

From: Amanda Scholes on behalf of Planning.Responses
Sent: 24 November 2020 10:37
To: Planning Scanning
Subject: FW: Planning Objection EP/124/20/HH - Little Dormers, 23 Upper Drive, BN16 1QN
Attachments: LITTLE DORMERS NOVplan app SUBMITTED.docx

Amanda Scholes | Receptionist, Department, [Arun District Council](#) | Location: Ground Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37736 | External: +44 (0) 1903 737500 ext 37736 | E-mail: amanda.scholes@arun.gov.uk



Visit Arun's web site at [Error! Hyperlink reference not valid.](#)



Save the environment - think before you print.

From: Daun Johnson <Daun.Johnson@arun.gov.uk>
Sent: 24 November 2020 08:10
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: Planning Objection EP/124/20/HH - Little Dormers, 23 Upper Drive, BN16 1QN

Daun Johnson
Technical Support Unit Assistant, Planning

T: 01903 737762
E: daun.johnson@arun.gov.uk



Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk

Sign up to our newsletter [here](#)



From: Dave and Sue Flanders [REDACTED]
Sent: 23 November 2020 16:54
To: Planning <Planning@arun.gov.uk>
Subject: Planning Objection EP/124/20/HH - Little Dormers, 23 Upper Drive, BN16 1QN

TO: planning@arun.gov.uk.

From: Mr D & Mrs S Flanders, 59 Manor Road, East Preston, BN16 1PY - on 23/Nov/2020

Note: A 'word' document containing identical information is attached to this email, if this is easier to download and retains the sensible layout of original document

Application No: **EP/124/20/HH**

Site Address **Little Dormers 23 Upper Drive East Preston BN16 1QN**

Objections/Comments to Planning Application EP/124/20/HH

-

1. OVERVIEW OF THE PROPOSAL AND IMMEDIATE NEIGHBOURHOOD

This application for development is in an area which generally has modest dwellings and many small, traditionally laid-out gardens abutting narrow roads with no footpaths. Any larger size garden plots have mainly been sold and used to infill with additional dwellings which has created a high density of building, which can cause overlooking problems if planning principles are ignored by future applicants. The Arun Local Plan D DM4 ensures that new buildings or alterations do not have an adverse overlooking effect on neighbouring properties.

There are special, distinct characteristics of this area, and all properties affected by this proposal are further protected by the East Preston Neighbourhood Plan (Character Area 1). This Plan pledges to preserve the street scene and avoid increases in density that would be harmful to the character of the area. In addition, it declares that the character of this area is largely created by the green appearance of the roads which should be preserved. The Arun Local Plan (13.4.5) ensures that the spatial character and pattern of the street are preserved, and that any extensions or alterations must make a positive contribution to the locality.

In our submissions we will show that the proposal to open new windows in the upper-floor side elevation of Little Dormers (the applicants named property), and the proposal for higher density in the form of a large, double building on a small front garden plot stretching to the roadside, clearly do not follow any of the planning responsibilities and principles stated above. If acted upon they will have adverse impact on neighbouring properties in two roads, and have negative implications for the wider neighbourhood in respect of completely changing the character of the area.

-

2. *OBJECTION ONE* – ADVERSE EFFECT ON PRIVACY AMENITY FOR SOUTH SIDE DWELLINGS

2.1 Privacy Amenities Relating to Neighbouring Plots.

This objection relates to the proposal to insert two new window openings on the first-floor in to the original side-elevation of the building, known as 'Little Dormers', which is south facing.

Two properties, 21 Upper Drive and 59 Manor Road, border the side elevation of Little Dormers at right angles, and have particularly small narrow back gardens, which are very vulnerable to being overlooked from the proposed first-floor windows. The normal fence heights and small width of gardens cannot be sufficient to shield the two properties on the south side border from loss of residential privacy amenity rights.

Sight lines from the two proposed windows on the applicants' application are very significant for neighbours right to privacy in that they have direct overlooking views covering the small, back garden areas and patios (used frequently for peaceful enjoyment), and into the main living areas. In particular, the two large patio windows of the lounge and dining rooms of the bungalow at 59 Manor Road. *(The narrowness of the gardens and overlooking issues can easily be seen from a site visit to 59 Manor Road, particularly as the block plan does not appear to be an accurate depiction of widths)* This introduction of window openings on the side first-floor level is clearly against paragraph 13.4.3 of the Arun Local Plan which states that alterations should "Not lead to overlooking, overpowering, or over shadowing of neighbouring properties".

