



Arun District Council

Arun Civic Centre

Maltravers Road

Littlehampton

West Sussex

BN17 5 LF

Sea Breezes

30 Sea Drive

Summerley Estate

Felpham

Bognor Regis

West Sussex

PO22 7NE

14th July 2017

Att of Mr. Mark Jones Designated Planning Officer

Re Planning Application FP/119/17/HH

Dear Mr. Jones,

As you are no doubt aware, a considerable amount of correspondence and photographic evidence has been placed on file by your two colleagues, Mrs. R. Dannatt & Mr. R. Temple. We have been assured in writing that all of this will be made available to yourself, prior to making a decision on this Application, which is a result of Arun District Council being notified in February 2017, that a Breach of Planning Conditions imposed at the time of Consent, to FP/114/15/HH had taken place.

You will be able to see various statements made by the Agent/Owner, in the current statement dated May 2017 and the previous one dated March 2017. Both statements clearly state that they "are very aware of the need for privacy screens for the neighbours and themselves". The question must be asked therefore, why have they deliberately breached Condition 4 by failing to order the 1.8 mt. opaque Privacy side screens to all open ends of the new balconies. Instead they ordered and had installed 1mt clear glass panels to all sides.

If they had investigated alternatives, as so proposed at the time of seeking Planning Permission FP/114/15/HH, then it could and should have been pointed out how unsuitable, how out of keeping with the area and Local Plan, such artificial hedging would be. The normal requirement for Privacy high glass panels could have been substituted to fall in line with normal requirements.

The proposal to install artificial hedging retrospectively, apart from being ridiculous, is unsustainable for any sea front property, because of the windy extremes we endure, anything from 15mph breezes to 100mph winter storms, plus the odd hurricane force winds. Apart from this major factor, the visual impact would be totally out of keeping for the area, it would detract from the normal aspect of the sea front area, and if such were to be allowed, it will create a precedent.

Apart from all else, we live in a Society governed by rules and regulations, and it is usual for regulations so imposed to be undertaken, and enforced if in breach.

The definition for "temporary" is given as lasting for only a limited period of time; not permanent; not lasting or needed for very long;

The definition of "permanent" is given as lasting or intended to last; remain unchanged indefinitely;

The definition of "in perpetuity" is given as for all-ways; for good; for evermore; for all future time; until the end of time; remain unchanged indefinitely; for eternity; everlasting;

The Agent states yet again, that they "have only erected the temporary side screens for safety reasons". In a subsequent paragraph, the Agent then states "the 1mt. high glass balcony provides additional structural integrity to the hedge framework and reduces by 50% the cantilever section and securely attached to the balcony balustrade". How can the latter statement be correct, when the former statement clearly states the balcony structure is temporary. Temporary is surely something meant to be in existence for a limited time, permanent being the opposite as lasting or durable. No defined actual securing of the proposed hedging is detailed, merely "attached to the balcony balustrade", but then this is a "temporary structure". There is no solution offered as to how the "temporary structure" will be rebuilt into a "permanent structure" to become a suitable backdrop to the artificial hedging framework.

The Agent then states "the hedge frame is to be bracketed to the balcony floor", also adding "permanently". You will see from photographic evidence submitted previously that the balcony floor is a honey comb hollow composite material planking, not the usual solid 25mm wooden planking. The thickness of the composite material layers, top centre and bottom are approx. 2/3 mm max. There is no way such fixings as would be required to with stand stresses involved, could be achieved. The Agent merely infers screws would be used. Self tappers would pull out as would virtually all fixings, the material is not strong enough. Also if such a fixing could be achieved, it could be undone at a later stage and the whole lot removed, troughs, wire, framework etc, which without doubt is the long term plan. The inner framework mentioned, cannot be maintained obviously, and will disintegrate due to severe rusting in the heavy salt laden air, within a very short period of time, as any steel profile does in a seafront location, even stainless steel deteriorates unless of the highest grade. When the proposed artificial hedging is removed, what course of action does Arun District Council propose to undertake, if no privacy is afforded there after.

