



Applications & Appeals Services
The Beehive, City Place, Gatwick, RH6 0PA

FAO Mr F Gardner
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

NJA Ref: 21/232

16 June 2021

Dear Mr Gardner,

LPA Ref: FG/90/21/HH
Proposal: Erection of addition of second floor, part single, part two storey extension and wrap around terrace
Site: 1 Sea Drive, Ferring, BN12 5HD

I am writing in connection with the above planning application and on behalf of Mrs S Henderson and Mr S Ballard of 3 Sea Drive, Ferring, BN12 5HD. I would be grateful for the following comments and assessment to be taken into account in the decision-making process.

Planning Application Content

The submitted plans (2048 [S] 00 rev A, 2048 [S] 01 Rev A, 2048 [S] 001 Rev A, and 2048 [PL] 001 Rev A) incorrectly show that number 3 Sea Drive, a detached chalet style dwelling, is constructed right up to the common boundary and that the existing garage at number 1 is offset from the boundary. However, this is not the case. Number 3 is offset from the common boundary and the garage at number 1 is built on the boundary and the gutters overhang. This will be apparent from a site visit but it is confirmed in the original planning consents for both dwellings - 21/6/1955 for 1 Sea Drive and 20/3/1956 for 3 Sea Drive and later planning applications.

The common boundary (and fence) is owned by number 3 which means that building on the boundary would not be possible and any extension would need to

be set back so it could be built without the need otherwise to remove the boundary fence.

The planning application should not be considered further until correct drawings are received as the present proposal cannot be accurately assessed at this stage. Furthermore, any encroachment onto land (including the boundary) owned by number 3 will require the serving of Notice. It is noted that Certificate B has been completed on the planning application forms however Notice has not been served on Mrs S Henderson and Mr S Ballard of 3 Sea Drive.

Planning Policy

Government Planning Policy

The Government's key planning policies are set out within the National Planning Policy Framework (NPPF) (2019). The NPPF requires development proposals to achieve a high quality of design (Section 12) including the need to ensure that developments are visually attractive as a result of good architecture and appropriate layout and sympathetic to local character and history. In terms of amenity, paragraph 127 of the Framework states that planning policies and decisions should ensure a '**high standard of amenity for existing and future users**'.

Local Planning Policy

Section 38(1) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises the Arun Local Plan 2011-2031 which took effect in July 2018 and the Ferring Neighbourhood Plan (FNP) which was made in November 2014. The relevant policies are set out as follows:

Arun Local Plan: SD SP2 (Built-up Area Boundary), D SP1 (Design) and D DM1 (Aspects of form and design quality).

Ferring Neighbourhood Plan: 1A (Spatial Plan for the Parish). The FNP also sets out Strategic Objectives and Measures including the encouragement of appropriate, well designed development.

Amenity

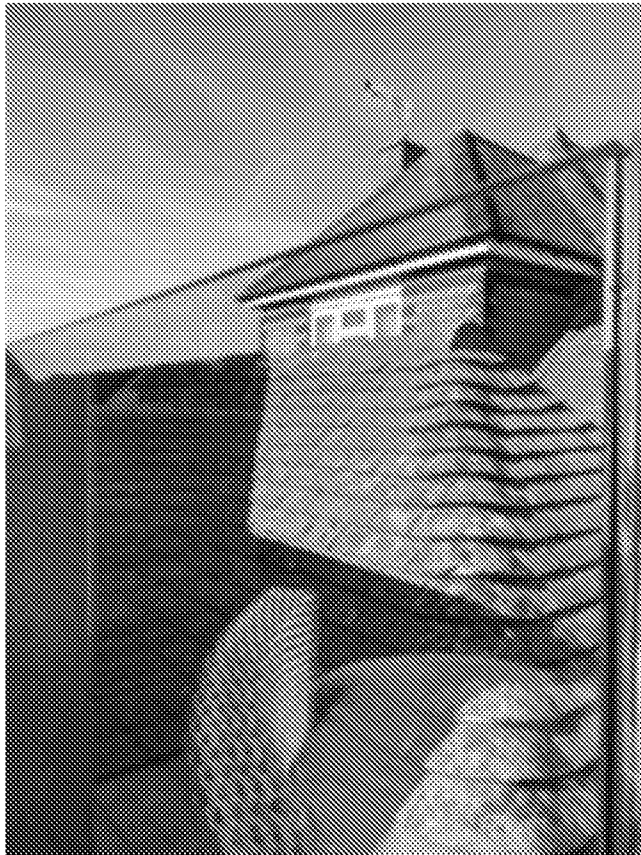
In line with paragraph 127 of the NPPF, Local Plan policy D DM1 requires development to '***Have a minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance***'. The proposal does not comply with these policies/requirements for the following reasons:

