

Arun District Council
Planning Department

Send via email

14 February 2022

Dear Anita

Objection Letter - Planning Reference: A/266/21/PL

Application Address Crete House, Dappers Lane, Angmering, Littlehampton, West
Sussex, BN16 4EN

Proposal - 2 No. 2 storey extensions, replace existing bay window with bi-fold doors
on the existing dwelling and the construction of 2 No. 5 bed new dwellings. This
application is in CIL Zone 2 and is CIL liable as new dwellings

LRJ Planning Ltd has been instructed by Mr and Mrs Dickens who are the legal owner
occupiers of 6 The Beeches, Dappers Lane, Angmering, Littlehampton, West Sussex, BN16
4EN to review and draft a formal response to the above planning application that has been
lodged with the Council.

Following a review of the plans and the supporting documents with my clients, it is clear that
this speculative proposal illustrates significant development that will be blight my clients ~

property. As a result, my clients have serious concerns with the application proposed and therefore OBJECT to the application for reasons that will be detailed below.

The speculative development site forms the southern boundary of my clients' property.

The following is a summary of my clients' objections to the proposal for two dwellings and substantial extensions to the host property.

- i) The severe harm on the residential amenity of neighbouring properties through an unacceptable increase in overlooking, overbearing impact, loss daylight/outlook and an increase in noise and disturbance;
- ii) The adverse impact on the character and appearance of the area;
- iii) The impact on the protected oak tree and biodiversity interests at the site;
- iv) Adverse impact on highway and pedestrian safety; and
- v) The effect on surface water and foul drainage.

1. PLANNING POLICY CONTEXT

In July 2021, the Government published the latest version of National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and sets out how they are expected to be applied. The NPPF took immediate effect.

Paragraph 2 of the NPPF states that 'Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.'

Paragraphs 7 and 8 confirm that the purpose of the planning system is to contribute to the achievement of sustainable development, which comprises economic, social and

environmental dimensions.

The NPPF retains a presumption in favour of sustainable development. Paragraph 11 reaffirms that 'applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.'

The Courts have held that Central Government's policy is a material consideration that must be taken into account by the decision maker, as are relevant appeal decisions.

The development plan consists of the following:

- ¿ Arun Local Plan (2011-2031); and
- ¿ Angmering Neighbourhood Plan (2014-2029)

Arun Local Plan (2011-2031)

- ¿ SD SP1 - Sustainable development
- ¿ SD SP2 - Built Up area boundary
- ¿ LAN DM1- Protection of Landscape Character
- ¿ H DM1 - Housing mix
- ¿ D SP1 - Design
- ¿ D DM1 - Aspects of form and design quality
- ¿ D DM2 - Internal space standards
- ¿ D DM4 - Extensions and alterations to existing buildings (residential and non residential)
- ¿ ECC SP2 - Energy and climate change mitigation
- ¿ T SP1 - Transport and development
- ¿ T DM1 - Sustainable travel and public rights of way
- ¿ ENV SP1 - Natural environment
- ¿ ENV DM4 - Protection of trees
- ¿ ENV DM5 - Development and biodiversity
- ¿ W SP1- Water
- ¿ WM DM1 - Waste management
- ¿ W DM2 - Flood risk
- ¿ W DM3 - SUDS
- ¿ QE SP1 - Quality of the environment
- ¿ QE DM1 - Noise pollution

¿ QE DM2 - Light pollution

Angmering Neighbourhood Plan (2014-2029)

- ¿ HD1 - Built up area boundary
- ¿ HD4 - Materials
- ¿ HD5 - Built form
- ¿ HD6 - Housing layout and design
- ¿ HD7 - Housing density
- ¿ HD8 - Parking standards

2. GROUNDS OF OBJECTION

i) Severe harm on Residential Amenity

In relation to the impact on the amenity of neighbouring properties, Paragraph 130 of the NPPF is particularly important and it states:

‘Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (our emphasis); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. _

Paragraph 130 (f) of the NPPF clearly describes that decisions should ensure that developments have a high standard of amenity for future or existing users. NPPF paragraph 185 decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

This principle is reflected in local planning policy.

