

Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Send via email – planning@arun.gov.uk and finlay.gardner@arun.gov.uk

17 December 2020

Dear Sir/Madam

Objection Letter – Planning Reference: BR/286/20/HH – Removal of existing garage and erection of single storey side and rear extension at 17 Shelley Road, Bognor Regis, PO21 2SL

LRJ Planning Ltd has been instructed by Mr Trevor Shield who is the owner occupier of No.15 Shelley Road to review and draft a formal response to the above application that has been lodged with Arun District Council.

Following a review of the submitted plans and the supporting documents with my client's, we have serious concerns with the application proposed and therefore **OBJECT** to the application for reasons that will be detailed below.

My client's own and live at No.15, that falls to the east of the application site, as illustrated in figure 1 below.

Figure 1 – Location of application site



The nature of my client's objection below will focus on the following areas:

- i) **As a result of the substantial size, scale and positioning of the extension on the boundary, it will severely harm the level of residential amenity enjoyed by number 15;**
- ii) **The development, by virtue of its siting and poor design will have a significant visual intrusion; and**
- iii) **The incorrect certificate of ownership has been completed.**

2. PLANNING POLICY CONTEXT

In June 2019, 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 Arun Local Plan. The following policies are pertinent to this case.

Arun Local Plan

- D DM1 Aspects of form and design quality
- D DM4 Extensions and alterations to existing buildings
- D SP1 Design

3. GROUNDS OF OBJECTION

i) Severe Harm on Residential Amenity

The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings. Paragraph 127 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This also reflected in policies D DM1 and D DM4 of the Arun Local Plan. that identifies that development should not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through loss of daylight, overlooking and lack of privacy.

The introduction of built form, that would extend a significant distance off the side and rear of No.17 would have a significant adverse effect on the level of amenity enjoyed by my client at No.15. Due to the orientation and relationship of No.17 in respect of No.15 the development would basically result in the enclosure of my client's property at No. 15. The proposal would have the following significant harmful effects:

- Loss of day light and outlook to habitable room windows;
- Overbearing impact;
- Increased sense of overlooking and loss of privacy.

My client's property is located to the east of the application site. The provision of a substantial development adjacent to the boundary with no separation distance is going to lead to a significant loss of outlook and daylight.

The above harm is compounded as my client has a private garden and patio area at the rear, as well as rear habitable room windows.

Given the substantial size of the extension in respect of No.15, 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 client's property. 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 provision of such a substantial extension so close to the boundary is going to compound this matter.

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 the rear of my client's property.

Due to the significant increase in size and mass of the dwelling, it will appear as overbearing structure from not only the window at the rear of my client's property, but from within his private garden area, adjacent to the boundary. The proposal will result in a significant level of overlooking that will have a harmful impact on my client's right to enjoy a reasonable level of privacy within his own home and private garden area.

Overall, due to the proximity and form of the development, it would result in severe harm to the living conditions of my client's property. It would lead to an unacceptable loss of daylight, outlook

and privacy that would infringe on my client's right to a private family life and home under Article 8 of the Human Rights Act 1998. The proposal is contrary to both local and national planning policy.

ii) Adverse Visual Intrusion

The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Section 12 – Achieving well-designed places). Paragraph 127 highlights that planning policies and decision 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. It enhances qualities and improves negative one.” 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 feature 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.

The above is echoed in policies D DM1 and D DM4 of the Arun Local Plan.

Following a review of the plans, it is clear that the proposed development would significantly increase the mass of the dwelling and the amount of built form close to the boundary with

Number 15. The extension will extend a substantial distance off the side and rear of the property adjacent to the boundary and would erode the sense of spaciousness that is currently maintained with the existing garage. As a result, the extension would be extremely prominent from within the property, as well as the rear garden of my client's property.

The proposal fails to respect the simple form and character of the surrounding development. Due to the provision of a substantial development so close to the boundary, it would comprise a dominant and imposing form of development when viewing the site from the rear of my client's dwelling, as well as from the rear of other properties in the area. The level of harm is compounded as the extension does not appear as a subservient addition.

