

Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF  
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**From:** David Meagher [REDACTED]  
**Sent:** 13 May 2021 16:37  
**To:** Finlay Gardner <[Finlay.Gardner@arun.gov.uk](mailto:Finlay.Gardner@arun.gov.uk)>  
**Subject:** Objection to BR/93/21/PL 22 Neville Road

Dear Mr Gardner

OBJECTION - BR/93/21/PL - development at 22 Neville Road PO22 8BN

I am the resident of the house directly behind 22 Neville Road at 15 Glenwood Avenue in this email I set out our objections to the applicant's proposed development .

Our email objection of 6 May appears to have not been registered despite receiving an 'out of the office reply'.

We object to the erection of a single story dwelling in the garden of 22 Neville Road - Planning Application BR/91/21/PL. The house which the application refers to is already a split development, with a shared drive to the neighbouring 24 Neville Road. The application is in conflict with the parking allocations stipulated by West Sussex County Council for new developments, with inadequate provision.

The application seeks to develop a rear garden which will conflict with the character of the area and as back land development is in conflict with the National Planning Policy Framework as well as Arun's Local Plan and Arun's Supplementary Planning Guidance which advises against the development of gardens.

The application's benefits are outweighed by its negative impacts. Arun Local Plan D DM1 lists 15 points that the development must comply with - character, public realm and impact. The NPPF also stipulates in Section 12 that a high quality of design are fundamental aspects of planning. Paragraph 127 sets out five principles which design needs to comply and be assessed against. This includes as stated in D DM1 being in keeping both visually and with the local character of the local area, maintaining character and local distinctiveness. The policy requires that the scale of development is to keep within the general confines of the overall character of the locality.

The position of the site and size is such that the development would result in a cramped and overlooked structure that is not in keeping with the layout of residencies within the local area. The dwelling is very close to its boundaries to make it 'fit in' to the space proposed which is an area of garden separated from the split development off 22 Neville Road used by its occupants.

The development is constrained into a space which is in variance to the adjacent plots which are used for residential gardens or parking. No other garden has been developed for this purpose, which will make it stand out and look odd. The development would be constrained and cramped, does not integrate with its surrounding, is incongruous, out of character with the existing residential buildings and not in keeping with the general layout of the area. This failure to integrate with its surroundings harms damages the local character, incongruous with the mature and developed layout of the streets and gardens in the immediate area.

Despite the materials similar to the fabric of the adjacent bullrings it is the scale and mass which makes this a contrived example of Backland development making the site look substantially overdeveloped and out of keeping with its surroundings. The proposal therefore conflicts with policies D DM1 and D SP1 of the Local Plan that demands that developments pay heed to the character of the area, with an acceptable design, appearance and impact on the existing residents and occupants of land and buildings, responding positively to the local character.

Arun's Local Plan 2011-2031 states in Policy D DM1 (3) that the council regards impact, which should be minimal on users occupiers and residents of neighbouring properties and land by avoiding significant loss of sunlight, privacy, and outlook, as well as unacceptable noise and disturbance. NPPF 127 (f) states that places should be created that are safe inclusive and accessible and promote health and well being, including a high standard of amenity for existing and new users where crime or the fear of crime do not undermine the quality of life or community cohesion. The proposal will result in an overdevelopment and over intensified plot with the inclusion of a single residential dwelling to the rear of existing residents. Section 12 of the NPPF 2019 requires the creation and 'achievement of well designed places of high quality buildings essential to the planning process.

The proposed site and this application would result in an inadequate living environment for prospective occupants, The dwelling would be hemmed in on all sides, and overlooked by existing residents on all sides. Vehicles using the shared drive would be in conflict, the over intensification of the drive would result in noise irritancy and nuisance to neighbouring residents.

In conclusion, this proposal would result in:

a contrived and speculative use of garden land, but fails to provide adequate living conditions for prospective occupants, falling short in design, appearance, positively responding to local

character, and providing future occupants with a cramped overlooked accommodation, which fails the 25% rule making the development feel oppressive to any potential residents. And result in overdeveloped unneighbourly and overbearing impact on existing residents and conflict of use, of shared driveway and public footpath adjacent to the property.

This development proposal is in conflict with D DM1, D DM1(3) and QE SP1 of the local plan.

yours sincerely

David Meagher  
Reubens Meagher  
Nathan Meagher  
Ana Tavsancea  
My wife has sent a separate email.