In view of the recent fire at Grenfell Towers and the use of combustible materials, we have such fears with regard to the artificial hedging so proposed being located on our boundary, as it is of course, a man made plastic based product. The prevailing wind being South westerly, puts us downwind. Toughened 1.8 mt. privacy glass is non- combustible.

If the need for artificial hedging is so high on the agenda, then why not install the required Privacy glass, thus providing Privacy to all neighbours, and then create the false garden effect deemed a necessity by adding artificial hedging as described, to the inner balcony area in the manner so described. The additional height of the end panels would then afford a superior

backdrop. At this stage, the current "temporary structure" could be strengthened and made "permanent".

The Agent has submitted revised drawings to show the proposed hedging, but they are not correct. Both the existing and proposed layout show the North Elevation, South Elevation and the West Elevation. The North Elevation should refer to the frontal aspect of the property, and thus is not correct.

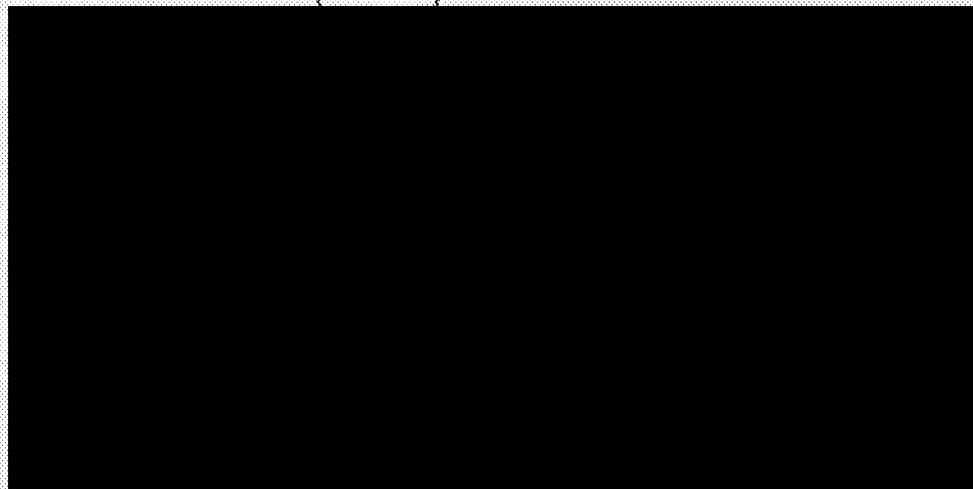
The Agent submits poor photographs of the suggested artificial hedging so proposed, yet both show a hedge thickness of at least 2 feet, closer to 1 mt., yet the proposed width is 25mm. or 10 inches. The prints show a "built up area location" where people are attempting to create a "garden effect". Again totally misleading.

The Agent has submitted a Householder Application form duly completed and Declared as correct, when various statement boxes have been filled in with incorrect and misleading information. No 7 asks about trees and hedges, both boxes are marked No. There is a very tall tree in the rear garden of no 32. No 10 asks about Public Views, and it is stated that the site cannot be seen from a public road, public footpath etc. This again is not correct, the East side aspect can be seen from Sea Drive, which although private, allows public access. The rear garden ie South Elevation faces the sea and the Greensward, which has a public footpath running West to East, and the rear garden has hedges to the boundaries, courtesy of the neighbouring properties.

We request that all of the points raised in the letters dated 14th.February to Mr.K. Roberts, 11th.March to Mrs.R.Dannatt are taken into account, likewise the points covered in the letter dated 4th.April to Mr.R.Temple, along with any additions contained in emails to both Planning & Compliance.

The Application submitted is not in the correct format, it is made via a Householder Application for Permission for works or extension to a dwelling. The First Floor Balcony Screening would apply to an existing balcony in place for many years, and built before the Privacy Glass requirement came into force. The issue with 31 Sea Drive, relates to Planning Permission Granted, but subject to Conditions attached, which have not been incorporated with the works carried out.

