

*Christopher and Grace Smith
Silvertrees, 71 Barnham Road, Barnham, Bognor Regis, PO22 0EP
5 April 2022*

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

For the attention of Case Officer Amber 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

Dear Ms Willard

My wife and I write to enlarge upon our objection in relation to noise and disturbance, contained in our earlier letter dated 15 March 2022 (18/03/2022 on the Arun planning website).

**OBJECTION: THE NOISE AND DISTURBANCE FROM THE
PROPOSED DEVELOPMENT WILL BE INTOLERABLE**

SUMMARY

The noise and disturbance from this development will be intolerable for us, living next door to the new back garden housing estate with all its attendant noises coming from just the other side of our rear garden fence. We demonstrate here how the Planning Statement and supporting documents present *an utterly false and misleading account of the impact of noise and disturbance*. We show that the applicant has *failed to comply with Policy* as far as noise and disturbance is concerned. Moreover, the noise from the development will cause *severe physical and mental health problems* for me (Christopher) [REDACTED] It will cause untold pain for us both.

We therefore **strongly object** to this development and substantiate our objection as follows:

1. PLANNING REQUIREMENT AS TO NOISE AND DISTURBANCE

Policy D DM1 (Paragraph 3 - Impact) of the Arun Local Plan requires that when considering any application for development the Council must ensure that the new development will “*have minimal impact* to users and occupiers of nearby property”. This is stated to include “*avoiding unacceptable noise and disturbance*”. This requirement is acknowledged in the Pre-Application Advice, PAA/50/21, pages 3-4.

2. CLAIMS MADE IN THE PRE-APPLICATION ADVICE AS TO THE IMPACT OF NOISE AND DISTURBANCE

- 2.1 The Pre-Application advice (last paragraph under “Neighbour Amenity”, pages 3-4) acknowledges that the proposal “has the potential” [what an understatement!] to adversely affect neighbouring properties by reason of noise and disturbance from the use of the proposed access road, and that there would be an intensification of vehicle movement in the access road [which would be less than two metres the other side of the garden fence!] by reason of all four houses needing to use it.
- 2.2 The paragraph goes on to make the extraordinary and unsupported claim that “it is *not considered* that the impact will be significant”. Considered by whom? Certainly not by those who have to put up with it. And on what objective basis? None stated.
 - 2.2.1 The words “*not considered*” are most telling. In order to consider something, you have to look at it from all angles and take a fair and unbiased view. The claim by the Council that “it is not considered that the impact will be significant” implies that they have carried out the necessary research to come to this conclusion. This would include having conversations with those whose lives will be affected by the proposed development, especially the people living closest to it. Did they do this? No, they did not. Had they visited us, which they would have been welcome to do (and still are welcome), we could have helped them to understand some of the issues first hand. Instead, they seem to have offered an uninformed opinion that reflects what they would prefer to be true. There are vital issues here that have indeed been “*not considered*”

at all. We go on to describe in this letter the issues that the Council needs to consider.

- 2.3 The Advice *requires* the applicant to *demonstrate* how noise can be mitigated.
- 2.4 Arun's Advice only mentions noise from vehicles. It completely leaves out the many other sources of noise from the development, which we list in section 4 below. It offers no advice at all on the important issue of "disturbance".

3. CLAIMS MADE IN THE PLANNING STATEMENT AS TO THE IMPACT OF NOISE AND DISTURBANCE

3.1 All that the Planning Statement can offer by way of mitigating noise are:

- a. the repeated unsubstantiated comment from the Pre-Application Advice that noise from the access road is "not likely to be significant" (page 9, seventh point) and
 - b. that the hedge on the northern boundary (which borders onto our property, No 71) "will also serve to absorb noise that *might [!]* arise from residents' cars" (Section 4.8, page 13) and
 - c. the same claim repeated in Section 6.4.1 – Residential Amenity – that the new hedge along the northern boundary will "help absorb noise that *might [!] otherwise be experienced* from new residents' cars".
- 3.2 Policy D DM1 requires that both (a) unacceptable noise and (b) unacceptable disturbance be avoided in any new development. These are two distinct elements and we shall deal with them separately in this objection.
- 3.3 The Planning Statement fails completely to address the other part of the requirement of Policy D DM1 – that is, the avoidance of *disturbance* from the proposed development.