Yours sincerely

David Meagher

(attachment included)

Mr F Gardner Case Officer, Planning Department  
Arun District Council, Maltravers Rd.  
Littlehampton, West Sussex, BN17 5LF

15 Glenwood Avenue, Bogor Regis  
PO22 8BS

06/05/2021

OBJECTION - BR/93/21/PL - 22 Neville Road PO22 8BN

Dear Finlay,

I am the resident of the house directly behind the proposed development. This represents a garden grab, a back-land development which impinges on the lives of residents adversely. More than one family live at my home, therefore this objection is on behalf of David & Estelle Meagher, Nathan Meagher & Ana Tavsancea, Conrad and Reubens Meagher, we are all on the electoral roll. They have consented on me writing this letter on my, my wife and their behalf.

The proposal's footprint represents 80% of garden space, is not high quality design, is not attractive, is not connective in terms of accessibility due to conflict of access with exiting residents and lacks parking provision, does not discourage crime, does not encourage health and wellbeing of the potential occupants or existing residents.

Below is a detailed report which provides evidence of how this proposal is at odds with national policies, the council's policies as listed in the statutory local plan, and its own advisory planning guidance.

Yours sincerely

David Meagher & Estelle Meagher. Nathan & Ana Tavsancea, Conrad Meagher, Reubens Meagher

References used: NPPF, Arun Local Plan; Arun Supplementary Planning Guidance; BMJ <https://bmjopen.bmj.com/content/10/7/e036923>; Royal, College of Physicians <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6334070/>; Cameron 2021: 15-16, University of Sheffield, BUGS project in collaboration with the Royal Horticultural Society Cameron, R., Blanuša, T., Taylor, J., Salisbury, A., Halstead, A., Henricot, B. and Thompson, K., 2021 - The domestic garden – Its contribution to urban green infrastructure: <https://core.ac.uk/download/pdf/360356.pdf>; CPTED Security by Design [https://rems.ed.gov/docs/Mobile\\_docs/CPTED-Guidebook.pdf](https://rems.ed.gov/docs/Mobile_docs/CPTED-Guidebook.pdf).

**Objection:**

National Planning Policy Framework (2019) states that plans should resist garden grabbing. The application is described as a windfall vacant site, but this is garden land. Originally 22 Neville Road received planning permission because the plans proposed gardens for the use of the top and lower flats. The cramped development is of poor design which if granted will be immediately overlooked by neighbouring tenants in properties adjacent to the proposal and by the existing tenant of 22 Neville Road and homeowners in Glenwood Avenue. The proposal goes against the policies listed in Arun District adopted Local Plan 201802031 and against Arun District Council's Supplementary Planning Guidance

The proposed construction is of poor design, a badly designed flat-roof brick box on a restricted site which is at variance with the Adopted Local Plan which protects and enhances the local environment, including wildlife habitats, trees and woodland parks and gardens.

The shared drive with the proposed additional parking will cause conflict with existing neighbours who use the drive to access parking space and a single garage.

The living accommodation and external amenity area would be both cramped and oppressive, such as to result in a poor outlook from habitable accommodation which will be poorly lit (see photographs page 2). The proximity of the dwelling will disturb existing occupants due to the movement and noise of vehicles and those directly overlooking a proposed flat roof replacing the view of the garden. The loss of a garden contributes to the loss of biodiversity. A garden contributes to good physical and mental health. The applicant proposes removing this amenity from the existing tenants of 22 Neville Road.

The proposal fails the 25% test.