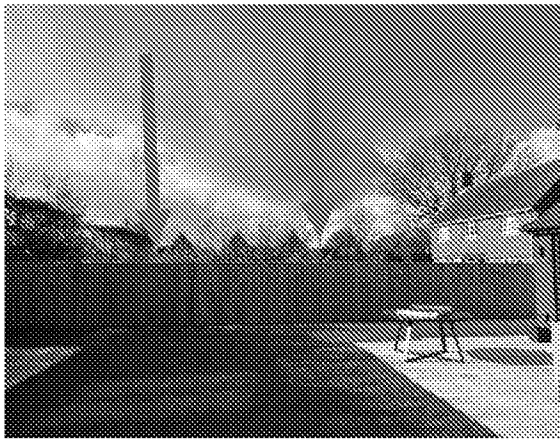
The proposal would result in development at the rear where there is currently no development. The provision of two dwellings with associated infrastructure adjacent to the private garden of No.6 will lead to an intensification of development at the rear of the property, which is currently an attractive garden area with a dwelling that is commensurate to the size of the plot.

The proposal would also result in the introduction of windows at first floor level from properties that would directly overlook the private amenity space, as well as habitable room windows that include a ground floor living area and first floor bedroom of my clients' property. This would demonstrably harm her enjoyment of their dwellinghouse and private garden area, as they would be constantly overlooked.

The rear of my clients' property is afforded a high degree of privacy due to the site comprising a garden area. Due to the provision of development close to the boundary with No.6 my clients' private garden area and habitable room windows will be significantly overlooked. The proposal will allow wide views into my clients' property and will inflict significant harm.

As a result of the proximity of the dwellings, as well as the two-storey side extension to the host property close to the boundary and their overall, size, scale, mass and poor design it will appear as an imposing and obtrusive structure from my clients' property that will clearly have an unacceptable overbearing impact. The harm will also be compounded as due to the trajectory of the sun will cast permanent shadows on the rear garden and lead to a loss of daylight.

Current outlook from No.6



Given the substantial size of the development in respect of No.6 and as a result of the path of the sun it will lead to a significant loss of light and overshadowing. As a result, it is imperative that a Daylight and Sunlight Assessment is provided in support of the application to demonstrate that there will be no impact on my clients' property and their lounge window. Daylight is the light received from the sun which is diffused through the sky's clouds. Even on a cloudy day when the sun is not visible a room will continue to be lit with light from the sky. This is also known as 'diffuse light'. Any reduction in the total amount of daylight can be calculated by finding the 'Vertical Sky Component'.

The Vertical Sky Component (VSC) is the ratio of the direct skylight illuminance falling on a vertical face at a reference point (usually the centre of a window), to the simultaneous horizontal illuminance under an unobstructed sky.

The guidance states that the VSC will be adversely affected if after a development it is both less than 27% of the overall available diffuse light and less than 0.8 times its former value.

Therefore, if the VSC is more than 27% then enough light would still be reaching the window of the neighbouring building. However, if the VSC is less than 27% as well as less than 0.8 times its former value the occupants will notice the reduction in the amount of skylight.

The Council does not have any cogent evidence to demonstrate that there will be no unacceptable loss of light or outlook from the windows at my clients' property.

The intensification in use through increased vehicle movements including delivery vehicles will lead to an increase in noise and disturbance that will have a detrimental impact on the use of my clients' private amenity space area where a degree of peace and quiet should be expected. The increase in the number of vehicles will result in poor air quality.