4. THE PLANS FAIL TO MEET THE PLANNING REQUIREMENT AS TO NOISE

4.1 The plans and supporting documents deal in a dismissive, and offhand way with the obvious noises that will be generated by this development. They do not begin to show an understanding of the kinds of noises that will be inflicted on us from the thoroughfare and houses just the other side of our border, where there was once a tranquil garden. Here are some of the noises we will suffer from the proposed development that we have not suffered up to now, either indoors or in our garden:

- a. cars starting
- b. car doors slamming
- c. delivery vehicles arriving and leaving, with associated door slamming
- d. noisy outdoor activities such as ball games being played in the access road and balls being kicked against the fence
- e. Council refuse vehicles, recycling vehicles, garden waste vehicles, trundling in and out along our border and turning, just 2 metres narrowing to slightly over one metre (YES – ONE METRE!) from our once peaceful garden – the hammerhead turning area has been provided for exactly this purpose (Planning Statement section 4.7)
- f. other noises from refuse vehicles – reverse beep noises, gears grinding, mechanism clattering
- g. dogs barking
- h. loud talking and shouting
- i. whistling
- j. rubbish being emptied into bins, dustbin lids clattering
- k. DIY work being carried out
- l. house doors being slammed
- m. vacuum cleaners as residents clean cars
- n. dishes clattering when windows are open
- o. house alarms of various kinds
- p. musical instruments, drums etc.
- q. ghetto blasters and hi-fi audio blaring
- r. different lots of garden machinery (mowers, strimmers etc) being operated at different times of the day and week
- s. countless other noises associated with a housing estate.

- all of this multiplied by four, and just the other side of our garden fence, from the hideously overcrowded former garden next door.

- 4.2. *The access road will be the only communal area where children can play together* because of the cramped nature of the development. There is simply not enough space to play in the tiny back gardens, and there is nowhere else for them to go. So it is inevitable that there will be noisy outdoor childrens' activities going on in the access road just a couple of metres from our private patio and lawn.
- 4.3 None of the above has been considered, nor has the applicant provided any demonstration of how such noise can be mitigated.
- 4.4 Some of the above noise factors are part of everyday living. What makes them *unacceptable* in the context of this development is their close proximity, arising from the concentration of four houses built in such a small space just over the fence in our neighbour's garden. As to the size of the space into which the houses will be crammed, the actual size of the plot is considerably less than the wide-angle lens photograph on page 5 of the Planning Statement suggests.
- 4.5 If the applicant really thinks these noises can in any way be reduced by a hedge, as they suggest, they are dreaming.
- 4.6 Even if a hedge could make any difference, hedges need time to grow. I (Christopher) am well into my eighth decade – I do not have time to wait for a hedge to grow!
- 4.7 Thus the applicant has failed to show in the Planning Statement how unacceptable noise may be avoided. Indeed it is impossible to avoid unacceptable noise because the development will be so close to us.
- 4.8 In respect of noise, therefore, the planning application *contravenes Policy D DMI* of the Arun Local Plan.

5.1 MISLEADING INFORMATION ABOUT DISTANCES

- 5.1 Both the Pre-Application Advice and the Planning Statement offer the development at No 97 Barnham Road as a precedent for the Clare Court development. We have already provided ample evidence in our letter dated 15 March 2022 (18/3/22 on the Arun website) that this comparison is misleading, deceptive and inappropriate because the Clare Court development site is only *half the size* of that at No 97, and the new

houses at No 97 are more than ***double the distance*** from the comparable existing dwellings.