#### Photographs



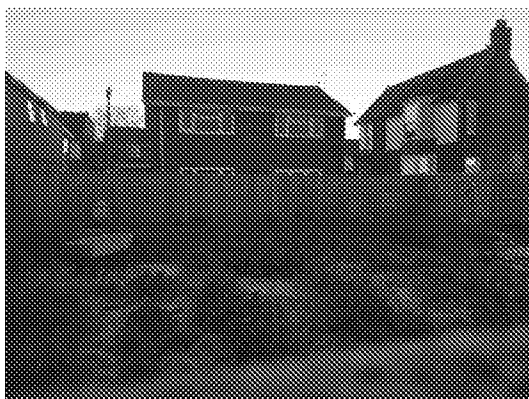
November 2019



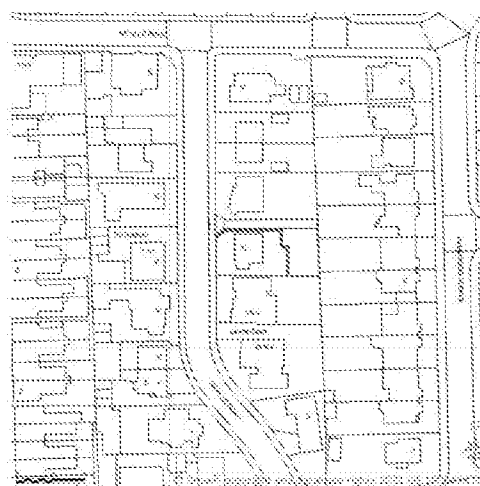
January 2020



Above: morning 6.30 am 19<sup>th</sup> April 2021



Evening: Evening 18<sup>th</sup> April 2021 8pm



## Timeline 2019

### September 2019

Tree clearance began

Email to  
arboriculture officer

### November 2019

Work to outside of  
house

Garden Bulldozed

Fencing erected  
hiving of garden

Council contacted by  
email (copy attached  
in Appendix)

### January 2020

Council Letter in  
response expresses  
intentions to build a  
bungalow, or site a  
caravan or garages.

Owner stated Fences  
for privacy of tenants,  
but lose gardens

(Copy attached)

### March 2021

Application:  
Back Garden  
detached  
bungalow, a  
flat roofed  
brick box in  
design

### History and relevant policies

An historic application of six apartments, resulted in the council's refusal of six flats, subsequently the applicant received permission for two maisonettes with associated garden space. A detached 2 storey dwelling was built, designed with a garden provided for each tenant. Recently, the lower maisonette had a lawned area where children played. The upper maisonette utilised the rear portion consisting of a rose garden, shed and patio, paved hard area in crazy paving with shrubs, flowers and trees.

The trees were removed in September 2019. Remedial work to the maisonettes began in early in 2020 when both the tenants' gardens were fenced off by a two meter fence with the loss of the garden to the upper maisonette and with a much reduced garden area used by the ground floor maisonette. The space which was calved away left to become overgrown. I contacted the council who informed me that the owner wanted to build a house or site a caravan (See copy of letter attached).

The current proposals reveal that the upper maisonette has lost its entire garden, the ground floor maisonette's garden reduced by approximately 25% of its original size, being approximately four metres in depth narrowing to 2 metres if the new dwelling receives approval. The applicant's statement has referred to the garden space as vacant land. The tenants have lost 80% of their gardens. Supplementary planning guidance advises against building on gardens and fails the 25% rule (p 58).

The construction will lead to a cramped building being erected with inadequate space around the building for the provision of healthy living conditions, along with associated problems such as noise and parking as well as the loss of a garden space. The applicant is attempting to fit a house into a plot that is much smaller than those that surround and into a garden space which is very limited in size. No other property along Neville Road has developed their gardens by building a house.

To comply with planning guidelines, new buildings are required to have a proportionate amount of outdoor space. This application will lead to overdevelopment and over-intensification of building in what is already a densely built up area.

In the applicant's executive statement, the garden is referred to as 'windfall' site. However, this is a case of garden grabbing. Developments should be resisted and is not vacant land (article 70:19 National Planning Policy Framework). The applicant's statement also mentions the shortage of housing. The allocation for the district to provide further housing is over a time span of three years and averages 900 units. A well-designed estate would be a far superior proposition with planned facilities and amenities provided by developer's contributions, laid out roads and garages. Designs will be superior in quality and living condition healthier with open spaces, green landscapes and breathing spaces compared to the applicant's proposals to construct a single-story dwelling in a cramped back garden space. This represents piecemeal development and provides accommodation which is below the quality Arun mentioned in the local plan.

Ministry of Housing, Communities and Local Government National Planning Policy Framework (2019) states that:

'resist inappropriate development of residential gardens, where development would cause harm to the local area (p19) and that the desirability of maintaining an area's prevailing character and setting (including residential gardens) (p.36), and that gardens are not considered previously developed land (p70)'.

The development harms the local area and the immediate community, particularly residents of 22 Neville Road and 24 Neville Road who will immediately overlook the dwelling from an acute angle of overlooking. The proposals have failed to achieve the recommended 21 metres between the proposed dwelling and 22 Neville Road. The area's suburban character which includes gardens would be severely compromised and set a precedent if the back-land proposal was permitted.

The living accommodation and external amenity area would be both cramped and oppressive, such as to result in a poor outlook from the neighbouring habitable accommodation, would be poorly lit, heavily shaded by the surrounding two storey houses as well as uninviting. The proposal fails the 25-degree test which establishes the effect of the existing properties in obstructing daylight to the proposed dwelling's windows and rooms ([Arun Design Guide Supplementary planning guidance page 58](#)).

### **Relevant Policies in detail:**

#### **National Planning Policy Framework (2019)**

Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area (p19).

