

BY HAND
22/6/17



Planning Department
Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF
For the Attention of Mrs A Gardner

Donnachie
14 Sea Way
Middleton-on-Sea
West Sussex
PO22 7SA

21st June 2017

Re: 14b Sea Way, Planning Application M/42/17/HH

We write to **object** to the planning application referred to above.

Our main points are set out in this introduction. We develop them more fully below.

First, the proposal would result in a building which would unacceptably harm the designated "Area of Special Character". The design, footprint, height, site coverage and disposition of the new building represents an overdevelopment and intensification of use of the site that would result in a development that is out of character with the area in general and would therefore unacceptably detract from the character and appearance of this attractive part of the Estate.

Second, the applicant's agent has, because of this impact, been driven to characterise the new building as an extension to an existing building. It is not, properly considered, an extension to the existing building at all. It is a substantially new building which retains, in small and subservient part, a pre-existing building. For the reasons set out above, this new building would unacceptably detract from the character and appearance of the area. Even if, however, the proposal were to be seen as an extension, then it would in addition be in clear breach of this Council's extension policy; a policy which should be applied with particular force in an Area of Special Character.

Third, the proposal would result in unacceptable amenity impacts upon neighbouring properties, including ours at 14 Sea Way.

The proposal should fail on each of these grounds. We would ask that the Council maintains its consistent approach to refusing unacceptable development at this site.

1. Overdevelopment and harm to character.

The site lies within an Area of Special Character. As such, it is very sensitive to significant built development. This is reflected in the history of the Inspectorate's consideration of development on the site on appeal. Thus in 2007, the Inspectorate (APP/C3810/A/07/2035946) was clear that

Para 18 - "Despite the benefits achieved by the proposal before me when compared to past proposals, I do not consider that those changes resolve or outweigh the fundamental issue that the site faces in terms of its difficulty in accommodating satisfactorily an acceptable dwelling that would be compatible with the character of the Middleton Estate." (emphasis added).

The present proposal also fails adequately to address this same fundamental and structural issue. The proposal seeks to place a building of significant height, scale and mass on a site which is too small. Dressing the application up as an extension and providing a large new-build element does not overcome this fundamental concern.

There is an inherent conflict between producing a building of appropriate scale to reflect the character of the built environment of the Middleton Estate on the one hand and the need to retain a spacious character around its built envelope on the other. This tension was reflected by the Inspector considering the 2006 proposal, when he said:

Para 16 - "The proposed dwelling is higher than that put forward in 2004. It has a bulkier roof, both the height and mass of which would be emphasised in my view by the prominence of the chimney detail. These elements are all advantageous in creating a design more characteristic of the Middleton Estate. However, they would also increase the visual impact of the proposed dwelling and do nothing to remove the fundamental objection that the proposal would, when considered in the context of immediately adjacent properties, produce an unacceptable impression of a densely built-up development out of character with the spaciousness that is so central to the area's character." (emphasis added).

We note, in passing, that the current proposal has a higher maximum ridge height, 6.9m, than that of the 2006 application, 6.6m.

The present proposal fails to reflect the built character of the Estate adequately, while at the same time ALSO harming the open and spacious character of the wider area. It produces a poor contextual building which is essentially a new-build and not an extension. This is an unsurprising conclusion given the history of the site which is part of a larger plot that has been subdivided already to create 3 planning units.

The views of the 2004 and 2007 Inspectors remain as relevant in relation to this application as they were in relation to the previous appeals. In particular, the conclusion set out below is especially apt:

Para 17 - "As the Inspector commented on the previous appeal in 2004, "Having regard to the siting and scale of the 2 existing dwellings, I consider the addition of this bungalow as proposed would result in a closely-grouped enclave of development, which would have a cramped appearance and which would constitute a significant departure from the spacious character that typifies the estate as a whole." I entirely agree."

Further, nothing has changed in substance to alter the conclusion of this Council on the most recent refusal (M/107/16/PL), where officers rightly reported that:

"The site lies within a defined Area of Special Character. Given the design, footprint, height and site coverage of the replacement dwelling, the proposal represents an overdevelopment and intensification of use of the site that would result in a development that is out of character with the area in general and would therefore unacceptably detract from the character and appearance of this attractive part of the estate."

The existing small building on the site is not a planned or designed dwelling in terms of the Estate's evolution. It gains its lawfulness only by reason of certification (M/76/09/CLE). It is not an appropriate building to "extend" to the extent claimed by this application. The resultant building represents an overdevelopment and intensification of the site in essentially the same way as the previous replacement building.

The applicant's Design Statement ("DS") states (para 5.4) that, "the dwelling's west elevation, facing No.14, would remain largely unchanged retaining the amenity 'status quo' between the two dwellings." We fundamentally disagree. The proposed dwelling would be 1.1m higher at each end and would extend a further 12m across the plot. The North-East and South-West elevations will both be fully visible from the East and West sides of our property respectively. Moreover, the applicant's Site Plan indicates that the proposed separation between the dwelling and our garage would be 4.65m. Currently, this separation is just under 6m, demonstrating the increased impact of an elevation that lies less than 1m from our boundary and approximately 10m from our house.