I would close by adding that no answer has been forthcoming from Arun District Council as why no Enforcement Notice was issued when the Non Compliance was notified. Why the present course has been allowed to take place, on what grounds etc. Six months on, we have been totally side lined and ignored, and when a decision is made, an official complaint will be made to the higher Authority.



for & on behalf of Mrs.S Woolley Jointly

Enclosed:

Copy letter dated 14th.February 2017,

Copy letter dated 11th.March & Agent's Statement, March 2017

Copy letter dated 4th.April & Agents Statement , May 2017

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11th.March 2017

Re Planning Application Application FP/114/15/HH

& Non Compliance with Condition 4 Town and Country Planning Act 1990

Att of Mrs. Rosemarie Dannatt Senior Planning Officer, Compliance

Dear Mrs.Dannatt,

In response to your most recent email dated 6th.March 2017, which gave a brief overview of the response from the Agent, concerning the Non Compliance with regard to the fitment of 1.8 mt Privacy Opaque Glass to the open ends of the new balconies. Having sought advice on this matter, we will not accept any variance to Condition 4, and would set out the following record of events to date.

A visit was made to view the property known as Breakers, no 31, in it's original form on the day of Posting the Planning Permission Notice. Janice Chapman immediately noticed that the plans omitted to show 1.8mt Privacy Glass on the 3 open end panels. This was on 26th.June 2015. She emailed the Agent immediately, Leeza Aldis Hobbs, at 16.04 pointing out the requirement of 3 such panels.

The Agent emailed Janice Chapman back, on the 29th.June 2015 at 15.28 with a revised elevation Plan which showed the balcony side panels as required at 1.8 mt. and Privacy Glass.

The file shows both the original plans, and the amended plan mentioned above.

The Recommendation Report for Planning Permission dated 29th.July 2015 very clearly refers to glazed screening to a height of 1.8mt. to the balconies on page 2. Likewise on page 5, it refers to the fact that while the balcony floor area has been extended, the sides are to be enclosed by obscure glazed panels to a height of 1.8mt.

On page 6 of the Report, there is clear reference to The Human Rights Act 1998 which states that it is unlawful for a public Authority such as Arun District Council to act in a manner, which is

incompatible with the European Convention on Human Rights. The section also specifically covers the rights to respect private and family life and home etc etc.

The Recommendation to Approve Conditionally section 2, covers the development to be carried out in accordance with the following approved plans, one of which is East Elevation received **29.06.15.**

Section no 4. clearly states the balconies hereby permitted shall not be occupied until the obscure glazed screening on the side elevations as shown on the approved plans has been installed. The screening as approved shall remain unaltered and retained in perpetuity. The balconies are being used, confirmation re one of the photographs you hold.

Reason: To protect the amenities and privacy of the neighbouring properties in accordance with policies GEN7,DEV19 of the Arun District Local Plan.

The Decision Notice Refers in Condition 4, exactly the Condition contained in the Recommendation Report, as set out above.

With reference to the second paragraph within your email, we would totally refute the statements made by the Agent:

Works are not yet complete, untrue as the builders vacated the site on Friday 17th.February, and since that time, only the owners have visited the site, normally 4 or 5 times every week, staying for approx. 6/8 hours, no doubt using the utilities which have been connected previously.

The balcony structure is temporary, untrue as you already have photographs showing the installation and finishing. They are a bespoke made to measure 1 mt.high clear glass structure with a purpose made and mitre joined handrail. The metal supports are secured to the main balcony sub structure with 6 inch coach bolts, 4 bolts to each post. The bolts are covered with a purpose made stainless steel capping to each post. What is temporary about that ??? One of the photographs you hold shows the new structure as currently fitted.