The proposal contravenes the Local Plan and Supplementary Planning Guidance and is an inappropriate development.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

**P19. 70:** Plans to resist the development of gardens where

**P.36. 122 (d):** maintaining an area's prevailing character and setting (including residential gardens)

**P70: Previously developed Land** Gardens are excluded in the category of previously developed land

#### **Arun District Council Adopted Local Plan (2018-2031)**

**P5: Design** Fostering a well-designed and safe built environment

**P19: Supplementary Planning Guidance compatibility:** comply with any local design policies and standards

**P22** Raise standards of design

**P36:** the importance of securing well-designed, attractive and healthy places

**P38. 122** high quality standards of design

**P39. 130** Permission should be refused for development of poor design take into consideration local design standards (Supplementary Planning Guidance)

#### **Arun Adopted Local Plan 20018-2031 Vision and objectives p12-17:**

*'New homes will create attractive places to live, while enhancing the character of the environment reinforcing local character and identity'.*

This proposal does not provide an attractive place to live. The submission is hemmed in by two metre fencing. Neither does the proposal fulfil the strategic objectives of promoting healthy lifestyles in a safe environment.

Backland development is subject to enhanced levels of crime. The proposed dwelling, if permitted, would result in cramped conditions, with low ceilings and hemmed in by fencing. There is a potential to create problems of mental health for the occupiers and for the existing tenants of 22 Neville Road who have lost their two small gardens to make way for the proposed dwelling. The design does not protect the culture heritage and community facilities which the community values. It damages the quality of the environment by a loss of biodiversity. The impact will be one of a nuisance to the immediate neighbours by affecting the lives of those in the apartments adjacent to the site, as well as the houses of Glenwood Avenue. The plans contravene to WSCC parking requirements ([WSCC Guidance on parking for new developments 2020:7](#)). The shared access with the adjacent property will cause conflict due to parking where the residents of 24 Neville Road park their cars. Neville Road is a busy road at peak times further adding to the bottle necks in Highfield Road.

#### **Overview 4.5 p31:**

##### Vision for place shaping

*‘New development will have been successfully integrated with the District creating attractive places to live, whilst protecting and enhancing character of Arun’s environment’.*

Environment includes wildlife habitats, trees and woodland parks and gardens which includes domestic gardens. The proposed development does not provide an attractive place to live neither does it protect the character of streets with small suburban gardens.

#### **Settlement structure and Green Infrastructure p45, Housing delivery p115**

Arun district council promotes cohesive societies through good quality accessible community facilities which this development goes against. It is cramped, hemmed in living space and not promote safe environment and enhanced quality of life at all.

#### **Policy HSP1 P119**

The strategic plan has been put in place to ‘provide at least 20,000 by 2030 in the Greater Bognor Regis and Littlehampton’.

There is no requirement for backland development to meet the OAN objectively assessed housing need 12.1.5. The planned housing until 2031 meets the needs of every sector of the community with 35-40% of one bedroomed accommodation already planned (AH SP2 p136). The Built-Up Boundaries have already been determined and represented on policy maps -Built Up Boundary).

#### **Policy SD SP2 p48**

Areas to be developed in the Built-up boundary have been strategical identified on the outskirts of Bognor Regis. These are Pagham South Pagham North and West of Bersted with 3700 homes plans resulting in well-designed estates. The applicant’s statement implies that there is a need for this proposal, but allocations have already been planned at 900 per year until 2031, an additional single development would be a piecemeal ad hoc addition. Windfall properties or backland development should not be in the form of a garden grab ([Arun Supplementary Planning Guidance](#)). The applicant claims this is vacant land, which is untrue, it is garden fenced off in the hope that planning

permission can be achieved. More suitable, properly defined vacant land or brownfield sites can be identified to provide better design in more appropriate contexts by future proposals in the area.

In any case, Arun Council has already Housing allocated priority areas for future housing (P 36) Key Diagram.

### **Design: Strategic Objective p150**

The design Strategic objective is *to work with the environment to conserve natural resources and increase biodiversity.*

Removal of the gardens from the tenants at 22 Neville Road and the concretisation by the proposed dwelling contradicts this objective which is explained in the following paper:

*‘Domestic gardens provide a significant component of urban green infrastructure’. The value of urban gardens for biodiversity can be seen as substantial for declining species, once common in low-intensity farmland that are now more abundant in urban areas, and particularly in domestic gardens (Gregory and Baillie, 1998). For some bird species, urban gardens support a significant fraction of the total UK population providing valuable habitat and supporting some nationally important sub-sets of species. Gardens are capable of supporting a quarter of Britain’s insect species. Private gardens, taken together, might reasonably be described as the UK’s most important nature reserve with small, city-centre gardens supporting much the same invertebrate wildlife as large suburban ones’*

(Cameron 2021: 15-16, University of Sheffield, BUGS project in collaboration with the Royal Horticultural Society Cameron, R., Blanuša, T., Taylor, J., Salisbury, A., Halstead, A., Henricot, B. and Thompson, K., 2021 - The domestic garden – Its contribution to urban green infrastructure: <https://core.ac.uk/download/pdf/360356.pdf>).

