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Sent: 16 March 2022 20:53

To: Amber Willard <Amber.Willard@arun.gov.uk>

Subject: Planning Application BN/16/PL

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15 March 2022

Arun District Council – Planning Department
Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

For the attention of Case Officer Amber Willard

Dear Ms Willard

Planning Application No BN/16/22/PL
Erection of 4 No dwellings with associated car parking, rear of Clare Court, 67
Barnham Road, Eastergate

My wife and I object to this planning application.

Background

You will be aware that the applicant's previous application (EG/97/05 dated 26 July 2005) was refused at appeal (Appeal Ref: APP/C3810/A/06/2014596) for a major reason of principle. The main issue for refusal stated by the Inspector Jeffrey Cohen was the effect of the proposed development on the character and appearance of the area, in particular upon the Barnham Road Area of Special Character.

Mr Cohen remarked that he found no significant harm in respect of neighbours' living conditions – but of course the development then proposed was a single bungalow. Had the applicant then been proposing to build a row of four two-storey semi-detached houses, we think there can be no question that the appeal would also have been refused because of the effect on the living conditions of neighbouring residents in terms of intrusiveness, loss of privacy and noise caused by such a large-scale development.

The current application for two pairs of semi-detached houses in our neighbour's rear garden is for something far more intrusive than the project that was turned down on appeal. Moreover, the original reason for refusal still stands.

We set out below the grounds for our objection.

1. Area of Special Character

Barnham Road has long been designated as an "*Area of Special Character*". This is understood to mean an area which is of distinctive character or quality, and therefore worthy

of protection through rigorous control of new development. The proposed development flies in the face of this, and if permitted will be a major step towards ensuring that the area's recognised character is permanently destroyed. The houses on the west side of Barnham Road are characteristically mature, attractively proportioned, appropriately distanced, set in large gardens in semi-rural style, and with a good measure of privacy. Our house, built in the early 1980s, was a tasteful addition, deliberately designed in such a way as not to overlook neighbouring properties and built at considerable cost with the purpose not only of blending with the existing environment but also enhancing it. A large-scale building development in next door's back garden, such as is proposed, would destroy all of that rather than protect it.

In Section 6.3.1. of the Planning Statement it is claimed that the proposed new houses would not be visible from Barnham Road. This is not correct; the submitted Street Scene diagram clearly shows that a significant portion of the development will be visible from the main road, especially now that the applicant has removed two large trees (an ancient yew and a Scots pine - see section 8 of this objection) from the front garden, in pursuance of their desire to build.

It is further claimed in section 6.3.1 that the development "would reflect the character and appearance of the surrounding area". Crucially, for those living in the neighbouring properties, it would do precisely the opposite.

In Section 6.3.2 it is claimed that "the impact on the street scene and Area of Special Character will be minimal". The author of the Planning Statement appears to have been encouraged to make this extraordinary claim by the section of the Pre-Application Advice headed "Area of Special Character" which states that as the properties are "not visible from the wider area", the proposed dwellings are "not considered to impact the designation" of Area of Special Character. Thus the question of whether the development is compatible with the Area of Special Character seems now to turn upon how it appears to passers-by. The interests of those who actually live in this Area of Special Character are completely ignored!

It also seeks to overturn the basis for refusal given by Planning Inspector Jeffrey Cohen in 2005, namely the effect of the proposed development on the character and appearance of the area, in particular upon the Barnham Road Area of Special Character. What has changed since then? Absolutely nothing, except that the proposal at that time was for a single bungalow as opposed to the much more extensive proposed development of double the height. If the development goes ahead, our "Area of Special Character" will have become an "Area of Special Character in Name Only".

Overlooking, Overbearing and Overshadowing

It is of note that the Planning Statement carefully avoids defining what is meant by "overlooking", "overbearing" and "overshadowing". The applicant attempts to deal with these material issues by implying that the distances involved are acceptable and by dismissing these key issues with a few unsupported words. Some of these claims have apparently been encouraged by an equally unsubstantiated opinion in the Pre-Application Advice that "the dwellings are not considered to result in adverse overbearing or

overshadowing” (page 4 of Appendix A, fourth complete paragraph). Significantly, the Pre-Application Advice is silent on the matter of overlooking.