Overall, the introduction of built form along the boundary with my clients' property would have a significant adverse effect on the level of amenity enjoyed through extensive

overlooking, overshadowing, overbearing impact, loss of outlook/daylight, increase in noise and disturbance as well as poor air quality. The proposal would infringe on my clients' right to a private family life and home under Article 8 of the Human Rights Act 1998. The proposal is contrary to the NPPF and local planning policy.

ii) Adverse Impact on Character and Appearance of Area

It should be noted that the objectives of the National Planning Policy Framework (NPPF) include those seeking to secure high quality design and a good standard of amenity (Achieving well-designed places). The NPPF highlights that planning policies and decisions should ensure that developments will function well and add to the overall character of the area, not just for the short term; are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding environment and landscape setting to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Notably, paragraph 40 of the National Design Guide stipulates that 'well designed new development responds positively to the features of site itself and the surrounding context beyond the site boundary.' Paragraph 49 goes on to say that the 'identity or character of a place comes from the way buildings, streets, spaces, landscape and infrastructure combine together and how people experience them. In addition, paragraph 51 describes that local identity is made up of typical characteristics such as the pattern of housing, and special features that are distinct from their surroundings. Paragraph 52 articulates that this includes considering the composition of street scenes, individual buildings and their elements and the height, scale, massing and relationships between buildings.

This part of The Beeches is characterised by a linear form of development conforming to an established building line set back off the highway. The rear of the properties benefits

from large rear gardens.

The proposed development would extend almost along the entire length and rear of my clients' property at No.6. There would be a minimal separation distance off the boundary with my clients' property. The provision of two dwellings, with associated access and parking areas along with substantial extensions to the host property would dominate and subsume the area. The proposal clearly fails to respect the surrounding linear pattern of development. Given these factors the development would result in a cramped form of backland development that is not in keeping with the surrounding linear pattern of development.

The proposed development is of a very poor quality and fails to respect the character and nature of the surrounding form and pattern of development. The unsightly and extensive development at the site would be extremely prominent from my clients' property to the detriment of their visual amenity. The dwellings will appear as incongruous, and would have a detrimental impact on the character and appearance of the area.

The dwellings will be sited at the rear of No.6 and the host property, which results in the proliferation of development to what is currently a garden area with a protected Oak tree.

Due to the position of the dwelling at the rear of existing dwellings, it would appear as a dense form of development that has no appreciation for the surrounding form of development. It would appear as an alien and contrived development. This harm is compounded as the dwellings have a limited separation distance with the boundary with No.6 and the host dwelling. Along with the size, scale, height, associated access, hardstanding and parking areas the development would be extremely prominent and significantly harden what is a greenfield site. The level of built form and hard surfacing means that there is limited space available for soft landscaping. This indicates that the level of built form is excessive for the site. Given the extent of the development it would appear as cramped and overdevelopment.

Turning to the proposed two-storey extensions, the proposal fails to respect the simple form,

design and character of the surrounding development. Due to the provision of an unsightly extension so close to the boundary, it would appear as dominant and imposing when viewing the site from my client's dwelling. The existing separation distance allows a sense of spaciousness within the street scape. The level of harm is compounded as the extension does not appear as a subservient addition. It completely overwhelms and unbalances the property.

Loss of spaciousness between properties



Overall, it is still considered that this speculative proposal will result in a development that will be hopelessly out of place in its surroundings and unacceptably harmful to the street scene and the character and appearance of the area. It would appear as an incongruous

development, poorly related to the surrounding housing, as well as a cramped form of development.

The proposed development is therefore clearly contrary to the NPPF and local planning policies, that seeks high quality design.

iii) Trees and Biodiversity

As part of the Natural Environment and Rural Communities Act 2006, all Local Planning Authorities have a duty to have regard to conserving biodiversity as part of its decision making.

The proposed development including extensions, two dwellings and a parking area within the root protection of the Oak trees that is to be retained. The proposed development and the encroachment into this area is likely to undermine the root systems of this protected tree. Further to this, due to the cramped form of development the proposal will result in future pressure for trees to be felled due to the proximity of the trees to each of the dwellings proposed. The absence of a sufficient level of private amenity space for the host property will place further pressure for the tree to be felled, as it will restrict the level of daylight entering internal and external areas of the host property and new dwellings.

Protected Tree



No details of any ecology survey work have been undertaken regarding other protected species and habitat across the site. From the information provided the proposal is going to lead to an impact on protected species and result in a net loss of biodiversity.