2.2 Privacy Issues Prior to the Building of 59 Manor Road The additional building extension granted to Little Dormers (EP/35/93) allowed one small window in the side elevation, but only in the recessed new extension somewhat shielding the view to number 21 Upper Drive, and towards the western edge of the Upper Drive plot. It cannot be stated for certainty if the shielding, mature, High hedgerow was in existence on the southern boundary of 'Little Dormers', until it was very recently removed by the applicants, was present at that particular time. However, when we moved into our property early in 2012 it was fully mature and has been annually maintained as such until the applicants recent purchase of 'Little Dormers'. Since the above planning decision, the bungalow at 59 Manor Road was built in the garden of number 21 Upper Drive, immediately up to the eastern edge of their building. Therefore, number 59 Manor Road has now become a side elevation property to 'Little Dormers' where privacy amenities, of course particularly apply.

2.3 Removal by the Applicants of Privacy High Hedgerow. It is relevant to point out that after the new owners of the property took control this summer, their contractors' machine-removed all the mature, high hedgerow, root and branch, alongside the southern elevation of their building. This hedgerow stretched from the front edge of the building to the rear edge of the building. This mature hedgerow served to prevent the extension's existing south-side, small boundary window from having intrusive and overlooking views over the south-side boundary properties. The applicants' now have a clear view across our narrow garden at number 59 Manor Road and into our patio windows in the lounge and dining rooms. I would also like to emphasise that our building is at a slightly acute angle to the applicants' property giving a more direct line of vision into our property from any window on the southern elevation of Little Dormers.

2.4 Amendments by Applicants to Previously Withdrawn Application (EP/96/20/HH). It is very disturbing to note that the applicants have not sought to include this significant alteration of window openings proposal in the official application form in question 4, only detailing it on the plan itself. This also makes their answer to question 6 on the application highly doubtful, when indicating that they do

not need to remove any trees or hedges in order to carry out their proposals. (See Sub-Section 2.3 above).

Following the withdrawn first application, we had a conversation with one of the applicants (Ms Heather Barnes) and have said that we would NOT object to Velux windows in the roof in their rearranged bedroom layout proposal instead of the two offending windows, which would satisfy neighbours rights to their privacy amenity and rights to the peaceful enjoyment of their property.

It is evident from the revised plans now resubmitted by the applicants' that they have not taken up this compromise, but have now labelled only one of the proposed new window openings as obscured glass, without even indicating that this should be a non-opening window. This seems very insensitive to the number 59 Property, given that there are two other windows and the most westerly proposed opening is the one closer and has the much more intrusive, and angled view into the garden, lounge, and dining areas. This window is also immediately above the well-used 'sunny' patio area, being the only place where the small, north-facing rear garden can consistently follow the sun without being in the shadow of its own building. However, although totally unsatisfactory, this very limited action by the applicants, if not wholesome, tacitly admits to the problem of privacy for neighbouring properties, which the previous application pointedly ignored.

We would not be happy with obscured windows, fixed non-opening, that did not relate to landings or bathroom areas as these can easily be changed at a later date; we understand many Council Planning Authorities share this practicable view. If this was to be the case, we would expect it be conditional that all three windows on the south side have to conform. However, we are not in favour of this solution as it would create an array of three unwelcome, window openings on the upper-floor south side-elevation.

In support of our objections we would refer you to the following two sub-sections (2.5 and 2.6) which emphasise the strict planning controls placed on our plot for any first-floor windows at all, and have set a clear planning precedent in respect of the residential privacy amenity that relates to the applicants plot, our plot, and the other neighbouring plot on this side-elevation of the applicants' dwelling

2.5 Precedent Setting the Standard for Amenity Planning Control on These Plots

As regards the above sub-section, it is very relevant to state that planning permission for a dormer bungalow development on our property (59 Manor Road) was rejected (EP/3/90) owing to its detrimental effect on the amenities of neighbouring properties. Subsequently a single storey bungalow was deemed acceptable and passed (EP/8/94).