- 5.2 Distances between the source of noise and those who are forced to hear it are therefore much closer than at No 97.
- 5.3 The proposed new houses are thus crammed into a relatively much smaller space and the noise factor is much greater.
- 5.4 This has practical implications that bear upon various claims made in the planning application, as we go on to show.

6. INTOLERABLE NOISE

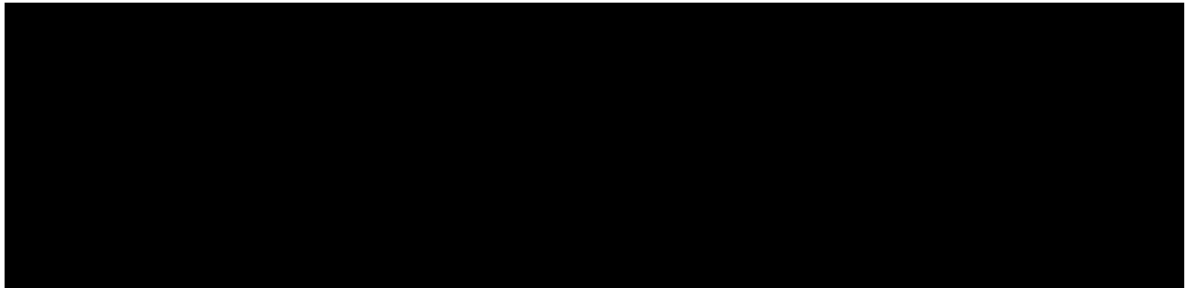
- 6.1. In claiming that the impact of noise on nearby residents will be insignificant, and claiming also that what they plan for Clare Court is comparable to the No 97 Barnham Road development, neither the Council nor the applicant have considered the effect of ***the inverse square law***.
- 6.2. Put simply, the inverse square law states that with every ***halving*** of the distance from a source of sound, the sound will be ***four times more*** intense.
- 6.3 Because of the difference in distances and plot sizes described in 5.1 above, as between the No 97 development and the proposed Clare Court development, the noise levels at homes nearest to the proposed Clare Court development (this means us!) will be ***four times*** those experienced by the comparable homes at the No 97 development.
- 6.4. This is not mere opinion. The inverse square law is scientific fact. It's not rocket science either, it is secondary school science. Check it out in any standard physics textbook.
- 6.5 Those who claim that the noise neighbours will suffer will be insignificant, have either not been paying attention, or have not thought the matter through, nor provided any basis for their claims.
- 6.6 We have demonstrated in this section 6 and in sections 4 and 5 above that the applicant has ***failed to show how unacceptable noise may be avoided***.

- 6.7 Thus we have again demonstrated that the plans for the proposed development *fail to comply with Policy D DM1* of the Arun Local Plan in respect of noise.

7. IMPACT ON HEALTH

- 7.1 But for us it gets even worse:

7.2



- 7.3 [REDACTED] is fairly common in elderly people such as me.

- 7.4 [REDACTED] causes *physical and mental distress*, as my family will testify.

7.5



- 7.6 It means that everyday sounds of the kind listed in 4.1 above will be magnified and will be intolerable for me. I will be prevented from using my own patio and garden by reason of noises emanating from the housing estate imposed on us just the other side of the fence.

- 7.7 If these plans are passed and the development goes ahead, it will *have a severe impact on my health and wellbeing*.

8. DISTURBANCE

- 8.1 Along with noise, the new housing will create unacceptable *disturbance* of other kinds. Here are some of the disturbance factors that we have not suffered from up to now in our private rear garden, from the garden next door:

- a. smells from compost bins
- b. smells from barbecues

- c. smells from bonfires
- d. smells from cooking
- e. smells and airborne dust and dirt, germs and pollution from Council refuse and recycling vehicles – and this *from less than 2 metres away*
- f. pollution from the exhaust of residents' vehicles and delivery vans etc.
- g. litter blowing or being thrown over the fence
- h. balls being kicked or hit over the fence with the risk of injury to us
- i. children knocking on the door asking for their balls and other objects to be returned
- j. the eyesores of high sided vehicles (Council refuse vehicles, delivery vans etc) passing just the other side of the fence

8.2 What makes these disturbance factors *unacceptable* is their close proximity, arising from the cramming of four houses with all their associated infrastructure into a ridiculously small space so close to us.