Why is the Agent suggesting, and more important Arun District Council entertaining, **artificial hedging** as a screening, when as detailed above, the whole process **has required 1.8 mt. obscure glass panels. The pre Planning Officer, the Planning Report Officer, The Planning Approval Condition 4, the revised plans on which the Approval was given, all state the need and specify 1.8 mt. Privacy Glass. No ifs, No buts.** The utterly ridiculous suggestion put forward by the Agent, of 1.8 mt. artificial hedging beggars belief, laughable is a polite response. This suggestion of artificial hedging could never be secured against the adverse winds of any sea front property, the strength of the winds is within the 60 to 100mph range, and with increasing frequency of such storms/gales as the weather pattern changes. **The artificial hedging suggested would neither be "permanent" nor would it be "in perpetuity", both conditions required to be fulfilled by the Pre Planning & Planning Decision so made.**

In view of all the irrefutable evidence as set out, and further to advice we have been given, should Arun District Council continue to act "without due diligence" in this matter and undertake to enforce the Terms and Conditions in relation to this Planning Non Compliance, by failing to issue an Enforcement Notice for remedial works to be carried out on an immediate basis, then we will have

The ineffective artificial hedging will then be removed without question by the Dryer's, to ensure their original concept for an unobstructed 180 degree view is achieved.

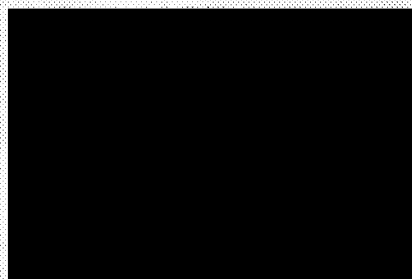
What course of action does Arun District Council propose to undertake, when such hedging becomes non existent due to the above, and we have no privacy there after.

The Amendment Application submitted by the Agent, states that the artificial hedging would "provide a visually more appealing and permanent barrier". She fails to mention anywhere that she has been party to a deliberate breach of the Planning Conditions imposed on the redevelopment of 31 Sea Drive, by Arun District Council. It is obvious that there was never any intention to fulfil Condition 4, the Agent and the Dryer's thought that the omission would not be noticed, and the subsequent Amendment request is a smokescreen with substantial misleading information, in a misguided attempt to cover up their full intention of not having the specified 1.8 mt obscure glass end panels. To describe artificial hedging which would be an eyesore and totally out of character in the area, apart from everything else, as "more appealing" than obscure glass beggers belief.

To sum up, we totally oppose this farcical and ridiculous Amendment submitted, for the reasons set out above, and in the detailed letter dated 14th.March sent to Mrs.Dannatt. There is no permanent alternative to the stated 1.8mt. obscure glass end panelling to ensure our privacy is not compromised. This includes all three ends of the two separate balconies, as required in Pre Planning Report, Planning Decision Grant and Condition 4.

Would you confirm that you received all the correspondence and the photographs which were submitted to Mrs.Dannatt. The photographs included the open balconies during months of construction, no safety barriers which the Agent has termed the current finished product. The close up photographs of the "temporary balcony structure" so referred to by the Agent. The usage of the balconies by the Dryer's in breach of the Condition 4, and since being instructed not to use the balconies by Mrs.Dannatt, the sun chairs etc are now located on the Western balcony, rather than the Eastern side. We have been on holiday, but would have no doubt that the balconies have been occupied during our absence. I enclose additional photos showing the current position of the sun chairs etc. A rear view of the property which shows furniture in the upper and lower floors, table and chairs, sofa etc, yet remember the Agent states the property is not habitable !! You will also see the rear garden decking framework, and the front view shows the new drive laid, with only the sand infill to carry out.

Could you please advise the timescale with regard to a decision being made yourself, and when you wish to arrange a visit to view the property and meet with us to fully discuss the issue in hand.



R.J.Woolley

Enclosed: Copy Letter of 11th.March & Addition Photographs taken today

Planning amendment statement

March 2017

We would like to confirm that the contractors are currently completing the works on site at 31 Sea Drive and that the dwelling is currently not habitable.

My clients are very aware of the need to have privacy screens for the neighbours and themselves and have currently only erected temporary side screens for safety reasons.

My clients appreciate that the approved planning application drawings showed the use of higher opaque glass screens, to the side elevations. However they have also been investigating the use of other types of permanent privacy screening that has been used for balconies in similar applications. Their aim is to ensure permanent privacy screening and make a pleasant more natural outlook for the neighbours and themselves. The privacy screening on the East side is of particular importance to them as the neighbours existing balcony is not screened in any way.