We believe that this strict planning decision has recognised the problem of overlooking for all these plots and sets a standard and a precedent for privacy. It emphasises the very real need for Council planners to continue to protect privacy rights and amenities for all the properties involved, including the Little Dormers plot who the original decision also heavily protected from this issue. In fact, Little Dormers was and remains a main beneficiary of that decision. It is interesting to note that the applicants' proposal is almost a mirror-image of the rejected one for our property in that they are now

seeking to overlook our rear garden and patio doors in exactly the same way that a dormer bungalow on our plot would have overlooked their garden and large patio door.

2.6 Expectation of Continuous Strict Planning Control on Privacy Amenity.

Therefore, if our property was effectively denied any window above ground-level we surely have a right to expect the same sort of protection from any planning proposals when our neighbours want to open up new windows on the first-floor of their dwelling that will also affect our residential amenity of privacy. The applicants' property was a highly significant beneficiary of the said planning decisions in the above sub-section, and any planning decision other than a rejection would not be consistent or equitable with the standard and precedent already set by the Planning Authority.

2.7 Availability of Alternative Solutions for Applicants.

The plans show that this new windows proposal is part of the applicants' wish to reorganise the upstairs layout of the already existing four bedrooms. We have absolutely no desire to stop our new neighbours rearranging the internal upper-floor layout to suit themselves and wish them well. However, removing the privacy amenity for other residents from the side elevation should not be sacrificed for any internal design choice, particularly when other options such as Velux windows or light tubes for the roof itself are readily available for what is a secondary bedroom in a house of four existing bedrooms.

2.8 Planning Principle Supporting Our Objection.

Our objection to this proposed loss of residential privacy amenity is supported by the Arun Local Plan – Policy D DM4, which states in paragraph C, “the extension or alteration does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties”. This proposal, clearly does have an adverse overlooking effect on the two neighbouring properties to the south side of the property.

2.9 Other Legal Considerations Considered by the Planning Authority

In arriving at a decision, we are aware that the Planning Authority take into account The Human Rights Act 1998. Under article 8, they look at the right to respect private and family life; Under Article 1 of the First Protocol they look at protection of property and a persons' right to enjoy that property peacefully.

Irrespective of whatever planning decision is made, we are not aware of any impact on the general or specific interests of the community or state

If this proposal is rejected for upper-first floor side-windows, we believe that this is undoubtedly in accord with the Human Rights Act. This is because we have shown that these proposals interfere unreasonably with the rights of enjoyment and privacy of gardens and homes to the south side-elevation of Little dormers, and this principle has also been supported by previous planning decisions, described in sub-section 2.5 above.

As regards the rights of the applicants under the Act, it has been shown that they are already enjoying the privacy conferred upon them from previous decisions preventing this kind of development, consistent with theirs and others human rights (sub-section 2.5). In addition, they have already recently removed the high, shielding hedgerow and have various other choices open to them in the domestic rearrangement of their four existing bedrooms.

2.10 Summary of Objection and Submission for Rejection of Proposals

- The two plots to the south-side of 'Little Dormers' Building do not have wide gardens
- There is a clear loss of residential privacy amenity over the gardens of both properties
- There are clear views into the lounge and dining rooms of 59 Manor Road
- The applicants do have reasonable alternatives to new first-floor window openings
- It is not equitable to lose privacy amenities because of internal design preferences
- There isn't any proper consideration to neighbours' vital rights to privacy and peaceful enjoyment
- Previous Planning Permission(s), outlined above, set a real precedent and standard for all residential privacy amenities on this dwelling and neighbouring plots
- The Arun Local Plan – Policy D DM4 clearly supports our objection on overlooking

In the above submission we have shown that the proposal to open up the original side elevation to new first-floor windows should be rejected in order to protect the residential amenity of privacy and therefore the peaceful enjoyment of the homes and gardens of both dwellings to the south of the 'Little Dormers' building. We have shown

that this application is NOT following planning guidelines and precedents set by previous planning decisions relating to this localised area. We urge respectfully urge planners to refuse this proposal for additional windows.

