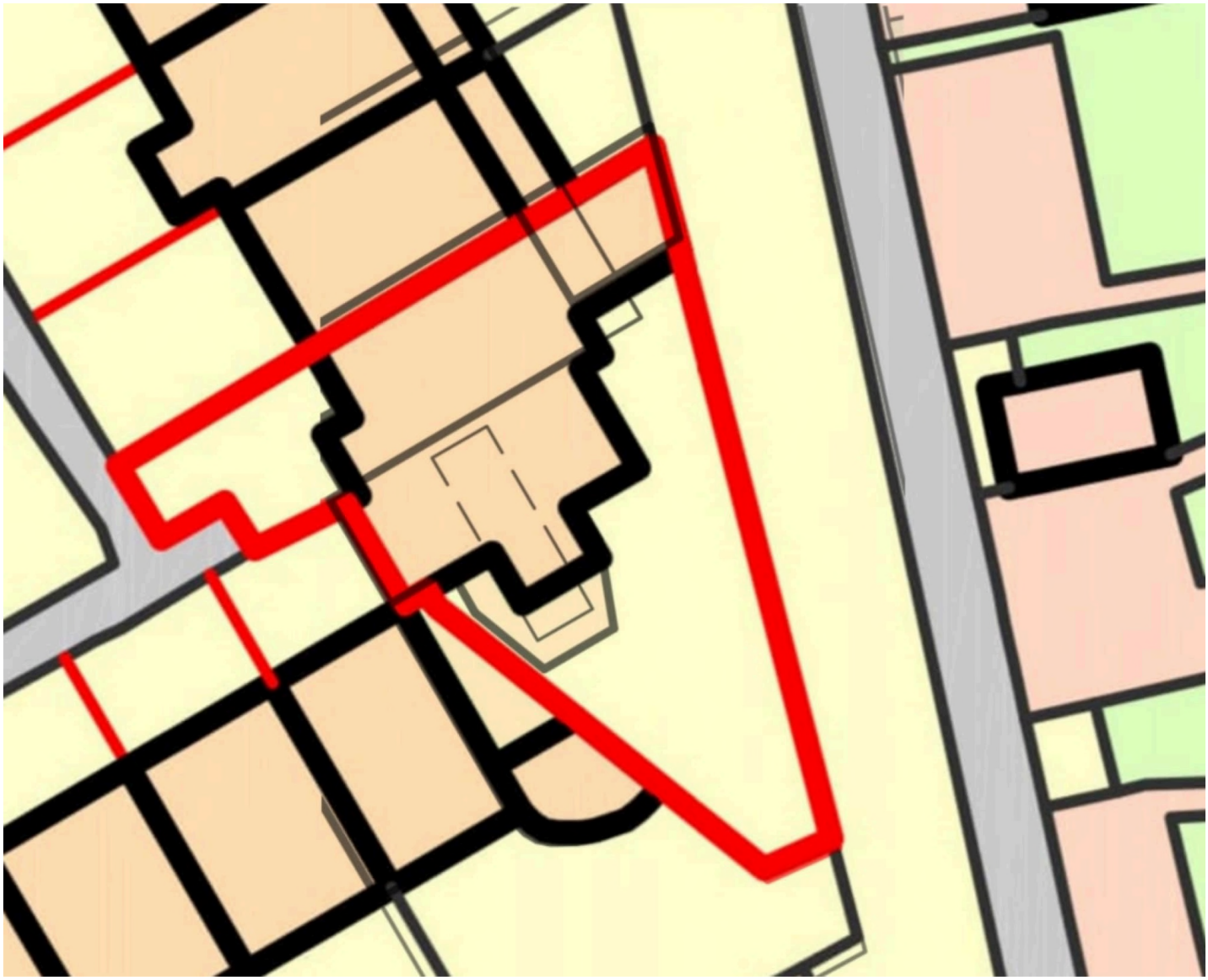

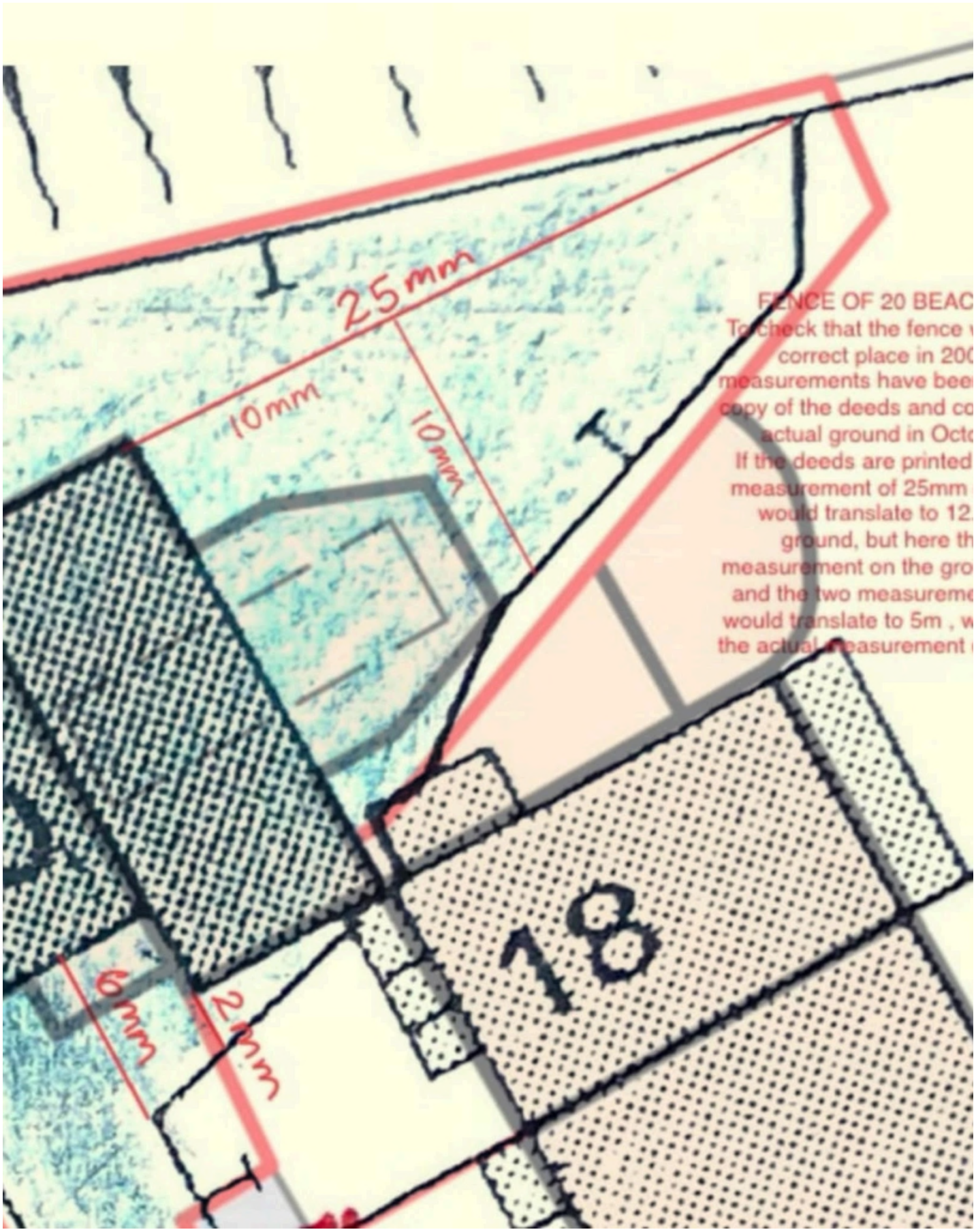