To meet the privacy requirements they would propose to have the existing 1.1 m high glass balcony and in addition at the side sections, which overlook the neighbours gardens, a permanently secured 1.8m high artificial hedging. Construction of this type of hedge is on an internal robust framework set in troughs (approx 30 – 40 kgs per metre each), thickness is 25cm wide and the dense foliage would be attached on all sides of the framework. It is not see through and wind can pass through to reduce wind loading.

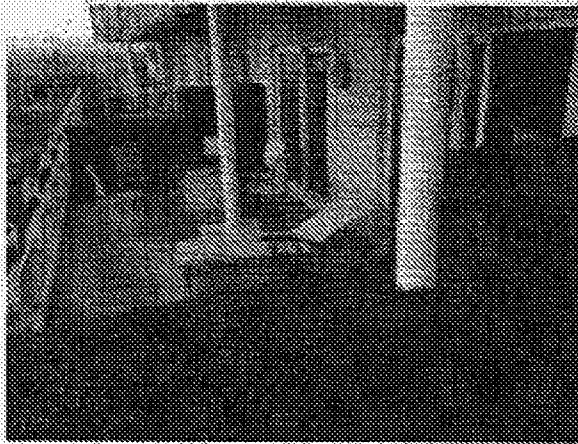
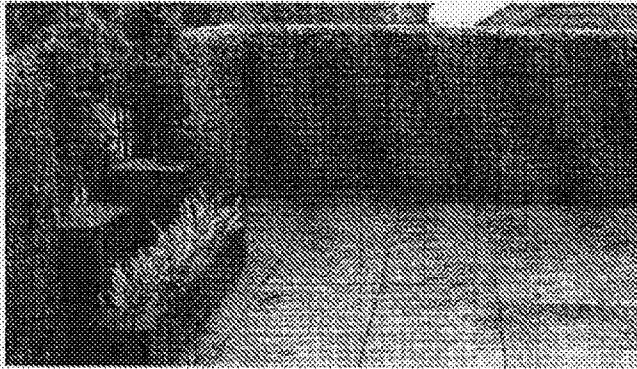
The 1m high glass balcony provides additional structural integrity to the hedge framework and reduces by 50% the cantilever section and securely attached to balcony balustrade.

The artificial hedging privacy screening has been used extensively as a permanent solution according to our research and discussion with various bespoke manufacturers. For the balconies we would propose tailor made hedging that would meet the height and screening requirements as per the obscure glass

We have a small sample of the foliage being proposed if you wish to view the product quality. This type of hedging is used extensively on commercial projects for privacy screening and is weather and UV resistant.

My clients feel that the use of artificial hedging being proposed would achieve the same level of privacy as obscure glass, but in addition would give a better visual solution, to themselves and the neighbours

My client would like to assure you that they would not use any balcony until permanent screening has been installed. Current indications are that the construction of the bespoke hedging would take up to 1 month to procure (images attached).



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4th April 2017

Re Planning Application for non-material Amendment FP/76/NMA

Planning Permission Grant with Conditions FP/114/15/HH

Att.of Mr. Richard Temple Assigned Planning Officer.

Dear Mr.Temple ,

Firstly I would ask you to fully explain your reasoning in relation to the ineffective approach adopted so far, why such a conciliatory rather than hard line approach to the **Indisputable Non Compliance of your Pre Planning and Planning Decision Conditions**, has been taken, why you did not immediately issue an **Enforcement Notice when advised to the Breach of Planning Conditions** some 6 weeks ago, and on what grounds have your Department seen fit to enter into a negotiable discussion with the Agent, plus why have you even entertained/offered the submission of a Planning Amendment. We can only assume that for whatever reason, the Agent receives special attention and preferential treatment by Arun District Council.

