CHECAA

Craigweil House and its Environs Conservation Area Association

'Preserving our Regal, Historic and Architectural Heritage for Future Generations'

AW-344-14-HH – 68 The Drive – extension and swimming pool – 10-2-2015

Head of Planning Services
Arun District Council
Maltravers Road
Littlehampton
BN17 5LF

BY EMAIL ONLY

10 February 2015

Dear Sir

OBJECTION – AW/344/14/HH – 68 The Drive – extension and swimming pool within the Craigweil House Conservation Area and Area of Special Character

INTRODUCTION

1. CHECAA is an Association of more than 200 people who originally sought Conservation Area (CA) status of the former Craigweil House estate owned by Sir Arthur Du Cros, Bart., where stayed King George the Fifth, with Queen Mary, in 1929 to recuperate from grave illness and from which the Regis dignity later flowed to create what we now know as Bognor Regis. Appropriately, we think, it is the most highly protected residential part of Arun District. Further detail of the merits of this CA are to be found in the Supplementary Planning Guidance for Conservation Areas and, also, the detailed description of its assets as laid out in the Conservation Area Statement.

2. **The area is steeped in Regal and other history and, having secured CA status in 2009, members have now taken on the task of ensuring that every development plan is studied and accords with the Act and the Local Plan in that it serves to *'preserve or enhance the character or appearance of the CA or its setting'*.**

3. Having first secured designation as an Area of Special Character (ASC), with the making of the Arun District Council Local Plan, 2003, CHECAA also seeks to ensure that development proposals comply with ASC constraints.

4. Policy Area 1 - ASC – requires that development '***makes a positive contribution to the special character of the area and, particularly, in regard to the characteristics included in the description for the area given in the Supplementary Planning Document.'***

5. This application, as with all others submitted for works in the Craigweil House Conservation Area has been closely studied, the site visited and photographed by the CHECAA Planning Application Scrutiny Committee. **Conservation Area status at Craigweil must be taken as the ultimate planning protection 'umbrella' available and it is essential that each of the elements and constraints which this imposes upon development must strictly be observed and respected by all prospective developers. We consider that this proposal fails the CA and ASC tests, and we will enumerate these failures and many other shortcomings of this application, as we see them, below.**

HIGH COURT DEFINES DEFINITION OF 'PRESERVE' IN CA'S

1. CHECAA contends that the application fails to demonstrate any way in which it will serve to preserve or enhance the character or appearance of the conservation area or its setting, and in referring to the use of the word **'preserve', we rely upon the High Court Judgment of Mr. Justice Lindblom in the case of The Queen and Sevenoaks District Council on the 12 June 2014 which re-stated and reinforced the Judgment of Lord Justice Sullivan, supported by Lord Bridge, in the case of South Lakeland District Council –v- Secretary of State for the Environment and Another, 1992.**

2. **Lord Justice Sullivan held that** ***'if a proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area "there will be a strong presumption against the grant of planning permission though, no doubt, in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest".***

3. **Sullivan L.J. went on to say** ***"there is a 'strong presumption' against the granting of planning permission for development which would harm the character or appearance of a conservation area precisely because of the desirability of preserving the character or appearance of the area is a consideration of 'considerable importance and weight'.***

4. **In his Judgment in the case of The Queen and Sevenoaks District Council and others on the 12 June 2014, Mr. Justice Lindblom said** ***"paying 'special attention' to the desirability of preserving or enhancing the character and appearance of a conservation area... involves more than merely giving weight to those matters in the planning balance 'Preserving' in both contexts means doing no harm."***

5. **Mr. Justice Lindblom went on to say** ***"Once he has found that there would be SOME HARM ...to the conservation area, the officer was obliged to give that harm considerable importance and weight in the planning balance".***

6. **CHECAA contends that these planning proposals will cause harm to the Craigweil House Conservation Area and otherwise conflict with the provisions of the Arun District Plan 2003.**

CHECAA'S FURTHER GROUNDS FOR OBJECTION

1. Conflicting heavily with Policy GEN7, CHECAA says that the proposed development fails to display a high quality of design and layout. It fails to demonstrate that it responds positively to the identified characteristics of the CA or to create an attractive place or respect or enhance local distinctiveness. The resultant mass of glass and steel, if allowed, will stand out like a sore thumb and be a total blot of the landscape and seascape. It is an appalling proposal in our view and one in which we can see no merit. **We say it can only harm the CA.**

2. Flying in the face of GEN7, again, we say that this development will have an unacceptable adverse impact on adjoining property occupiers on each side. To the east, the proposed 'terrace' will, on its eastern edge, align with the boundary with No. 70. It will then have a stainless steel railing with clear glass surround. That terrace will, effectively, sit on top of all who may use the garden of No. 70 and this displays the fact that the applicant has not respected part (v) by taking into account this totally unacceptable adverse impact that may arise. The very concept is unreasonable and needless and selfish for there is ample existing balcony to the rear and south side of this very substantial house. Subsequently, the proposals cannot be seen as making a positive contribution to the quality of the environment as is required by GEN7.