The extended dwelling will appear as completely at odds with the simple form of the immediately adjacent dwellings. The extended dwelling will be of a size, scale and mass spanning laterally across the site. It will be extremely prominent from all neighbouring properties to the detriment of their visual amenity. The resulting dwelling will therefore appear as incongruous, and would have a detrimental impact on the character and appearance of the area.

It is clearly the case that the proposal will result in a loss of sense of openness between the two properties.

Due to its poor design and prominent location, the extended dwelling 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 in a prominent location within the street scene.

Overall, the extended dwelling will be hopelessly out of place in its surroundings and unacceptably harmful to the street scene and the character and appearance of the property. It would appear as an incongruous, and poorly related to the surrounding development. The proposal would result in substantial harm. The proposal is therefore contrary to local and

national planning policy.

iii) Application defects

My client notes on the Application Form that the Applicant has completed Certificate A pursuant to Article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ("DMPO 2015"), certifying that the Applicant has satisfied the requirements of Article 13 of the DMPO 2015.

It is clear that the development will encroach on to my client's property through the provision of an extension on their boundary. It is also not clear how the foundations will be constructed and the guttering appears to be overhanging.

As the Council will be aware, Article 13(1) of the DMPO 2015 requires the Applicant to give requisite notice of the Application to any person (other than the Applicant) who, on the day 21 days before the date of the Application, is the owner of the land to which the Application relates.

Section 65(8) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act") defines an "owner" as any person who, inter alia:

- is the estate owner in respect of the fee simple; and
- is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired.

Furthermore, the PPG clarifies that Certificate A (Sole Ownership and no agricultural tenants) should only be completed if the Applicant is the sole owner of the land to which the Application relates, and there are no agricultural tenants. It reiterates that "An 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years" and an "...agricultural tenant' is a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates" (PPG: Paragraph: 026 Reference ID:

14-026-20140306).

The Applicant's agent made a declaration in respect of Certificate A within the Application Form. It appears that the application site includes land that is under the ownership of No.15.

As the Council will be aware, the submission of a valid Planning Application for Planning Permission requires, inter alia, compliance with the National Information Requirements. One of these requirements dictates that a correct Ownership Certificate and Agricultural Land Declaration must be provided, which is a clear and apparent failing in this present application. It is concerning that the correct Certificate Ownership was not provided given it is a basic but fundamental requirement for the validation of any Planning Application.

Pursuant to the PPG, "an application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed. It is an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000" (PPG: Paragraph: 025 Reference ID: 14-025-20140306).

In addition, sections 65(5) and (6) of the 1990 Act states that a Local Planning Authority "shall not entertain" an application unless such requirements are met, and that any person who knowingly or recklessly issues a false or misleading certificate is guilty of an offence.

As the Council will be aware, the Application will be at risk of legal challenge in the event that it has been validated and a decision made on the same without satisfying the requisite legal requirements.

4. SUMMARY

There are compelling reasons why the application should be refused as the development comprises inappropriate development.

The proposal will also have a significant impact on the living conditions of my clients and

essentially result in the complete enclosure of their property. The proposal will block out a significant amount of daylight and they will have no outlook. Further to this, it will appear as overbearing adjacent to the boundary and result in an unacceptable loss of privacy.

My client would like to place it on the public record that they would not give any consent for any development on land under their ownership or for any associated works that require right of access over their property to construct the development.

The extension proposed will significantly increase the overall floor space and volume of the original dwelling. The development will appear as incongruous and contrived additions that are not in keeping with the character and appearance of the property or surrounding area. It will result in the loss of spaciousness in the street scene.

Overall, the proposal is contrary to both local and national planning policies and does not comprise sustainable development. It is respectfully requested that the planning application is refused.

Yours faithfully

Lloyd Jones

Director