

Mr Simon Davis
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--- Sent by E-Mail to
Simon.davis@arun.gov.uk ---

Your Ref: BR/63/18/PL

13 June 2018

Dear Mr Davis,

Comments on LPA's position in respect of the application for residential development at 77 Aldwick Road, Bognor Regis, PO21 2NW (application ref: BR/63/18/PL)

I have been instructed by my client and the applicant for this application, Mr Simon Royall, to write to you in connection with the above referenced planning application that is shortly due to be determined by the LPA.

I understand having read your correspondence with the agent for the application on 14 May 2018 that you have concerns with the proposed scheme, and that these concerns prevent you from recommending the application for approval. Specifically, you are concerned with a perceived overbearing impact and loss of daylight and sunlight (overshadowing) to properties either side of the application site, namely 75 and 79 Aldwick Road.

I visited the application site and the neighbouring properties either side on Thursday of last week, and must say that I have concerns with the LPA's approach that is being taken with regards to the assessment of the application on amenity grounds. Owing to the brief commentary in the above referenced e-mail on the perceived harmful impacts of the development, it would appear that there is a mistaken identity over the nature and layout of surrounding properties.

I have sought to explain our position as follows:

75 Aldwick Road:

The ground floor adjacent to the site features an outdoor entrance area to a commercial unit on the eastern side of the proposed development. As this outside area is clearly non-habitable, it is difficult to understand how the LPA could have a case based on a loss of amenity in this respect.

The first and second floors feature a small bedroom window positioned approximately 3m from the boundary line with the application site. The proposed extension may infringe marginally on the amount of daylight and late afternoon sunlight afforded to the first floor bedroom, however such an impact is minimal in the context of the application as a whole.

The head of the second floor window on no.75 sits above the roofline of the proposed development, and so there will be no impact on sunlight or daylight above the existing skyline to this window. Any perceived concerns of a loss of daylight or sunlight are simply not sustainable in this instance.

You will note that the first floor fire escape and terrace area on the rear of no.75 are set a considerable distance from the eastern flank wall of the development, thereby remaining unaffected in terms of daylight and sunlight in this respect.

Essentially therefore, as a matter of fact, the LPA is relying on a case of harm based on a marginal loss of daylight and sunlight to one bedroom window on the first floor of the rear elevation of no.75. There are no other windows or outside amenity areas that would fail to meet the BRE daylight and sunlight guidance, and this can be evidenced in any appeal against the refusal of permission.

79 Aldwick Road:

At ground floor level, on the western side of the proposed development, is the access to the residential units within this building. This area is not used for any outside amenity purposes. The loss of daylight, overbearing impact and loss of sunlight to an external access corridor is seldom ever considered to be a reasonable or sustainable ground for refusing planning permission.

In terms of openings within the building of no.79, these comprise of the following:

Ground Floor:

- (a) North facing bedroom window
- (b) 'East facing' glazed porch to front door

- (c) East facing bathroom window
- (d) East facing secondary living room window (faces onto the southern-most corner of the extension)

First Floor:

- (e) East facing door and small fan-light WC window
- (f) South facing living room window

Second Floor:

- (g) South facing living room window

Any impact on daylight and sunlight to openings (b), (c) and (e) are not material as the rooms that are served are not considered to be habitable in terms of the BRE guidance. The development would not fail the BRE test in respect of opening (a) as there will be no discernible impact on daylight and sunlight above the existing baseline conditions. This is because opening (a) already faces directly onto a three storey building and is enclosed in this respect. Opening (d) is given very limited weight as it is a secondary window opening only, and there is a substantial opening in the rear elevation of the room served, from which it currently and will receive more than adequate daylight and sunlight.

For the same reason as the second floor bedroom window in no.75 would not be affected, window (g) would also not be adversely affected, as the head of this window and its top half would sit above the roof of the proposed development.

This leaves opening (f), which is a first floor south facing window used for habitable purposes. The window is set-off the boundary with the application site by approximately 2.0m and provides a large glazed area of some 2.7m in width. The proposed development will conflict with the 45 degree angle of daylight to this window, however as the extension will only be approximately 1.5m greater in height than the affected window, any loss of daylight or sunlight will be marginal and certainly not a significant impact. No objections have been raised by this neighbour.

To conclude, the impact on the amenity of 79 Aldwick Road can only be attributable to the first floor south facing window on this property. The impact is not significant.

Housing Land Supply:

Paragraph 49 of the NPPF establishes that housing applications should be determined in the context of the presumption in favour of sustainable development. The inability of the LPA to demonstrate a five year supply of deliverable housing sites means that the relevant policies for the supply of housing are out of date, and therefore, in accordance with the second section, second bullet point of paragraph 14 of the NPPF:

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- specific policies in this Framework indicate development should be restricted. 9*

The application site is not located within an area where footnote 9 is applicable, and on this basis permission should be granted for the development *unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*. To summarise, the harm that the LPA would need to find against the proposed development would need to be significant in order for an argument to be sustained, under a tilted planning balance, that the scheme causes such a great deal of harm as to outweigh the provision of housing on the application site.

Inspectors on appeal have attributed substantial or significant weight to the supply of housing, even in the instance that minor developments on small sites are being proposed. Indeed, residential developments on small sites has been, in part, the thrust of central government's drive towards increased housing supply as stated within the Housing White Paper last year. We trust that the LPA is willing to accept that the development will provide significant social and economic benefits.

Against this, we understand it to be the case that the LPA has sustainable concerns only in respect of the amount of daylight and sunlight reaching two first floor habitable room windows on neighbouring properties. Under the tilted planning balance in paragraph 14 of the NPPF, it is simply unsustainable for the LPA to pursue the refusal of permission on such a limited amount of harm.

We therefore ask that officers re-appraise the application in light of the above evidence, and once the extent of harm is fully understood, conduct again the tilted planning balance having in mind the

significant benefits that can be bestowed on the provision of housing in a sustainable and accessible location. We trust that officers will be able to support the application on this basis.

We look forward to hearing from you in due course.

Yours sincerely,

[Redacted signature]

James Hutchison BA MA MRTPI

Planning Director