



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

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

NJA Ref: 21/232

27 September 2021

Dear Mr J Baeza,

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

Thank you for your recent notification of amended plans submitted in respect of the above planning application and the opportunity to provide further comment. On behalf of Mrs S Henderson and Mr S Ballard of 3 Sea Drive, Ferring, BN12 5HD, I would be grateful if the following comments are taken into account in addition to my letter dated 16 June 2021:

Amended Plans

It is noted that the amended plans have removed the proposed west facing balcony which would have caused considerable and harmful overlooking to number 3 Sea Drive. Its removal from the scheme is therefore welcomed. However, my clients still have strong objections to the proposal including the still, incorrectly shown boundary between number 1 and number 3 and significant concerns remain regarding overlooking, loss of privacy, overbearing appearance and loss of light from other elements of the proposed extensions/works. These outstanding matters are addressed as follows:

Boundary

The original plans incorrectly plot the location of the existing garage to number 1 Sea Drive. The plans show that number 3 Sea Drive is constructed right up to the common boundary and that the garage of number 1 Sea Drive is offset from the boundary. However, it is reiterated that this is not the case as number 3 is offset from the boundary and the garage to number 1 sits on the boundary with overhanging gutters.

The Architect's e-mail to the Council dated 8th September 2021 states that the Applicant is comfortable with the boundary positions shown and it is noted that a more recently submitted existing street scene drawing (010) shows the correct situation as described. This plan is though inconsistent with the following other drawings which still incorrectly show the position of the two houses in relation to each other:

- Existing Site Plan (S 001 Rev A)
- Existing Ground Floor Plan (S 01 Rev A)
- Existing First Floor Plan (S 02 Rev A)
- Existing Roof Plan (S 03 Rev A)
- Existing Front & Rear Elevations (S 04 Rev A)

These plans are not shown as 'superseded' documents on the Council's website however they should be amended in order to accurately assess the proposal.

In respect of the proposed plans, the floor plans and elevations (PL01, PL02 Rev A, PL 03 Rev A and PL04, PL05 Rev A) show the garage to number 1 to be offset from the common boundary however, this conflicts with the Proposed Street Scene (PL 010 rev A) and Proposed Site Plan (PL 001 Rev A) which show the garage to be situated right up to/on the boundary.

The letter from Henry Adams dated 9th September 2021 states that ***'Concerns relating to landownership and Party Wall Agreements have been raised, however it is noted that these are not planning considerations. It has been confirmed by the applicants lawyer that the relevant notices have been served'***.

Applicant's seeking planning permission are required to serve the correct notices under the provisions article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This requires the completion of Certificate B and the serving of Notice 1 on any land that is not within the ownership of the Applicant. Whilst the proposed street scene drawing now shows the garage to number 1 to be within the property's boundary, other plans still incorrectly plot the position of the existing/proposed garage in relation to the boundary. As the gutters of the existing garage already overhang and if this is to be replicated as part of the alterations to the garage, it appears that the proposal will contain works not entirely within the ownership and boundary of number 1. My clients have confirmed that the ownership of their property includes the boundary line and as the plans are not consistent with each other it still remains unclear that the correct notices have been served.

Amenity

The proposed first floor contains one north facing bedroom window and the proposed second floor contains two north facing bedroom windows and a landing window. These windows would overlook the private rear garden area of number 3 Sea Drive, causing considerable overlooking and loss of privacy. At present, due to the 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 stark 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 particularly to the north facing elevation would appear excessive and would cause substantial and harmful loss of privacy to my clients including serious harm to the peaceful enjoyment of their garden. The combined appearance of these windows would create an oppressive feel and the level of overlooking would be detrimental to privacy and wholly unacceptable.

The impact of the proposed terrace to the top (second) floor will also cause considerable, and unacceptable overlooking of 3 Sea Drive. The proposed second floor sits to the western side of the dwelling, which is the most sensitive location of the property in term of neighbouring amenity, sitting unacceptably close to number 3.

As previously described, number 3 has a first floor south facing balcony which would be harmfully overlooked by the proposed second floor terrace. This terrace would also have direct views west across and down into the velux window in the number 3's east facing roof slope which serves a bedroom. It is further reiterated that the front garden at number 3 is a well-used amenity space due to its southerly aspect and as such my clients 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 in the decision making process as the rear garden of the property.