**Each small loss of garden space adds to make an impact as a whole.**

### **Policy D P151**

All development should reflect the characteristics of the site and local area in their layout, landscaping density, mix scale massing, character materials finish and architectural details. Green space should be retained. (cross references National Framework Article 122 d above). The proposal falls short in all of these areas.

### **13 Design p150**

#### **Policy D SP1 Design**

All development proposals should make efficient use of the land but reflect the characteristics of the site and local area in their layout. The surrounding properties are pitched roof two storey properties, with rear garden space. This proposal is a small flat-roofed single story and removes garden space contrary to the character of the area. It does not reflect the existing street frontage and massing of existing residential houses, character, and finish. It does not mitigate the loss of biodiversity and leaves questions and concerns for the health and well-being of potential residents in the long term (P151).

**13.2. 1** Paramount to Arun’s policies listed in its local plan is the drive to achieve a better built environment in the future, the allocated housing sites where well planned and laid out housing with

breathing spaces. Arun's proposed development areas offers a better opportunity for a better built environment, this is a cramped and hemmed in proposal (p150).

**13.3.2** The proposal will result in a dwelling which does not sit harmoniously with existing building and surroundings.

**13.3.3** The proposal is contrary to the requirement of providing a structure with visual interest (p153)

**Design quality:**

**13.2.4** The proposed building will fulfil the requirement of enhancing or transforming the lives of the surrounding community. The location will make for awkward delivery of mail, refuse collection and access for emergency vehicles. This proposal does not.

**13.2.5** By removal of a garden space, and therefore biodiversity, the proposal does not offer a sustainable design.

**13.2.6** The proposal does not fulfil the requirement of 'respecting and improving the surrounding environment and does not discourage crime'. Backland development is more subject to crime than other urban areas (Arun Supplementary Planning Guidance 2021 p,128) .

The proposal's footprint represents 80% of garden space, is not high quality design, not attractive, not connective in terms of accessibility due to conflict of access with exiting residents and lacks parking provision, does not discourage crime, does not encourage health and wellbeing of the potential occupants or existing residents.

**13.2.7 Character**

The single-story box construction is not as required by the adopted plan, aesthetically pleasing, is incongruous to the existing landscape.

**13.2.8 Scale:** The proposal is out of scale with existing dwellings and with its site,

**13.2.9** And ill considers the surrounding mature developments of existing houses.

**13.2.10** The proposal does conform to keeping within the confines of the overall character of suburban back gardens. The proposal does not allow a breathing space between properties. This development will be only four metres narrowing to two meters away from the tenants who inhabit the maisonettes at 22 Neville Road. The residents are hemmed in by an enclosure of a two-metre fencing which detracts visually, in the attempt to maximise land for development.

**13.2.11 & 12 Density**

The proposal will lead to over development unsympathetic to site and surroundings.

**13.2.13 Innovation**

The design proposal represents a conventional brick box construction which is not innovative and does not raise the standards either by quality or aesthetics.

**13.2.15 Green space and gardens**

Gardens represent Green Corridors and Green Space which should be retained. this proposal has removed 80% of garden space and therefore is contrary to Arun's Adopted Local Plan.

### **13.2.16 Crime and security**

Backland development is subject to increased crime (Arun District Council Supplementary Planning Guidance p.128)

**\*Security by design CPTED** states that buildings set far back at street level should be avoided as they can create a sense of isolation (p17) [https://rems.ed.gov/docs/Mobile\\_docs/CPTED-Guidebook.pdf](https://rems.ed.gov/docs/Mobile_docs/CPTED-Guidebook.pdf). This proposal contradicts this advice.

### **Policy D DM 1**

Improving the character of the site in terms of its scale massing aspect siting layout, density, building materials, landscaping and design features with a minimal impact to users and occupiers of nearby property and land by avoiding loss of outlook. Raising standards. Does not minimise adverse impact on the residential visual amenity.

### **Policy Design DM1 p155**

***1. The proposal improves or reflects the character of the site and surrounding area in terms of massing, scale landscaping.***

The proposal detracts from the surrounding character and overdevelops the breathing and amenity area in the form of garden space for existing residents and those looking directly onto the flat-roofed single-story proposal.