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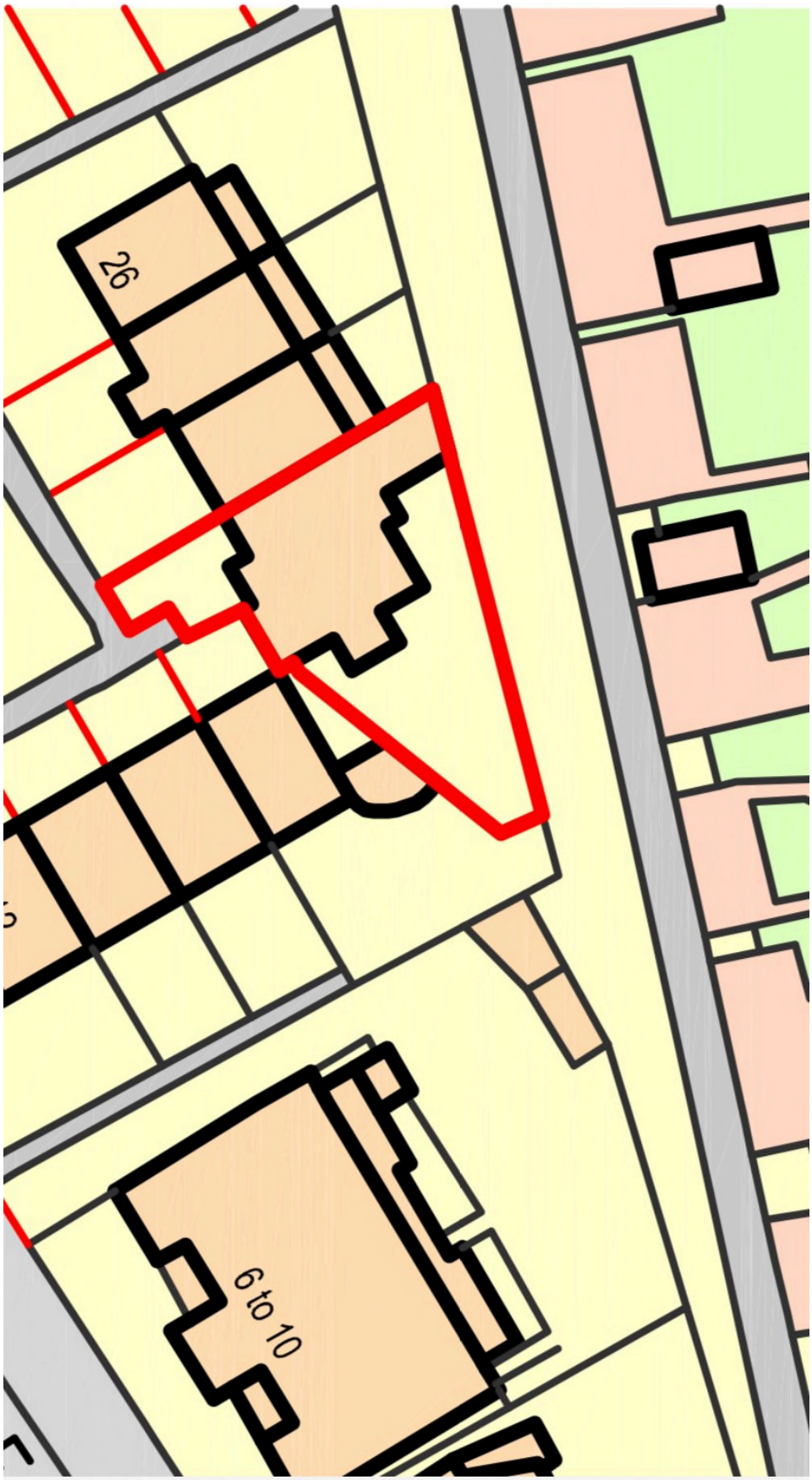
