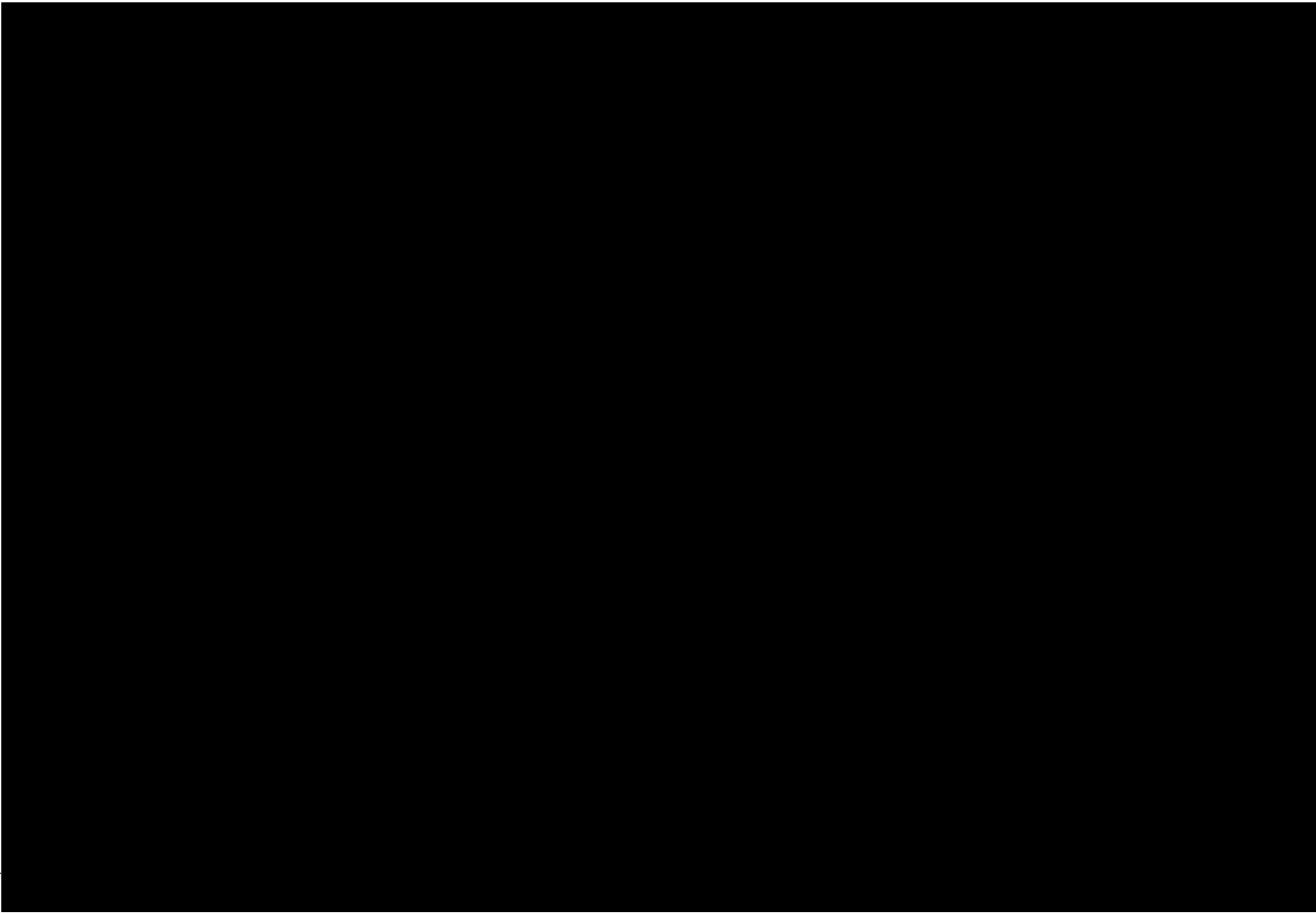




From: [REDACTED]
Sent: 04 September 2018 09:23
To: Zac Denton
Cc: Vincent Baritsch
Subject: 2 Elmer Court - M/92/18/HH
Importance: High

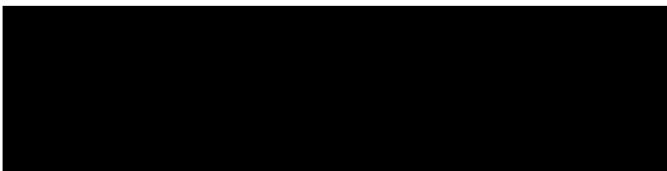
Zac

Please find attached an objection letter on behalf of my client, Mr Baritsch, if 1 Elmer Court. It would be good if you could view the extensions and subject side window from his property.