The proposed terrace above the existing garage has the potential to cause unacceptable levels of noise and disturbance given its size and proximity to the common boundary. Furthermore, the wall surrounding the terrace is low which will allow for harmful overlooking of private amenity space at number 3, including the front first floor balcony which itself was specifically designed to respect the privacy of the occupiers of number 1. The front garden at number 3 is a well-used amenity space due to its southerly aspect and as such the owners have created a patio area in this location. It is also a private and enclosed space and given its use this area should be afforded the same weight as the rear garden of the property in considering impact upon privacy.

In addition, the proposed first floor patio doors to the terrace and second floor window to the western elevation of the dwelling will allow unacceptable direct views into the first floor balcony (less than 1 ft away) and front and rear garden areas at number 3. Currently there is only one first floor dormer window to the west elevation of number 1 which is a later addition, set into the roof slope away from the boundary and which is fitted with obscure glass (as required by condition). Therefore, the existing situation to this elevation would be substantially altered through the creation of a large terrace and new windows that would be detrimental to the residential amenity of number 3 by reason of loss of privacy caused by overlooking and the potential for harmful noise and disturbance.

It should be noted that drawing 2048 [PL] 02 does not adequately show the proposed location of the first floor terrace in the context of the front balcony or

amenity space at number 1 and so it is not apparent from this drawing how close the proposed terrace will be to the balcony at number 3. Below is a photograph taken from the front balcony at number 3 which shows that the dormer window at number 1 is not only fitted with obscure glass but that it is half hidden by the pitched roof of the garage. This situation would be dramatically and unacceptably changed by the proposal at number 1 causing a severe invasion of privacy.



In terms of the proposed second floor balcony to the east and south elevations of the dwelling, this would also unacceptably overlook the balcony and private front garden area at number 3 along with the possibility for direct views across and down into the velux window in the dwelling's east facing roof slope which serves a bedroom. This balcony (along with the proposed terraced and west facing windows) would have a further detrimental impact upon the amenity of number 3 as a result of harmful and unacceptable overlooking causing loss of privacy. The plans do not indicate the type of screening to the proposed second floor balcony but even with a screen, its impact combined with the proposed terrace, west facing windows and the proposed wrap around first floor terrace to the

east/front elevation would feel oppressive to the occupiers of number 3 and their privacy would be unacceptably compromised.

The proposal includes substantial changes to the design of number 1 including its roof form which will be altered from a pitched to a modern flat roof design. This will result in a dramatic alteration to the dwelling's present chalet style appearance, changing it to a three storey dwelling. As a result, the dwelling will appear very overbearing to number 3 and given the addition of a second floor and substantial overall increase in scale and bulk, it will unacceptably block light to the private amenity spaces at number 3.

Due to the present chalet style design of number 1, the only windows to the rear elevation of the dwelling at first floor level are three small windows set into the roof slope. However, the proposal in contrast includes the insertion of a large number of ground, first and second floor windows and doors to all elevations. The number, siting and full length design of the windows and doors would appear excessive and would unacceptably overlook the private garden areas at number 3 and the rear garden of the dwelling to the north, 108 Sea Lane. The combined appearance of these windows would create an oppressive feel to neighbours and the level of overlooking would be detrimental to privacy and wholly unacceptable.