### ***2. Appearance and attractiveness***

There is no scope for a high standard of architectural use of materials and craftsmanship. This is a brick box with picture windows on one side and all other singular windows in the three sides in obscured glass.

### ***3. Impact***

If planning permission is granted, the brick box shaped structure with its flat roof will impact the tenants of 22 Neville Road who have lost their back garden. The flat-roof construction will be directly overlooked by the upper maisonette at 22 Neville Road, and by the occupants of 24 Neville Road. There will be a degraded outlook for the houses in Glenwood Avenue which back immediately on to the site and look onto the construction. There will be unacceptable noise and disturbance from the vehicles entering the side entrance affecting existing tenants and the neighbours. There will be added conflict on using the shared access.

Outlook : Careful consideration must be given to preservation of existing amenity, through designs which avoid overlooking existing windows and private gardens (Arun Design Guide p.128)

### ***4. Innovation***

The proposal is not innovative. A flat roof reflects heat into the upper atmosphere and does not utilise new technology.

### ***5. Adaptability***

The proposal does not offer scope for adaptability

## **6. Crime prevention.**

Backland development is open to increased crime, but also increases access to surrounding gardens which can be an opportunity for burglary of properties and garden outbuildings.

## **7. Trees and Woodland**

The garden of 22 Neville Road has been grabbed and cleared including an ash and other trees felled by the applicant in preparation for this planning application in the autumn of 2019.

## **8. Solar gain**

The proposal fails the 25% test through over shadowing of the existing 22 Neville Road, as its footprint is five to six meters away from the existing house wall to the proposed dwelling (Supplementary planning guidance p.58), leading to the development being subject to overbearing by 22 Neville Road.

## **9. Public Realm**

Does not contribute

## **10. Layout**

Does not contribute

## **11. Legibility**

Does not contribute

## **12. Public art**

Does not contribute

## **13. Density**

Existing local density will be increased if allowed to go ahead, threatening the character and distinctiveness of the residential character of pitched roof residential units.

## **14. Scale**

Does not keep within the confines of the overall character of the locality.

The site would be overdeveloped and does not add to the visual amenity but detracts. The proposal is out of scale, its mass taking up 80% of garden space.

## **15. Aspects of form and design quality**

The form shape and design are of a sub-standard quality which is presented by a flat-roofed brick block construction punctuated by windows of obscured glass and patio windows with a garden depth of 4.6 metres. The proposal contravenes Arun's Design Guide which specifically mentions that developers should avoid building on back gardens. In this case the proposal does not measure up to the recommended 10.5 metres.

**Policy D states that 'all development reflects the characteristics of the site and local area in their layout, landscaping, density, massing character, materials and finish and architectural details.** This scheme flouts all these requirements, as a flat-roofed brick box shape structure offers little scope for the design to include these qualities.

The design should adhere to the objectives of attractiveness, useability, health and wellbeing and climate change which are ill considered. The recommendation that green space should be retained would be flouted by removing the gardens from existing tenants. The proposal does not raise standards in its design or criteria regarding quality, sustainability, and green infrastructure.

### 13.5 Climate Change

The proposal does not contribute to climate change mitigation, but concretisation of gardens increases run-off, causing flash flooding and reflection of heat back into the atmosphere contributing to atmospheric warming.

### 14. Health and Recreation p166

The BMJ says that gardens are a “social prescription” for the benefits offered to social health and wellbeing (BMJ 2020). The Royal College of Physicians says that gardens are of benefit to mental and physical health (2018). This proposal in the opening statement refers to the land as vacant land when in fact the garden was enclosed in 2020 and prepared for a planning application by the removal of trees and shrubs at the end of 2019. The loss of gardens equates to the loss of potential health benefits for the tenants which they when they had use of the gardens. 22 Neville Road was designed and approved by the planning authority with the intention that the two tenants would enjoy the benefit of the gardens . BMJ <https://bmjopen.bmj.com/content/10/7/e036923>

Royal, College of Physicians <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6334070/>

**14.1.2** The strategic object of the local plan is to ‘promote strong, well-integrated and cohesive communities through the promotion of healthy lifestyles, and safe environment’. This proposal moves away from the strategic objectives by the removal of gardens from the occupants, the tenants of 22 Neville Road. Backland development does not improve the safety of the environment and has been seen to have the opposite effect.

### **Policy HWB SP1 p166**

‘All development shall be designed to maximise the impact it can make to promoting healthy communities’.