3. Leading on from the intrusive first floor 'terrace' proposal, it must be considered within the constraints of Policy DEV19 which states that '***Planning permission will be granted for extensions to existing residential buildings, provided that:- (iii) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties'.*** **CHECAA feels that any reasonable person would be hard pressed not to take the view that this 'terrace' will be 'overlooking' for it does, and, if allowed, always will, facilitate anyone on it – sitting or standing or even coming through the east house door – to overlook No. 70's house, west windows, terrace and garden. It will also be in conflict with section (v) for the extension will '*** ***compromise the established spatial character and pattern of the street' as seen from No. 70, The Drive, the CA, ASC, and SSSI beach to which the public have access. The 'terrace' will, in CHECAA's view, seriously conflict with the provisions of Planning Policy DEV19.***

4. CHECAA cannot accept that the change of roof cladding to Welsh (jet black) slate will preserve or enhance or make a positive contribution to anyone except the person selling them. They are an abomination in this location **and we suggest that local Sussex tiling should be used, if it is necessary to change the existing roofing for the proposal is not remotely in keeping with the existing character of the area** and we urge that they are not allowed. The same view is taken of the proposed Marley weatherboarding. **For avoidance of doubt, the Welsh slate at No.72 was erected BEFORE CA designation.**

5. 'Shaw Cottage' at No. 66 The Drive – on the west side of the footpath next to this property is one of the original, early 1930's houses designed by the respected architect, Joshua Auty, FRIBA, retained by Sir Arthur Du Cros, the owner of Craigweil House to develop the grounds. It is a Heritage Asset on the Local List (GEN22) and was much admired by the English Heritage Inspector.

6. Already this property has been deprived of the view of trees, hedging and shrubs which had been removed from No. 68 without any planning or CA 6 week Notice. Should the swimming pool be allowed then No. 66 will suffer the adverse effect that necessarily attends a swimming pool – and the English Channel is just feet away from the application property which owns the beach down the MHWL.

7. **CHECAA is of the view that all this work will adversely affect the setting of this splendid Heritage Asset which should be left in its peaceful setting. It will adversely affect the whole CA for the effect of change must be viewed in the broader view and not the narrow view of affecting just one property. In this respect, we consider that the application will conflict with the NPPF.**

8. The gable roof which it is proposed should top off the existing massive first floor window appears as an ice cream cornet stuck on top and become an enormous dormer, if effect, and certainly does not comply with GEN7 as ***'displaying high quality design'*** – it is tawdry and damaging to the property and the CA, causing harm, in our view.

9. CHECAA sees the swimming pool as being totally unacceptable and, located just 2m from the dividing fence with No.70, it can only serve do harm the CA – it certainly will not serve to preserve or enhance the character or appearance or setting of the CA. The pool alone is shown on a block plan only as being 5m x 11m with **no depth disclosed.** It has 2m wide edging which would, normally, be raised with a couple of steps to a level well above existing ground level and it is shown as being 2m from the boundary with No.70 whose privacy will be compromised.

10. Craigweil Private Estate used to be a pleasant and quiet place in which to live and was a much sought after marine estate. The resident's of No.70 seem doomed, if this application is allowed, to be reduced to living in fifth rate public housing with people looking down on them from above and overlooking them from the swimming pool, whilst having to suffer the attendant noise. It seems to us that all this is unacceptable and certainly not even normal modern progress – it is a mess.