In summary, the proposed development at number 1 Sea Drive would result in unacceptable harm to the occupiers of number 3 by reason of loss of privacy caused by overlooking, harmful noise and disturbance, oppressive and overbearing appearance and loss of light/overshadowing, detrimental to the enjoyment of their home. The proposal therefore fails to comply with paragraph 127 of the NPPF and the requirements of Local Plan policy D DM1.

Design

In line with section 12 of the NPPF, Local Plan policy D SP1 requires all development proposals to reflect the characteristics of the site and local area in their (inter alia) layout, scale, massing, character, materials, finish and architectural details. Local Plan policy D DM1 sets out more specific criteria including the following:

- Character – proposals should reflect or improve upon the character of the site and surrounding area in terms of scale, massing, aspect, siting, density, building materials (colour, texture), landscaping and design features.
- Appearance – proposals should demonstrate a high standard of architectural principles, including use of building materials and craftsmanship.

Sea Drive is a private no through road that is characterised predominantly by detached, chalet style properties in a residential area close to the beach that was developed from the 1920's onwards. There are examples of two storey dwellings within the vicinity, however the proposed alterations to number 1 Sea Drive would result in the creation of a three storey dwelling which would be out of keeping with the overriding character of the area. Whilst there is a modern apartment building opposite, this building is two storey in height and it respects the height and form of adjacent development. Furthermore, the alterations to number 3 Sea Drive have modernised the dwelling whilst at the same time retaining its chalet style form as appropriate to the character of the street and wider area.

Number 1 occupies a prominent position and it is very visible to views along Sea Lane, Sea Drive and from the sea front due to its corner location and limited screening with only a low level fence/planting and no tree screen to the roadside boundaries. The proposed alterations to the dwelling would substantially alter its appearance and overall scale and bulk with the change from a chalet style dwelling to a three storey, flat roof dwelling. This would result in the dwelling appearing unduly prominent and overbearing to surrounding views particularly given the openness of the area to the east and proximity to the sea front. Furthermore, the large number and size of the proposed windows and glazing to the front, rear and east facing elevations of the would appear excessive and wholly out of keeping with the low key scale, style and form of surrounding dwellings.

In summary, the proposed alterations to number 1 Sea Drive neither improve nor reflect the character of the site and surrounding area and for the reasons described, the proposal is contrary to the design requirements of the NPPF, Local

Plan policies D DM1 and D SP1 and FNP policy 1A (which requires development to accord with the Local Plan).

Summary

The proposed alterations to 1 Sea Drive will result in unacceptable harm to the residential amenity of 3 Sea Drive by reason of harmful loss of privacy, overbearing appearance, loss of light/overshadowing and increased noise and disturbance. The proposal will also substantially alter the character and design of the dwelling to the detriment of the visual amenities of the area particularly given its prominence within the street and to wider public views. The proposal therefore fails to comply with the relevant requirements and policies of the NPPF and Development Plan (as described) and it is asked that planning permission is refused.

Paragraph 53 of the NPPF refers to the use of planning conditions to restrict permitted development rights which is acceptable where there is clear justification to do so. Should the Council be minded to permit any future (and significantly amended) alterations/extensions to number 1 Sea Drive, it is asked for the removal of permitted development rights to be considered to prevent any future harm. Furthermore, the owners of 3 Sea Drive would ask that the garage gutter situation is amended so that there is no longer an overhang causing maintenance issues and that the entire development is entirely within the plot owned by number 1.

Yours sincerely

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Nikolas J. Antoniou
BSc HONS DIPTP MRTPI
Chartered Town Planner
For and on behalf of NJA Town Planning Ltd