CMK Planning
11 Jew Street
Brighton
BN1 1UT

September 2021

Dear Hannah,

RE: 126 Old Fort Road, Shoreham-By-Sea, AWDM/1869/20

I understand the LPA in the process of determining the above application. I am writing further to Luke's confirmation to determine the application.

Following the submission of revised drawings for 126 Old Fort Road, we respectfully disagree with the LPA's indicated stance, that officers are not in a position to support the proposal, and our reasons are explained herein.

The applicants wish to avoid entering into a lengthy appeal process and, as such, we politely request that the LPA reconsider their position.

Acceptability of current scheme

We believe the proposal is in full accordance with Policy 15 of the Adur Local Plan, which requires development to be of a high architectural quality and respect and enhance the character of the site and the prevailing character of the area.

The proposal would not appear over-bearing or over prominent when viewed in the context of the immediate and wider site, and comfortably relates to the established scale of the locality, particularly when considering the degree of set-back from the road. We believe this is evidenced in by the CGI images provided.

The massing is considerably reduced now that the third storey is set in. The balconies have also been set back considerably.

A site on the same road has recently been described by a planning inspector as follows (No.66 - Appeal Decision APP/Y3805/W/21/3270585 Application ref; AWDM/1085/20)

'The appeal site is set within a road of residential development which demonstrates an eclectic mix of dwellings. Large detached houses are the dominant type of development, and these vary

considerably in respect of scale, design and age, which is an interesting display of the evolution of architectural fashion.'

Limited public interest

We also note the very modest level of public interest surrounding this application in comparison to other proposals in the locality. Accepting that the level of public opposition does not determine a scheme's policy compliance, it is still reasonable to suggest that (notwithstanding the objection received) the public do not consider there to be visual harm.

Consistency in decision making

We note again the very recent appeal decision relating to a site on Old Fort Road *(No.66 - Appeal Decision APP/Y3805/W/21/3270585*, LPA Ref AWDM/1085/20)

This decision clearly bears some similarity to the proposal (acknowledging that each application is judged on its own merits). We note that this application was indeed recommended for approval by planning officers.

We consider the schemes should be considered comparable and in terms of consistency, we respectfully request that the LPA reconsider their current opinion.

We note, also, that the appeal site was subject to considerable public interest (objections). Again, this is very different to this application, which substantiates our view that there is no harm that would justify a refusal.

Though the officers' initial recommendation was overturned at committee, the subsequent appeal was allowed and costs were awarded.

Unreasonable assertions of 'harm'

It was found that the council's decision had been unreasonable, and the Inspector noted in the costs award decision,

'4. It is clear from my decision on the appeal that upon considering the evidence and conducting a site visit I found the area to be an eclectic mix of properties, demonstrating a variety of architectural styles in both form and scale. This variation can be accommodated due to the vast openness of the area, which allows for larger properties to sit alongside more modest ones, all benefitting from generous sized plots.

5. Having regard to some of the comparative buildings that have been permitted, there is a lack of reasoning in the council's case in respect of the harm that they assert would be caused by this dwelling.'

Turning back to 126 Old Fort Road, the proposal utilises planes and, although not tiered to the extent of No.66, the upper floors are set back and set in. The central projection is to accommodate the stairwell – which it must be noted only spans a portion of the elevation and, further, the section would be lightened by the central glazing strip.

The proposal at No.66 would appear to have more built form than our application and, indeed, sits higher than both of its adjacent plots. It must, therefore, reflect favourably on our proposal that officers have found the scheme for No.66 to be policy compliant.

We appreciate that there is always an element of subjectivity involved when considering design, however, we would reiterate the Inspector's comments in the referenced extracts above, and paragraph 6,

'It is apparent that in refusing this proposal the council has not been consistent in its approach to development within this area and as a consequence the appellant has felt it necessary to pursue the appeal. In submitting evidence, the Council has been somewhat vague in substantiating its reason for refusal having regard to the examples clearly found within the area for which it has given permission regarding consistency of approach.'

We respectfully request that the LPA reconsider their recommendation of the application, in light of the recent appeal decision and the arguments contained herein. Also, that they reappraise whether the officer's perceived 'harm', when considered on balance, could truly be sufficient to justify a refusal in this eclectic and architecturally diverse area.

Kind regards,

Colm McKee MRTPI
Director, CMK Planning