Points 2 to 4 below will clarify these matters in relation to the proposed development.

2. Overlooking

Both the Pre-Application Advice and the Planning Statement refer to the development at No 97 Barnham Road in support of this proposed development. To use No 97 as a precedent is inappropriate; you are not comparing like with like. In particular:

i) Section 6.4.1 of the Planning Statement says that there would be a distance of at least **24 metres** between the front elevations of the new dwellings and the rear elevations of neighbouring properties, and claims that this distance would avoid any adverse effects in terms of overlooking, overbearing and overshadowing. The authors of the Planning Statement have been careful not to give comparative distances, as to do so would invalidate their contention. So here are the figures: at the No 97 Barnham Road development, there is a distance of **at least 52 metres** between the front elevations of the new houses and the rear elevations of the neighbouring properties within the Area of Special Character. This is ***more than twice the distance***. Thus, there is obviously much less of an issue with overlooking at that development.

ii) The development site area at No 97 is nearly **double the size** of that at Clare Court. The figures are:

No 97: 0.34 hectares (Source: Section 2.1 of the Planning Support Statement for EG/38/15/PL)

Clare Court: 0.18 hectares (Source: Section 2.1.2 of the Planning Statement for BN/16/22/PL)

Thus in the Clare Court back garden the new houses will be crammed into a space only half the size of the No 97 development. It is therefore inevitable that the proposed new houses will be much closer to existing dwellings than at No 97, creating a much more acute overlooking issue.

iii) The development at No 97 is a sensitively designed and appropriately distanced scheme of three new detached houses on an L-shaped plot corresponding to the far ends of three rear gardens. This can readily be seen from the current Google Maps image. By contrast, what is proposed for the rear of Clare Court is a row of four semis halfway up a single rectangular rear garden and placed very much closer to existing dwellings.

In Section 6.4.1. of the Planning Statement, it is claimed that the distances involved would not have any adverse effects in terms of overlooking. This is simply untrue. We would be heavily overlooked by the new properties in the following ways:

- the upper windows of the new houses would have a clear view at close quarters into our private indoor living areas, both upstairs and downstairs
- the amenity and privacy of our patio and garden that we currently enjoy would be completely destroyed. We would not even be able to put out our washing to dry without it being in full view of our new neighbours
- even the lower windows of the new dwellings would present a clear, close and direct view into our private upper rooms.

If this is not “overlooking” to an unacceptable degree, then what is? And all this would be at a close distance of just 24 metres or so. The comparison with No 97 Barnham Road where the distances separating overlooking properties are so much greater, is misleading. It is disingenuous to represent that the No 97 development is comparable with what is proposed at Clare Court. It simply isn’t. There is in fact no development on the west side of Barnham Road that bears comparison with the Clare Court proposal.

The prospect of having a row of houses built so close to us in our neighbour’s back garden, with the associated loss of privacy and quiet enjoyment of our house and garden, is horrendous. No one from the Planning Department visited us when formulating the Pre-Application Advice to see how it would look from our point of view. We cordially invite them to do so.

3. Overbearing

The nature of any building being “overbearing” is that it forms a dominating and disproportionate entity in relation to surrounding properties. And that is exactly what the proposed new houses will do to us. In common with all adjacent properties, what we currently see when we look from the rear of our house is a garden with wide open spaces over the gardens either side. What we will see instead if this development goes ahead, is a great hulking row of two-storey buildings immediately adjacent to our garden, dominating our view to the left and closing us in. And yet the authors of the Planning Statement (Section 6.4.1) want to tell us that there will be no adverse effects in terms of overbearing. This, again, is a falsity. If this is not “overbearing”, then what is?

4. Overshadowing

Because the proposed buildings would be placed just the other side of the southern boundary of our property, they will in winter cast a shadow over a significant portion of our rear garden. Again, this fact is contrary to the claim in 6.4.1 of the Planning Statement that there would be no adverse effect in terms of overshadowing. The fact that the sun generally shines from the south seems to have been lost on the author.

5. Loss of Residential Amenity

Our property is currently bordered to the south by a peaceful and secure rear garden. Not only will the character of the area, with its large and peaceful gardens, be forever changed for the worse, but the dynamics and character of our individual property will suffer hugely from the imposition of an intrusive mini-estate just a few metres away. Instead of a pleasant open space next to us, we will have a road open to all and sundry, and a concentration of noise and disturbance just the other side of the fence. We will have permanently lost the enjoyment of our once peaceful garden.