As you are aware, there has been considerable communication between ourselves and Mrs. Rosemarie Dannatt, who informed us today, that you have received an amendment application in relation to the non compliance notified to Arun District Council, with regard to the stipulated obscure glazed screening of 1.8mt to side elevations not in place, and the balconies having clear 1mt.glass panels so fitted. We have looked at the proposed alternative put forward by the Agent and the Dryer's, and would respond as follows:

Planning Amendment Statement 27th.March 2017 and Response to Agent Statements

Paragraph 1 The Main Contractors, Evolve Contracts, completed works at 31 Sea Drive mid February, and left the site on **Friday 17th.February 2017**. The new drive is currently being laid, and garden landscaping is under way. **Her Statement is not correct. The Agent states that the property is not habitable, yet the property is furnished now, lower and upper floors, as per recent photographs will show.**

Paragraph 2 /3 The original Planning Application was submitted, but omitted the 1.8 metre obscure glazed screening, this very relevant omission, was noticed by your fellow Planning Officer Janice Chapman, which resulted in a revised side elevation plan being substituted by the Agent, which showed the East & West obscure glazed screening at 1.8mt., in late June 2015. Planning Approval was given on 29th July, but had various Conditions so imposed with the Grant, in particular **Condition 4**. The Agent & the Dryer's were aware of the need for obscure glazed screening almost 22 months ago! Photographs were submitted when the balconies were being fitted by Evolve Contracts mid February 2017, it was pointed out in my letter to Mr.Karl Roberts dated 14th February, that a breach of Condition 4 had been made. The Agent states that the 1mt.clear glass side panels are temporary, completely misleading, as the photographs submitted show without any doubt, it is a permanent structure, and was always intended to be, as it was their original intention set out in the original application submitted nearly 2 years ago. If the current balconies are only "temporary" as claimed by the Agent, then what is the problem of installing the 3 x 1.8 mt. obscure glazed screening and fulfilling the Planning Condition 4. The Agent/Dryer's were fully aware of the requirements before and at the time of placing the order for the balcony structure and glass panels.

Paragraph 4 The Agent suggests that the artificial hedging be secured to the existing 1mt.clear glass balcony, yet in paragraph 2 she states "have only erected temporary side screens for safety reasons". I wonder as to the how a "temporary structure" can suddenly become a " suitable fixing structure" and as quoted in paragraph 4, "1 mt. glass balcony provides additional structure integrity to the hedge framework and reduces by 50% the cantilever section and security attached to balcony balustrade". The proposed artificial hedging is inferred to be a permanent alternative solution to the obscure 1.8 mt.glazed screening panels, but this claim cannot be substantiated by reference to any other sea front property within the Middleton to Bognor area, and the suggested method of securing the suggested hedging, would neither fulfil the Condition 4 requirements of being "permanent" nor " in perpetuity", also as set out in the Pre Planning Report. In the Statement the Agent states the width of the artificial hedge as 25cm., which is less than 1 inch. The Amendment side elevation drawings show a width of .25mt. Obviously you need to ascertain what is the proposed width and advise accordingly. The Agent has submitted photographs of a balcony area with the proposed artificial hedge, but it would appear from viewing the photos, that the width of the hedges shown is far in excess of that so proposed. In our considered opinion, the photos show a width of approx. 1 mt. Our boundary hedge is approx 1.5 mt. and you can still see through the leaf foliage.

The Agent gives no detailed method as to how the proposed artificial hedging is to be secured to the balcony structure. Bearing in mind, it is glass panels, with a capping rail!! No fixing points exist, so how can such a proposal be a viable alternative to the standard 1.8 mt. obscure glass panels located to metal supports and fixed to the outer wall of the property. We would request that a site visit is made on an urgent basis so that you can fully appreciate the problem, and see for yourself, the stupidity of the Agents proposal. The photos also show a balcony with a partial upper covered area, not a completely exposed environment as with 31 Sea Drive.