11. The National Planning Policy Framework states at para. 109 ***'The planning system should contribute to and enhance the natural and local environment by minimizing impacts on biodiversity and providing net gains in biodiversity where possible.***

12. It has to be said that in the short time the applicant has been present at Craigweil, No. 68, at the beach end has been reduced from a clean and pleasant area to a veritable filthy tip. Building materials and builders sand is spread on the Bognor Reef Site of Special Scientific Interest (SSSI) which is described authoritatively as being **'The most valuable beach in the United Kingdom'. It is widely documented that the flora found here borders upon being unique in the world and is otherwise to be found only in New Zealand. Offences of 'DISTURBING' the surface of the shingle beach exist where shingle between .02mm and 200mm is present – and that is the whole of the SSSI.**

13. Section 118 of the NPPF says **'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:**

    (a) If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, <u>then planning permission should be refused</u>; and

    (b)<u>Proposed development on land WITHIN or OUTSIDE a Site of Special Scientific Interest</u> (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception could only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Interest.'

    ALL THIS ACTIVITY ESSENTIAL TO DEVELOPMENT OF A SWIMMING POOL WILL CAUSE HARM TO THE CA AND THE ASC AND THE CA.

Please go to page 6 for the index to photographs.

In consideration of all the above issues raised by CHECAA, we ask that this application, please, be REFUSED.

Yours faithfully

Richard D. Ostler
Chairman

INDEX TO PHOTOGRAPHS

Photo. 'A' – shows the front of No. 68 The Drive – a large property almost wall to wall already, without any sideways extension.

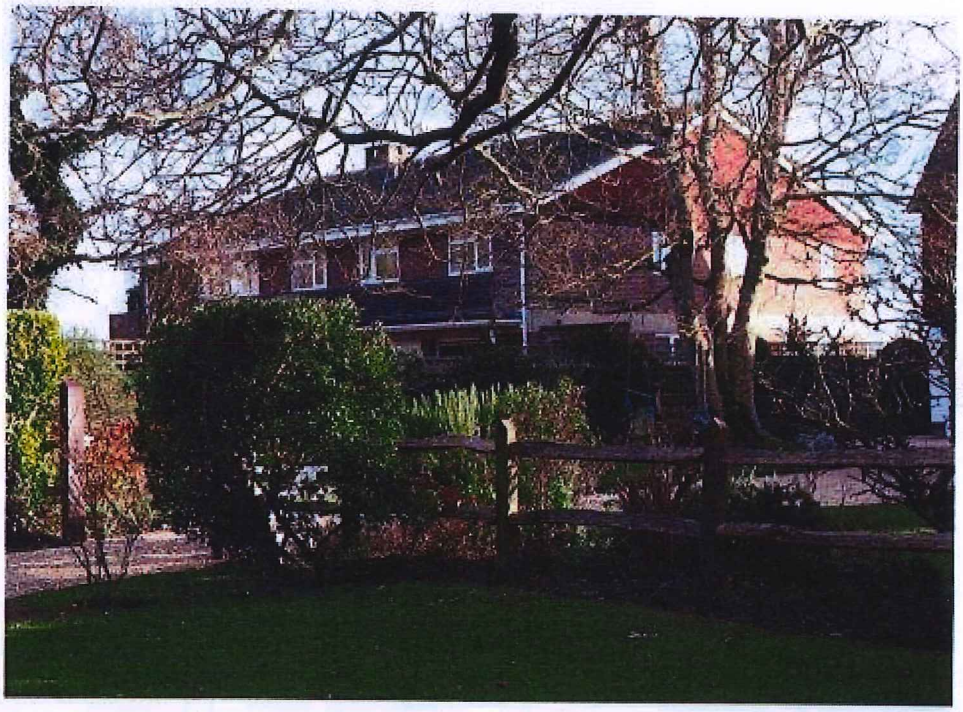
Photo. 'B' – shows a view from the SSSI beach looking towards to rear of No.68 with an area some 20' x 8' solidly covered in builder's sand.

Photo. 'C' – shows a view from the beach looking north/west with No. 68 to the right and 'Shaw Cottage', a Heritage Asset of early 1930's, with the two dormers, to the left.

Photo. 'D' –shows No. 68 as seen from the beach, the staircase in the middle which it is proposed to remove, the first floor windows to the right to receive a gable roof, the staircase to the right to be removed and replaced with larger, gaudy steel with glass infill and just fivefold Macrocarpa behind part of which will be the 'terrace' but those trees are past their prime and when gone, that area will be bare and fully overlooked.

Photo. 'E'- view from rear garden of No.70 looking west towards side of No.68 and showing wall of staircase (to be removed and made wide, so close to No.70) where 'terrace' will extend to be in front of windows.

Photo. 'F'- view from rear garden of No.70, closer to the house showing close proximity and extent of overlooking and overbearing that will result if this 'terrace' is allowed to be built.



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