The plans indicate that a clear glass screen will be installed to the top second floor terrace providing no protection from overlooking. However, even with a screen this terrace would, due to its height and proximity to the western boundary, cause considerable loss of privacy to number 3 and will appear overbearing and oppressive looking down upon the private south facing terrace and garden area. Furthermore, the proposed second floor terrace will not only harmfully overlook number 3 but it also will potentially cause harmful noise and disturbance so close to the shared boundary.

The proposed increase in height to number 1 will result in the dwelling towering over number 3 and overly dominant to the character and appearance of the street scene and surroundings, with the effect worsened by the dwelling's prominent corner position. Combined with the overall increase in scale and bulk of the dwelling and its proximity to the western boundary, the proposal will also have an unacceptable overshadowing effect upon number 3.

This element of the proposal is particularly unneighbourly and unnecessary. As the main views of the sea and fields are to the south and east, my clients see no reason as to why the proposed second floor and associated terrace should be sited so close to the western boundary when this is the most sensitive location in respect of impact upon their privacy, outlook, amenity space and the potential blocking of light affecting the front and rear amenity spaces. My clients ask that this element of the proposal is eliminated or at the very least, it should be relocated further east so that it is situated no further west than the proposed first floor patio doors and south/east facing wrap around terrace. Should the terrace be relocated, my clients ask that the end of any second floor terrace element is fitted with an obscure screen 1.8m in height or similar

to ensure that there will be no views across to their first floor, south facing terrace and garden and velux window.

In terms of other window positions, my clients still remain concerned about the windows to the west facing elevation of number 1 comprising a bedroom window at first floor level and a staircase window at second floor level. The staircase window is high up and due to the front to back roof slope design of number 3, this window would afford views over and down into my clients' rear garden area which is unacceptable. The bedroom window (serving bedroom '3') is a secondary window and given that this room also has a main, south facing window, the side window is somewhat superfluous and is insensitively sited in relation to number 3.

At present, 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 new windows and a second floor terrace that would be detrimental to the residential amenity of number 3. My clients ask that the new windows to the west elevation are eliminated from the proposal. The bedroom window is not necessary and the second floor stair case window should at the very least be fitted with obscure glass (and non-opening) to reflect the existing situation.

Whilst my clients hope that the scheme will be further amended to reflect their concerns, they ask that permitted development rights are removed to prevent any further over development of the site. However, at this stage, the proposal will still cause considerable harm to the reasonable enjoyment of their property due to harmful overlooking, loss of privacy, overbearing appearance and loss of light. The proposal therefore fails to comply with paragraph 130 (f) of the NPPF and Local Plan policy 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 letter from Henry Adams dated 9th September 2021 states that loss of views is not a material planning consideration however it is entirely reasonable and necessary to consider the impact upon outlook. My clients remain very concerned that (for the reasons described) the proposed extensions and alterations including the siting of

the second floor terrace and other windows will result in significant harm. The letter also refers to the fact that the increase in footprint of number 1 is sited away from number 3 however, the proposal involves a significant increase in height and built form extremely close to the western boundary.

Design

My clients would like to repeat their concerns regarding the design and overall scale and bulk of the proposed alterations to number 1 and the appearance of the resulting dwelling. The creation of a second floor level is in particular out of keeping with the surroundings and other dwellings which are of a lower height and predominantly of a traditional, pitched roof design. The increase in height, and overall scale and bulk will result in the dwelling appearing very overbearing to number 3 and within the street scene in general in this prominent corner location with limited boundary screening. The resulting dwelling will appear in stark contrast to other dwellings within the area and it would be unduly visible to surrounding views. No substantial design changes have been made and the proposal therefore still fails to comply with the design requirements of the NPPF and Local Plan policies SP1 and DM1.

The Henry Adams letter of the 9th September states that ***‘The application site currently appears at odds with other sites in the area, as there is a large open area to the north of the dwelling, which is uncommon within the tight-knit area’***. This is however an important feature of the area particularly as number 1 occupies a prominent end plot that is very open to surrounding views. The extent of the proposed works would erode this openness to the detriment of the character and appearance of the area.

It is noted that there have been a number of objections raised by third parties to the proposal raising concerns regarding design, over development, impact upon views and harm to the character and appearance of the area. Objections to the proposal has also been raised by the Parish Council and the Ferring Conservation Group for similar reasons. My client shares these views in particular noting that the proposed extensions would clearly not be subservient to the existing dwelling and adding a third storey is wholly out of keeping with the surroundings.

Yours sincerely



**Nikolas J. Antoniou
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Chartered Town Planner
For and on behalf of NJA Town Planning Ltd**