8.3. The edge of our patio is just *two metres* from the access road to the proposed development. This means we will lose the quiet enjoyment of the patio in our once tranquil private garden because of noise and disturbance from next door. There will be nowhere for us to go.

8.4. Our rotary washing line is just *five metres* from the proposed access road. This means that we will not be able to put our washing out because of dirt and dust created by traffic, particularly the airborne filth from Council refuse vehicles.

8.3 As pointed out above, the applicant has *failed to demonstrate in any way how unacceptable disturbance may be avoided*.

8.4 In respect of disturbance, therefore, the planning application *fails to comply with Policy D DM1* of the Arun Local Plan.

9. OTHER RELEVANT FACTORS

9.1 In the light of Arun's refusal of the 97 Barnham Road application (EG/38/15/PL) in September 2015, where planning was refused on the basis that the development would be cramped, unneighbourly, detrimental to the character and amenities of the surrounding neighbourhood, and that it would adversely affect the privacy and quiet enjoyment of other properties – it is most surprising to find that the same Planning Authority

is now saying that the proposals for Clare Court are acceptable and using No 97 Barnham Road in support of this application. The decision regarding No 97 Barnham Road was overturned on appeal. But, as we have demonstrated in our objection letter dated 18 March 2022 and in this letter, the factors relating to noise, overlooking, disturbance and privacy are **much** more acute at Clare Court than they were at 97 Barnham Road. ***If, in September 2015, Arun could argue that the No 97 development would be cramped, how can Arun now support a development which is obviously so much more cramped, so much more unneighbourly, and so much more damaging to the privacy and enjoyment of neighbouring properties?***

- 9.2 In addition to 97 Barnham Road, the applicant offers Drovers Way as a “successful example” of backland development in the vicinity, in such a way as to suggest that the proposed development at Clare Court is comparable with Drovers Way (Planning Statement 6.3.1). Anyone visiting Drovers Way can tell in an instant that that development is nothing like Clare Court. One of the most notable features at Drovers way is the large, expansive, green square, suitably distanced from the houses, providing a spacious area for recreation and limiting noise and disturbance. What has the Clare Court proposal got to offer that is in any way similar? Nothing whatsoever – just an access drive that can only just be jammed into the available space, just two metres from our house and garden, resulting in painful noise and disturbance very close by. This is one of many misrepresentations in this planning application.

10. CONCLUSION

- 10.1 The Council has said in the Conclusion to its Pre-Application Advice (page 8) that “were an application for planning permission to be submitted it would be likely to be approved ***subject to compliance with policy***”.
- 10.2 We have demonstrated that the plans for the proposed development ***fail to comply with policy*** in relation to noise and disturbance.
- 10.3 We have shown that the assertion in the Pre-Application Advice, and the similar assertion in the Planning Statement, that the impact of noise will be insignificant, is unresearched, uninformed and unsubstantiated – and ***wrong***.

- 10.4 We have shown that the noise and disturbance from this development would be intolerable for us, living next door to the new back garden housing estate with all its attendant noises coming from just the other side of our rear garden fence.
- 10.5 We have demonstrated how the Planning Statement and supporting documents present *a false, misleading and unsubstantiated account of the impact of both noise and disturbance*.
- 10.6 The noise from the development will cause *severe and damaging physical and mental health problems* for me (Christopher) because of 
- 10.7 If this development goes ahead, it will cause us untold pain for the reasons we have described. PLEASE do not allow it!
- 10.8 In view of all the above, the Planning Authority should **refuse** this application.

Yours faithfully,

Christopher and Grace Smith