

ELMER SANDS LIMITED

(Company Incorporated by Guarantee)
(Registered in London No. 311819)

Registered Office:

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Mr N Crowther
Group Head of Planning
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex. BN17 5LF
(Via Email)

10th June 2019

Dear Mr Crowther

Your ref: M/74/17/PL & M/84/18/PL – 24 Alleyne Way, Elmer

Thank you for your letter of 15th May. While we recognise that ADC would be in a difficult position if it decided to rescind a planning application already approved, we consider it necessary to write again to ensure that this case has been given full consideration and that similar situations can be avoided in the future.

Your case officer's conclusions and your letter of 15th May mention various criteria that you clearly consider to be important and determinative, but are more subjective than objective. These are:-

"overbearing" - mentioned twice in your case officer's conclusions
"overshadowing" - also mentioned twice in your case officer's conclusions
"unacceptably adverse impacts...upon the visual amenity of the locality" mentioned in your case officer's conclusions
"unneighbourly" - mentioned in your letter of 15th May.

We note that the development will be subject to a compliance investigation. Presumably this will mean a site visit and assume this will not only compare planning dimensions with the building but also, using your own criteria, consider whether no 24 is "overshadowing", "overbearing", "unneighbourly" or has "unacceptably adverse impacts upon the visual amenity of the locality". Whoever conducts the compliance investigation will presumably put themselves in the position of neighbours, particularly those at no 22. Visiting the site will also enable the investigator to judge whether the CAD pictures

submitted were misleading, as we believe, and may have misled the case officer into granting planning permission.

We assume that the compliance investigation will be conducted not by the original case officer but by someone else who will be able to take a fresh and independent view. We also assume that the investigator will apply the legal “reasonable bystander” test to determine whether the house is overbearing, overshadowing, unneighbourly or has adverse visual impacts, or indeed whether the pictures were misleading.

We await your reply.

Yours sincerely

The Directors of Elmer Sands Limited