We completely dispute the Agents suggestion that any sort of artificial hedging is a permanent solution, as weather conditions on the sea front, with a prevailing South Westerly wind, often reaching 60 or 70 mph, with gale force of 100mph at times, will destroy it within a few months.

no option other than the issue of legal proceedings against Arun District Council. It is our basic Human Right to enjoy privacy in our own home, something we are unable to do, as a result of your negligence. We are at the present time, unable to use our Master bedroom without the curtains being fully closed, as anyone on the balcony closest to us, at 31 Sea Drive, is able to see directly into our bedroom. To compound the problem we are currently having to endure, the Planning permission sought and which was granted, is for an "upside down house". The ground floor is sleeping, the first floor is for living accommodation, sitting room, kitchen/diner etc. ,and the massive increase in balcony size for the original, plus the totally new balcony, conveys the requirement sought for outside family living. Such behaviour has already been conveyed to you, along with photographic evidence of "al fresco" lunches currently being taken on the "temporary" balcony. Our property is a conventional layout, with first floor bedrooms, hence the Non Compliance of Planning creating such an intrusion on our day to day living, which is now the cause of both mental and physical issues to the both of us, and my wife is registered as disabled.

It is obvious from recent walks along the seafront promenade into Bognor from our house, or in the opposite direction, the number of recently renovated properties all of which have new balconies, complete with 1.8 mt. obscure privacy glass installed at the ends. Would you explain why no 31 is being given preferential treatment with regard to such. In closing, I would request a Copy of Arun District Council's Guidelines in respect of Planning Enforcement Policies & Procedures Notice, as per the advice issued to all Local Authorities by Central Government to produce such.

Finally I would ask you to fully explain your reasoning in relation to the ineffective approach adopted so far, why a conciliatory rather than a hard line approach to the indisputable Non Compliance of your Pre Planning and Planning Decision Conditions, has been taken, why you have not immediately issued an enforcement Notice, and on what grounds have you seen fit to enter into a negotiable discussion with the Agent, plus why you have offered /suggested the submission of a Planning Variation to such.

We look forward to hearing back from you with the various answers to the questions, along with the Procedures Format requested, and a continued update on the material facts as and when the Agent informs you of anything further. Should you feel that a site visit is now a priority, previously accepting my photographic evidence of the Non Compliance, we would be happy to convene this on an urgent basis. So far, 3 weeks have elapsed and no progress has been achieved to remedy the matter.

Yours sincerely



Planning Statement

May 2017

My clients are very aware of the need to have privacy screens for the neighbours and themselves and have currently only erected temporary side screens for safety reasons.

My clients appreciate that the approved planning application drawings showed the use of higher opaque glass screens, to the side elevations. However they have also been investigating the use of other types of permanent privacy screening that has been used for balconies in similar applications. Their aim is to ensure permanent privacy screening and make a pleasant more natural outlook for the neighbours and themselves. The privacy screening on the East side is of particular importance to them as the neighbours existing balcony is not screened in any way.

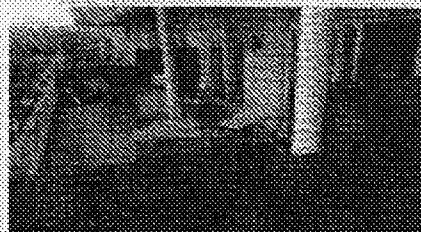
To meet the privacy requirements they would propose to have the existing 1.1 m high glass balcony and in addition at the side sections, which overlook the neighbours gardens, a permanently secured 1.8m high artificial hedging. Construction of this type of hedge is on an internal robust framework set in troughs (approx 30 - 40 kgs per metre each), thickness is 25cm wide and the dense foliage would be attached on all sides of the framework. It is not see through and wind can pass through to reduce wind loading.

The 1m high glass balcony provides additional structural integrity to the hedge framework and reduces by 50% the cantilever section and securely attached to balcony balustrade. The hedge frame is also permanently bracketed to the balcony floor.

The artificial hedging privacy screening has been used extensively as a permanent solution according to our research and discussion with various bespoke manufacturers. For the balconies we would propose tailor made hedging that would meet the height and screening requirements as per the previous required obscure glass.

We have a small sample of the foliage being proposed if you wish to view the product quality. This type of hedging is used extensively on commercial projects for privacy screening and is weather and UV resistant.

My clients feel that the use of artificial hedging being proposed would achieve the same level of privacy as obscure glass, but in addition would give a better visual solution, to themselves and the neighbours (images attached).



. Balcony Screening - 31 Sea Drive, Felpham