6. Traffic noise and pollution

The proposed development would lead to a high volume of noisy and polluting traffic immediately next to our house, our front garden and our private rear garden, which would be detrimental to our health. Provision is made for as many as eleven vehicles. The plans, the Planning Statement and the Pre-Application Advice all make frequent reference to “cars” and car parking spaces. The presumption that all the vehicles coming and going will be cars, is naïve. They could just as easily be noisy vans or trucks belching out polluting fumes, depending on the occupations of the new residents – and this right alongside our house and garden – not to mention the arrivals and departures of noisy delivery vehicles. The proposed new hedge, even when fully grown, would do little or nothing to mitigate the noise and nothing would mitigate the pollution.

7. Highways and Safety

The proposed development would result in 12 homes and 20 or more vehicles being served by an ordinary house driveway with poor sight lines for access and egress onto the increasingly busy Barnham Road. The driveway was designed to serve what was originally a single dwelling. Apart from the dangers resulting from the increase in vehicular traffic, there would be added dangers for pedestrians coming and going, there being no pavement on the Clare Court side of the road. The lack of a pavement renders the location particularly unsafe for this type of development which describes itself as “suitable for families, and large enough for them to grow without the need to move” (Planning Statement Section 7.2).

8. Trees

We understand that the presence of mature trees of quality on a proposed development site may influence any planning decision. The Planning Statement (Section 5.3.26) cites Policy ES10 which mentions the requirement for new developments to retain ancient trees, or trees or hedgerows of good arboricultural and amenity value.

Section 6.6.1 of the Planning Statement states that the Tree Survey confirms that there are “...no trees requiring removal or pruning to enable the development to go ahead”. The Pre-Application Advice, in the section headed “Protected Trees” on page 7 states that “Development works should not have an impact on existing trees”.

The Planning Authority needs to be aware that the applicant has, over the past three years, been engaged in the removal of large numbers of trees from all over the proposed development site. Some of these, mainly tall wild poplars along our border, we had to ask to

be removed because they were dangerous and were causing serious damage to our garden which was being undermined by their invasive root systems. These were removed in 2019.

Since that time, however, many trees of good arboricultural value which stood in the way of development have been removed. These include (i) a healthy ancient yew which we understand to have been about 400 years old and (ii) a healthy Scots pine, both at the front of Clare Court. These were felled on 28 September 2021, shortly before the Tree Survey. Their stumps are still there within the current curved border at the right of the driveway. The plans, however, show a driveway straightened and widened for the purpose of access to the proposed development. It can readily be seen that the felled trees stood in the path of the proposed widened and straightened driveway.

These trees should not, of course, have been felled and should have been included in the Tree Survey and listed in Appendix 1, perhaps designated as T5 and T6, along with the other trees listed there. However, they were conveniently removed before the Tree Survey report dated December 2021 was produced.

For information: these were both tall and substantial trees. The stump diameter of the Yew is 800 mm and that of the Scots pine 800 x 550 mm.

Evidence of this wholesale removal of trees can readily be seen by comparing Google Earth satellite images of the site dated April 2015 and September 2019, and the current Google Maps image, with the site as it now stands.

The applicant, via their agent, now represents that the site “comprises mainly grassland” (Planning Statement Section 2.1.2). Well of course it does! – the trees that were in places inconvenient to the development proposal have been chopped down in advance of the planning application.

We feel this is a patent manipulation of the planning process, and we ask that the Planning Authority should investigate whether there has been a breach of the rules. If so, does this not invalidate the application? The evidence is clear, there are many witnesses and there is photographic proof.

Conclusion

Finally, it is sad to say that the undisguised support for this project given in the Pre-Application Advice bears all the hallmarks of a Council under pressure to wave applications through, regardless of many strong, well-substantiated and blindingly obvious material factors against. This is demonstrated by the fact that the same Council has in the past rightly refused a whole catalogue of successive applications by this applicant for much less intrusive developments on the same site. We hope the Council will rise above this pressure and do the right thing.

For all these material reasons we request that the application be refused.

Yours faithfully,

Christopher and Grace Smith