

SPACE IN TIME
ARCHITECTS & INTERIOR DESIGNERS
PARTY WALL SURVEYORS

Concorde House
18 Margaret Street
Brighton
BN2 1TS

Mr N Crowther
Group Head of Planning
Arun District Council
Planning Department

Email – Neil.crowther@arun.gov.uk
Planning@arun.gov.uk

13 January 2021

Dear Mr Crowther

Ref: Planning Application AB/109/20/HH – White Cottage, 32 King Street, Arundel BN18 9BW

I write on behalf of my client, Dr Alistair Smith, who owns and occupies No 36 King Street, Arundel, adjoining the application site. Dr Smith's property was built in the Circa 1780 (no foundations) and formed part of a group of church properties before the Cathedral was built.

He has spent over £150,000 on preserving and restoring his Grade II listed property which sits at the top of King Street, approximately 15 metres (shared boundary) from the Cathedral and shares a further boundary with White Cottage.

His concerns for his property have been documented in my original letter of objection dated 16th November 2020, a copy is attached for ease of reference.

Since then the Applicant has been granted two extensions of time and there has been no communication from the Case Officer as to why these were granted. The first one was granted one day before the original date of determination and the second, was seen by chance due to a letter on the Planning Portal from the Applicant's Agent, stating he preferred to have "conditions" attached, presumably to the *approval* promised by the Case Officer, than a resubmission.

As you know, the corner stones of the Planning Act are transparency and even-handedness, so why has a deal been struck with the Applicant without the knowledge of my client? We therefore request a transcript of the virtual meeting or phone call between the Applicant's Agent and the Case Officer.

My client has spent a great deal of his professional time in defence of his property against the harm threatened by the proposed development; and not once has the Case Officer visited his property, 36 King Street, nor discussed the potential physical damage the proposed development will cause.

I would draw your attention to your Council's policies as related to Planning and the District Plan:

Policy No.

16 "Building Conservation & Archaeological Heritage":

16.1 "Built Heritage – to protect and enhance Arun's outstanding landscape";

- 16.1.2 "The historic environment is worth protecting for its own sake ...";
- 16.1.4 "The elements of the historic environment that are worthy of consideration in planning matters are referred to as 'Heritage Assets'.";
- 16.1.5 "It is the heritage significance that justifies the degree of protection offered in planning decision. The aim of the Policies within the plan is to conserve these assets.";

So far, neither you nor your officers have offered any protection to my client's Grade II listed building, at the same time, the current application if determined by the Committee with approval, would cause the maximum amount of harm to his building and would be contrary to all the above Council's Policies.

Impact on Amenity

The application proposes to destroy an ancient beech tree hedge which is 175cm wide and 280 cm tall and is very unique as being mainly confined to large country houses of its era. This would be contrary to Arun's policy 17 referenced below:

Policy No.

17 "Natural Environment":

17.1 "Natural Environment"

17.1.1 "People cannot flourish without the benefits and services our natural environment provides. ...";

17.1.2 "The NPPF states that to minimise the impacts on biodiversity and geodiversity local planning authorities must identify and map components of the local ecological networks,.... /wildlife corridors and stepping stones that connect them....";

Including Policy ENV SPI – Natural Environment "Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment.... ."

The Applicant proposes to take out 7-8 metres of this unique hedge together with all the wildlife habitats and established wildlife corridors, runs and trails and replace it with a blank brick wall, 4 metres in height with a truncated pitched roof of a further 1.5 metres. This wall would be on the boundary line, 1.4 metres from my client's property and his Living room and Study windows, which for 250 years have had quiet enjoyment of the garden and beech hedge through which the sunlight filters.

The loss of amenity is severe. Daylight will be reduced to almost zero in the winter months and sunlight in the Summer, to a few hours. This falls far short of the **Daylight/Sunlight Assessment** calculated in accordance with the **BRESITE Layout Planning for Daylight/Sunlight**, a guide to good practice and British Standard BS8206-2. Furthermore, the windows in the property are entitled to **Ancient Lights status** and are protected under Prescriptive Rights, 1662. Therefore, the plan of the Applicant, if approved, could not go ahead in any case.

My client has provided a Structural Engineer's report in the absence of a similar report from the Applicant. This has been notified to the Case Officer, indicating that the South wall of my client's residence would have to be underpinned and an Award would have to be made under the Party Wall Etc Act 1996, indicating that the 6 metre rule would apply and the Building Owners of White Cottage would have to move the North wall of the proposed development back by 6 metres to the footprint of the previously demolished building. The Party Wall Act is not only a 'civil matter' as the Case Officer makes out, it is also there to protect the built environment and supersedes the Planning Act on site. I suggest that you discuss this with the Applicant's Agent, since you have not requested any reports from the Applicant.

The Loss of Amenity would be detrimental to my client's health and if you would be minded to recommend approval to the Committee, he would contest a resulting permission in the High court under a Judicial Review. Furthermore, my client's property which is worth upward of one million pounds in today's market, would be seriously devalued and he would be seeking compensation from Arun District Council. I would strongly suggest that the Case Officer and the Heritage Officer visit my client's property and see the enormous amount of harm that could result to the Grade II listed building and then discuss at a virtual meeting, a possible compromise solution before going to Committee.

Obviously, time is of the essence and I request a direct response from yourself and the earliest opportunity.

Yours sincerely,

A large black rectangular box redacting the signature of Prof JJ Watts.

Prof JJ Watts FRIBA MRAIC ARB

Enc

cc.

Director of Place

Chairperson – Planning Committee

From: Amanda Scholes on behalf of Planning.Responses
Sent: 15 January 2021 08:58
To: Planning Scanning
Subject: FW: Ref: Planning Application AB/109/20/HH – White Cottage, 32 King Street, Arundel BN18 9BW
Attachments: AB 109 20 HH - draft letter 11 Jan 2021 LH - as sent.pdf

Amanda Scholes | Receptionist, Department, Arun District Council | Location: Ground Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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Visit Arun's web site at www.arun.gov.uk **Error! Hyperlink reference not valid.**



Save the environment - think before you print.

From: Daun Johnson <Daun.Johnson@arun.gov.uk>
Sent: 13 January 2021 16:36
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: Ref: Planning Application AB/109/20/HH – White Cottage, 32 King Street, Arundel BN18 9BW

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Technical Support Unit Assistant, Planning

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From: [REDACTED]
Sent: 13 January 2021 15:50
To: Neil Crowther <Neil.Crowther@arun.gov.uk>
Cc: [REDACTED] Planning <Planning@arun.gov.uk>
Subject: Ref: Planning Application AB/109/20/HH – White Cottage, 32 King Street, Arundel BN18 9BW

Dear Mr Crowther,

Please see attached letter. Please respond direct to the Professor, cc.d here.

Kind regards,

Jane Goble

JG Admin Services



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