----Start of Submission on Second Objection----

3 **OBJECTION TWO – PROPOSED ADDITIONAL CONSTRUCTION TO THE FRONT OF LITTLE DORMERS**

3.1 Character Implications for the Area It is perhaps easy to see why so many residents have reacted badly to a proposal for a structure so large and prominent to be placed in a front garden. This is a stretch of road where front gardens are small and the road is narrow, but each residence has its own architectural character. As residents concerned with preserving the road and area's character, we also share this concern, not least because non-compliance to these principles could spread to all parts of the estate once a precedent has been set. We believe this proposal does not reflect or improve the character of the surrounding area (Arun Local Plan, Policy D DM1)

Other residents have amply identified more detailed reasons for objections and therefore we will confine our observations and written objections to a summary level.

3.2 **Observations and Objections**

- a) The proposed structure is large, overbearing, and beyond a visual and natural building line that all residences in the road follow to achieve an orderly pattern on the road and neighbourhood. This pattern is essential (Arun Local Plan, para 13.4.5) and can be easily observed on many identical estate patterns, particularly where the front gardens are small, as in this instance.
- b) Any structure or extension whatsoever that extends beyond this very natural building line to any extent would seriously impact on the established spatial character of the street (Arun Local Plan, para 13.4.5) by creating structures in spaces where only small front gardens now exist.
- c) The density and siting of the proposed construction on the plot, stretching to the edge of the road/narrow verge in the front garden, do not respect the surroundings of the property (Arun Local Plan 13.4.4). In particular, the vision of the property from pedestrians and vehicles entering the narrow road from the South, who will at best be faced with a view of garage doors or worse, views of the inside of the garage/workshop with its attendant contents. The view coming into the road from the North only presents itself as a high, out of place, brick wall running down a front garden to the road. Therefore, the proposed structure does not represent a positive addition to the established special character and pattern of the place as required by Arun Planning Policy (D DM4, item e) and actually harms the character of the road.

d) The siting of the structure is detrimental to the neighbouring property to the North of the Plot. It creates an overpowering and overshadowing effect on the neighbour's front garden and their one-and-a half-storey dwelling. This is shown to be unacceptable by the Arun Local Plan D DM4, item c.

e) The applicants already have an integral garage and this proposal would not add to off-road parking spaces as the layout of the proposed entrance would mean the spaces in front of the proposed double garage are required for access rather than parking. This may also mean that the purpose of the garage is more intended for workshop purposes rather than garaging. If this was the case the introduction of the noise factor in a front garden so close to the road and other nearby properties could be a significant planning factor and we would expect that this will be considered by the planners as having a negative effect on the road.

f) There is also an impact on the character of the host dwelling itself which planning officers do need to take into consideration. In this respect, I would say, the façade of the host dwelling is rare, full of character, and pleasing to the eye. If you were to place any structure immediately in front of this facade, as proposed, it will both disjoint and block the view from the front, and have a negative impact from the road. I also suggest it would also not be in the interests of the host property's owners/applicants to damage the visual appeal of their property from the front.

g) We believe this large building/extension does not meet the requirements of 'The East Preston 2014-2019 Neighbourhood Submission Plan' which clearly states in paragraph 4.10, that "It is important to avoid new buildings which appear overbearing by reason of their size, and alterations which harm the character of the road". This plan also states in paragraph 4.26 relating to Character Area One (the applicants' area) that, "The existing street scene should be protected...", and, "The character of this area is largely created by the green appearance of the roads which should be preserved".

4. OVERALL SUBMISSION ON ENTIRE APPLICATION

■ In our Submission we have shown that the application clearly runs contrary to the protected interests of all surrounding residences, including the applicant's own dwelling. For this reason, we find it quite puzzling as to why the applicants are prepared to go to such lengths for so little obvious gain. The perceived gain being: a rearranged bedroom layout and at best two extra garage/workshop spaces. There are other alternatives which would respect neighbours' rights to privacy on overlooking windows, and not require overshadowing and overbearing buildings in a front garden. However, whatever the applicants' reasoning, we respectfully submit that this overdevelopment of a small plot does not meet Arun Planning Policy nor the requirements of the East Preston Neighbourhood Plan for acceptance and therefore the application should be rejected in its entirety.

---End of Document---