The 22 Neville Road proposal does the opposite by taking away the garden along with the health advantages which the tenants would have benefitted from. Instead the proposed dwelling directly overlooked, hemmed in and cramped with little breathing space confines the tenants of number 22 to a small concrete curtilage.

The occupants will lose the opportunity that encourages physical exercise and promote good mental health. This has already been referred to in the supporting Green Infrastructure strategy and in supplementary guidance and ‘regardless of size’.

**14.1.8 p169** the garden space should not be built on and retained for the present occupants, and to maintain the outlook of them and neighbouring properties.

### **Policy OSR DM1 p170**

Advocates Protection of open space, which includes gardens, which is supported by the subsection of the local plan 'Green Infrastructure' this proposal build's on garden space.

### **Policy OSR SP1 p171**

This proposal encourages the development of allotments. Currently there is a shortage of allotment sites which are oversubscribed which makes the retention of the two tenants' gardens of 22 Neville Road paramount.

### **Transport Policy T SP1 p 175**

**Contravenes West Sussex County Council policy for the allocation of parking spaces (WSCC Guidance on parking for new developments 2020:7).**

The reduction of congestion and the reduction of car use is contradicted by the inclusion of one car parking space when there will be potentially two occupants of the proposed building. The second car will need to be parked on a street already burdened by car parking on a busy road used as a cut through to avoid the A259.

### **Policy HER SP1 189 (Building Conservation and Archaeological Heritage).**

Although this policy states that the local authority will encourage the re-use of vacant land (p190), this is not vacant land, it has already designated as garden use (the two small gardens associated with and used by the tenants in the upper and lower maisonettes of 22 Neville Road). These are gardens which contribute to the character of other small gardens which adjoin each other, where no other dwelling has been constructed.

### **Natural Environment p205**

Arun District Council encourages the promotion and preservation of the preservation restoration and enhancement of biodiversity and the natural environment through the development process. It has already been proven that gardens are an important source of biodiversity documenting 25 % of all insect species' (Cameron, 2021: 15-16, University of Sheffield, BUGS project in collaboration with the Royal Horticultural Society.) This proposal has a detrimental effect on the biodiversity as this removes two small garden spaces to cram in a single dwelling.

### **Water p220**

**Policy WDM 3 promotes SUDs (sustainable drainage systems p228).**

The proposal concretises garden space. It increases run off from the flat roof of the proposed dwelling and the concretisation of the overall footprint causing further run off which contributes to stress on the drainage systems and flash flooding.

### **WMDM1 Waste p236-237**

This policy will not permit residential units to be subdivided into multiple units, which was proposed for 22 Neville Road in a previous planning application for six flats. New developments should ensure kerbside collection. The Backland development does not make kerbside collection possible.

### **Policy QE SP1 Quality of the Environment p239**

The council requires that all development contributes positively to the quality of the environment and will ensure the development does not have a significant negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents.

This proposal has a negative effect on the lives of tenants who lose their gardens, the reduction of garden space by 80% reduces biodiversity, and existing tenants denied the leisure activity of gardening and all the adjacent dwellings.

The policy states 'Promote strong and adhesive communities through the promotion of healthy lifestyles'.

This proposal removes opportunities for healthy lifestyles by concreting over green infrastructure

### **21.2 Noise pollution p240**

This section refers to the Government's Noise policy statement for England which links noise to health and quality of life.

Avoid significant adverse impacts on health and quality of life. (section 1.7 p.4)

Residents are 'on top of' the proposals development and will be disturbed by the noise of vehicles at night and other activities associated with the property.

### **21.3 Light Pollution**

2.3.1 The proposal will cause potential disturbance by lighting used to illuminate an area which is poorly lit if the development is permitted, to overlooking neighbours and adjoining properties in terms of sleep deprivation and disturbance.

### **Policy QE DM2 p245**

States that there is no impact on neighbouring uses. The lighting residents use can be bright and intrusive particularly lighting linked to motion sensors which cause lighting to be activated anytime at night. The proposed dwelling is directly overlooked which will be directly impacted by lighting.

### **Supplementary Planning Guidance (SPG)**

SPG states that gardens should have a minimum depth of 10.5 metres of space. The applicants proposal subverts this guidance by the plan to build on the two gardens used by the tenants at 22 Neville Road, who have no opportunity of growing their own produce, providing a minimal amount of usable space for the proposed dwelling. The proposed dwelling does not have a proportionate amount of rear garden.

SPG states that 'While infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, this should not lead to overdevelopment and over-intensification of building plots - for example by building in gardens domestic or otherwise where this would lead to an unacceptable loss of outdoor amenity space'. This is a proposal which crams in and over intensifies by building in a garden which is too small for the purposes of a dwelling.