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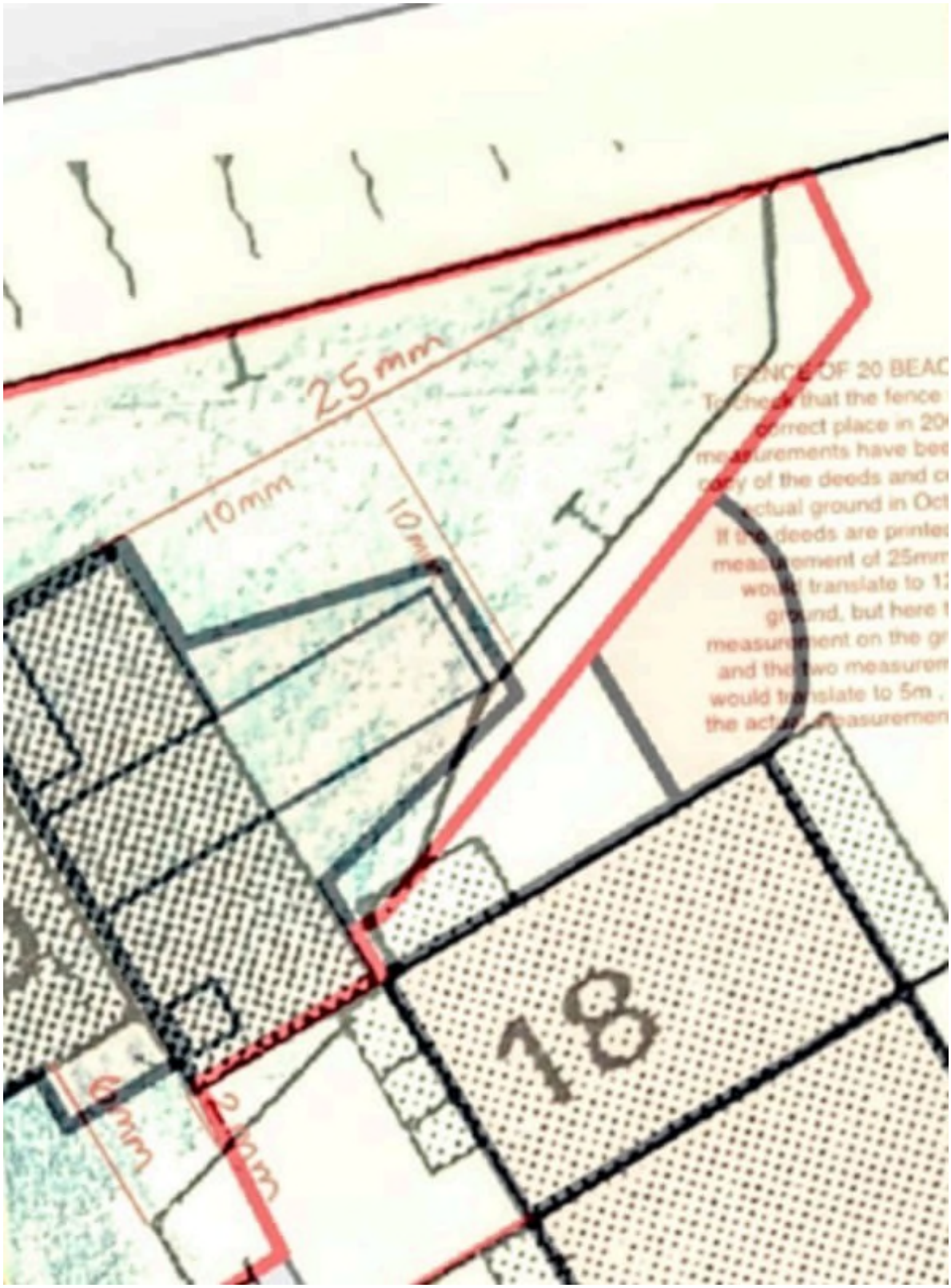
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