As a result of these matters, the development would be in breach of Policies GEN 2, GEN 7 and AREA 1 of the ALP as well as the relevant provisions of the Village Design Statement (2000). The Council's policies continue to be reflected in the emerging modified Published Local Plan 2017 ("PLP") at D DM1, points 1, 2, 3 and 14, D SP1, HER DM4 and HER SP1 and in the content of the NPPF and PPG.

2. Not an Extension but in breach of policy in any event.

As set out above, the proposal is not really an extension properly so called. The concept of an extension brings with it the principle of a main building and a smaller extension to that building. This is not the case here. Rather, a small structure (which gains its lawfulness by being in breach of planning control but is now immune from enforcement) is being used to justify a much much larger new residential build.

In such circumstances the proposal should be judged on its merits and having regard to the special character of the area. On these merits, the application self-evidently fails for the reasons set out above and accepted historically by the Inspectorate.

But the proposal also fails even as an extension. The Adopted Local Plan's (2003) extension policy contains 5 elements. We set them out below together with relevant comments in the circumstances of this case.

"Planning permission will be granted for extensions to existing residential buildings, provided that:-

*(i) **the extension sympathetically relates to and is visually integrated with, the existing building in siting, design, form, scale and materials;** Comment: this alleged extension does not sympathetically relate to the existing building in terms of design, form or scale. It overpowers and overwhelms the "host" building being 3 or 4 times its volume. Neither is it visually integrated with the existing building. Rather, it swamps and subsumes it.*

*(ii) **the extension is visually subservient to the main building;** Comment: Self-evidently, this provision is not met. In fact, it is difficult to conceive how it could be breached more plainly.*

(iii) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties; Comment: this provision is also breached (see point 3 below).

(iv) in streets characterised by relatively small gaps at first floor level between buildings, any extension at first floor level does not come to within a minimum of one metre of the side boundary; No comment

(v) the extension does not compromise the established spatial character and pattern of the street. Comment: this requirement is breached also, but especially so where the established spatial strategy has been formally identified as "Special". This character deserves to be protected with especial vigour.

Further, the PLP (Paragraph 13.4.4) states (with our emphasis added):

"All proposals (for extensions or alterations) should be visually subservient to the existing property and provide a high standard of amenity to meet the day to day requirements of the occupants. Extension of up to 50% in terms of floor space will generally be considered proportionate, whilst those above this figure will be considered disproportionate and unlikely to be acceptable."

This emerging provision is also clearly breached.

On the basis of all of the above, the proposal is not in truth an extension, but even if it were it would be wholly unacceptable having regard to the provisions of the development plan.

3. Privacy & Overlooking

There are thirteen first floor windows proposed. Notwithstanding the repositioning of the dwelling within the site in this application, these first-floor windows still overlook the neighbouring properties and would therefore cause a severe loss of privacy. There is one window on the North-West elevation which overlooks our property. There are three on the South-East elevation which overlook the rear amenity areas of 6, 8 and 10 Sea Way. There are four on the South-West elevation which overlook 14a Sea Way and the rear amenity area of 16 Sea Way. There are five on the North-East elevations which overlook the rear amenity areas of 4 and 6 Sea Way. None of these windows are marked as 'Obscured'.

The last rejected application gave rise to this comment in the Officer's Report:

"Whilst the rear elevation indicates obscure glazed first floor windows which could be conditioned to be retained in perpetuity the first floor window in the east elevation would cause materially adverse overlooking."

We believe that such considerations still apply, given that there is less than a metre from the proposed dwelling to our property, only 7.5m from the South-East corner to 6 Sea Way, only 12.3m from the South-East elevation to 8 Sea Way and only 10.6m from the South-East elevation to 10 Sea Way. We do not believe that these qualify as "generous separation distances" (DS para 6.2).

It follows directly from these considerations that the amenity areas of the proposed dwelling are themselves directly overlooked to a significant extent by the surrounding properties.

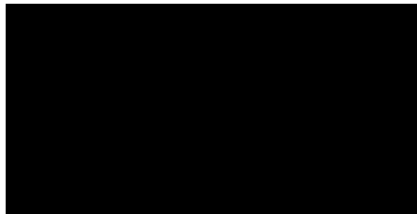
The resultant relationships are unneighbourly.

The scale, bulk and massing of the building would, in addition to the overlooking issue, appear overbearing and inappropriate, robbing residents of the amenity and spaciousness which is protected by the Area of Special Character status.

Despite the alterations to the proposals which are advanced in the DS, the fundamental issues have not in reality altered. The overall conclusion of the officers on this issue remains accurate and apposite.

"Given the height and length of the dwelling and its proximity to the north eastern rear/side boundary the proposal would result in an unneighbourly form of development which would be detrimental to the residential amenities of the neighbouring residential area, contrary to policy GEN7 of the Arun District Local Plan and the NPPF."

Regards



F Mitchell & M Davie