**Local plan policies (Ch 7 p50 7.3.6)** state that the garden constitutes an asset contributing to sustainable living (**policy SP1.**)

**The National Planning Framework** defines Green structure as a network of multifunctional green spaces delivering a wide range of environmental and quality of life benefits. It specifically mentioning parks and gardens which if planning permission is granted, the gardens will be removed from the occupants of two maisonettes which comprise 22 Neville Road. Gardens should be retained as they maintain and enhance green infrastructure which includes domestic gardens (7.3.8).

The Local Plan's Settlement structure and Green infrastructure states that the section is a useful tool to protect against inappropriate development 7.2.5 :46 in the urban fringe (p47) such as the unattractive Backland development and garden grab which this application constitutes.

Infrastructure delivery and implementation state that Arun's strategic objective is to deliver all local plan strategic objectives.

If this proposal is granted planning permission, Arun will not be delivering its objectives listed in the local plan. This proposal goes against the principles laid out in the local plan, the section Settlement Structure and Green Infrastructure with the loss of biodiversity. It contradicts the standards listed under Housing delivery which is already allocated to Greater Bognor Regis and Greater Littlehampton, compromises design standards due to the cramped site and poor building design, its health and recreation strategy and objectives as it does not recognise the health benefits of gardens. The proposals do not protect the natural environment, have an impact on transport, water, and waste management as well as lower the quality of the environment.

The front gardens of 22 Neville Road have been concreted over, with the loss of a 'green' frontage garden. This proposal if allowed to go ahead will concrete over the back gardens where trees have already been lost. This is an unattractive Backland garden grab which defies Arun District Council's Local Plan to protect and enhance the landscape.

This is an attempt to fit a pint into a half pint pot, attempting to cram a house into a plot that is much smaller than those that its surroundings can provide. Above all properties along this street and the adjoining Glenwood Avenue are characterised by back gardens which have not been built on. Gardens are considered an amenity which you have the right to quiet and private enjoyment of. The tenants and neighbours do not want to look directly down on top of the occupants if permission is granted. The design of the proposed development does not afford adequate privacy for potential occupants of the building from the existing tenants nor from the adjacent residential properties.

This proposal cannot be allowed to go ahead we strongly object.

David and Estelle Meagher, Nathan Meagher and Ana Tavsancea, Conrad Meagher & Reubens Meagher.

## Background Information

Tree felling and clearance 3 September 2019

I informed James McFarland concerned about Health and Safety issues and use of chainsaw without safety clothing



Email sent to planning:

26 November 2019

Dear Planning

Enforcement, please, can you respond quickly as this area will be fully concreted otherwise as a car park. This is not desirable and contravenes planning legislation. Redd area has been sectioned off from the rest of the garden with high fencing next to the dwelling, side access to the rear only available from the adjoining road shared by the properties. There is no planning application.

Thank you

yours sincerely

David Meagher



Planning reply:



West Sussex BN17 5LF  
Planning & Building Control General Enquiries  
Tel: (01903) 737756 Fax: (01903) 730442  
Dx: 57406 Littlehampton  
Minicom: 01903 732765  
e-mail: [planning@arun.gov.uk](mailto:planning@arun.gov.uk)  
website: [www.arun.gov.uk/planning](http://www.arun.gov.uk/planning)

Mr D Meagher

Please ask for: Christopher Best

Dear Mr Meagher,

Your Ref :

Date: 21st January 2020

**Alleged Complaint:** Alleged Unauthorised Concreting of Back Garden for Parking  
**Location:** 22 Neville Road Bognor Regis West Sussex PO22 8BN

I refer to your complaint regarding a possible breach of planning control at the above address.

I can inform you that my investigation into the alleged contravention has not revealed any evidence that there has been a breach of planning control in this case.

It has been determined that the new fencing and separation of garden land to allow occupants of flat Nos. 22 & 22a Neville Road private outdoor space is permitted development and does not require planning permission. No evidence was found of unauthorised concreting.

During the investigation it was also stated that the owner may, in future, wish to apply for planning permission to allow a bungalow, mobile home or garages to be built on the land. It was explained that these would all require planning permission. Therefore, should you witness any development of the land in future, I advise that you notify The Council again.

The Council values the participation of the public in the planning enforcement process. Although no action has been appropriate in this case I would, nevertheless, like to thank you for drawing the matter to my attention.

Yours sincerely

Christopher Best  
Senior Planning Officer (Compliance)

Before November 2019



After November 201p