It is imperative to ensure that the Council satisfies its public duty in respect of the above Act. As it stands the proposal directly contravenes this Act.

iv) Effect on Highway Safety

The National Planning Policy Framework highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Dappers Lane is heavily trafficked and the creation of an access serving two dwellings is going to be prejudicial to highway and pedestrian safety.

The proposed site plan is again ambiguous as it does not illustrate how vehicles including delivery vehicles can access, park and turn safely within the site. No tracking plans or details of the access arrangements have been provided in respect of the requisite visibility splays that can be achieved on to the highway. Indeed, it appears that the visibility splay required includes land that is not under the control of the applicant. It has not been demonstrated that suitable access to the development can be provided. Further to this the overall width of the access road proposed is too narrow without any footways that will increase the conflict between pedestrians and cars.

Paragraph: 004 Reference ID: 42-004-20140306 of the Practice Planning Guidance identifies that Transport Assessments and Statements are ways of assessing the potential transport impacts of developments (and they may propose mitigation measures to promote

sustainable development. Where that mitigation relates to matters that can be addressed by management measures, the mitigation may inform the preparation of Travel Plans). Transport Assessments are thorough assessments of the transport implications of development, and Transport Statements are a 'lighter-touch' evaluation to be used where this would be more proportionate to the potential impact of the development (ie in the case of developments with anticipated limited transport impacts).

Poor Visibility



Given the nature of the proposed development and the level of traffic that will be generated by two units, it is critical that for a sound decision to be made that a Transport Statement is provided in support of the application.

The proposal would increase the number of vehicles using this part of the highway network, thus increasing the conflict with pedestrians. Agreeing to this as laid out in the Planning

Application would be disregarding legality as specified within The Road Safety Act. This would prejudice the safety and free flow of traffic on this part of the highway network to the detriment of highway and pedestrian safety.

Overall, the proposed development would have a severe residual impact on highway and pedestrian safety. Accordingly, the proposal is clearly contrary to the NPPF and Manual for Streets.

v) Foul and Surface Water Drainage

Again, no details on the foul and surface water strategy that will be adopted for the site has been provided in support of the application. Given the nature of development proposed and the nature of the existing ground conditions, my client is concerned whether a sustainable drainage system can be adopted. My client is also concerned about the connection to the main sewer to dispose of foul waste.

3. SUMMARY

In summary there are compelling reasons why this application should be refused as the proposal comprises inappropriate development of the rear garden, that is not in keeping with the character and appearance of the area. The provision of two dwellings within the site comprises an unacceptable form of housing development. The dwellings with associated access, parking and rear garden area is completely at odds with the pattern and existing grain of development, which will set a dangerous precedent inflicting significant harm the on character and appearance of the area. The proposal would fail to integrate effectively with the spatial pattern and character of surrounding built form.

This speculative application, through the creation of a development with a minimal separation distance being provided between all plots and the boundary of my clients~

property will lead to significant harm on the level of amenity enjoyed at the property. The intensification of the site to provide two dwellings along with the extensions proposed to the host dwelling in this setting would result in unacceptable harm to the peace and tranquil surroundings my client has been accustomed. The proposal would have an unacceptable effect on the living conditions of my clients by way of loss of privacy, overbearing impact, loss of day light and outlook, as well as overshadowing. Further to this, it will result in an increase in noise and disturbance both inside the house, as well as within the garden area. The proposed increase in traffic to and from the site will be harmful to local air quality.

The proposal will also have an impact on the protected tree due to the proximity of the development and the creation of a parking area within the root protections area. As a result and along with the lack of private amenity space for the host dwelling, it will result in future pressure for the tree to be felled. Moreover, ecological information is required to ensure that there is no net loss in biodiversity across the site. The site forms part of the green lungs of the area.

Finally, the proposed development would have a severe impact on highway and pedestrian safety and it is not clear how safe means of access can be achieved. The access road is narrow with no footways that will compound the harm caused.

The proposal is contrary to both local and national planning policies and does not comprise sustainable development. Allowing this development could set a dangerous precedent. It is respectfully requested that the planning application is refused.

Your faithfully

Lloyd Jones MRTPI
Director