Kind regards

Steve Jupp

Stephen Jupp MRTPI
Chartered Town Planner
Sally Field Lodge
Rotten Row
Sidlesham
West Sussex
PO20 7QB



NB: Please note my new telephone number and office address

STEPHEN JUPP

BA(Hons), LLM, MRTPI
**CHARTERED
TOWN PLANNER**

Mr Zac Denton
Planning and Building Control Division
Arun District Council
Maltravers Street
Littlehampton

Tuesday, 04 September 2018

Dear Zac:

Re: 2 Elmer Court, Elmer, Middleton- on- Sea, PO22 6JT

Planning application M/92/18/HH - Replacement two storey rear extension, balcony & alterations (resubmission following M/62/17/HH).

I write in connection with the above case and have been instructed by Mr V Baritsch, the owner / occupier of the adjacent property at 1 Elmer Court, to object to this planning application.

The objection relates to the side window serving the living room extension.

My client's property is set further back from the beach than the application property with a result that the first floor bedroom windows look onto the two storey extensions side wall.

The relationship of the subject side window with my client's nearest rear bedroom window is illustrated in the photograph below taken during the course of the build.

The nearest rear facing window in my client's dwelling belongs to his youngest child.

The original planning permission did not stipulate any need for this window to be either obscure glazed or fixed shut – this was clearly an unacceptable oversight by the case officer.

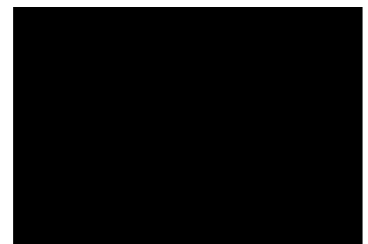
PLANNING APPLICATIONS,
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The photograph above shows the relationship of the side window with the rear facing window of his youngest child's bedroom, during construction.



The photograph above shows the relationship of the side window with the rear facing window of his youngest child's bedroom, as taken from their bedroom window – it is clear that direct overlooking will occur, resulting in very unacceptable loss of privacy for his youngest child.

Allowing a clear window in that place creates an obvious breach of my client's human rights by the Council, as no one can reasonably argue that enabling someone to look into their rooms from a distance of less than 2 meters does not impinge on the use of my client's property.

The position of the window also raises child protection issues, as I do not believe it is appropriate to the possibility for neighbours to look directly into the bedroom of non-related children.

There is also an issue of light pollution, as it is likely that the change of use from his neighbours from an addition to their bedroom to a living room will create more light pollution affecting the sleep of his children.

Policy D DM4 covers extensions and alterations to existing buildings, and provides some general guidance on residential development, with an expectation that:

- Complement the scale and massing of the existing building;
- Preserve any features of interest;
- Provide a satisfactory relationship between old and new fabric;
- Not lead to overlooking, overpowering or overshadowing of neighbouring properties; and
- Ensure adequate natural light within the building, garden and amenity space.

From the above evidence it is plain beyond peradventure that the subject clear glazed side window is wholly unacceptable, gives rise to severe overlooking. It is therefore clearly contrary to policy D DM4.

The failure to condition this window on the first permission so that it was obscure glazed was, in my professional judgement, an oversight on the part of the case officer.

An opportunity now exists to impose such a condition in order to rectify this omission and to eliminate the severe overlooking that would otherwise be likely to occur.

Government advice makes it clear that in granting planning permission for an amended application the local planning authority may also impose new conditions, provided they do not materially alter the development and could have been imposed on the earlier permission. Both circumstances apply in this case.

Accordingly, this amended application provides the LPA with a clear opportunity to rectify an omission from an earlier case which has the potential of giving rise to severe loss of privacy for my client's family, and in particular with that of his youngest child.

Accordingly, a condition MUST be imposed on any permission for this amended scheme to the effect that:

"The first floor accommodation shall not be used / occupied until the existing clear glass in the first floor side window in the extension facing 1 Elmer Court has been replaced with obscure glazing at a minimum of Level 4 on the Pilkington scale of obscure/textured glass. Thereafter the obscure glass shall be retained in perpetuity."

I therefore consider that if the amended application is to be permitted then the condition set out above MUST be imposed on that decision notice in order to ensure that the amenities of my client's property are protected.

As an aside you will note from the second photograph that the current appearance of the wall of the extension is black. I do not know if this is their intended final colour. Condition 3 on the original consent states:

"The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building."

In my professional judgement a black finish would be incongruous and result in a considerable overbearing effect on my client's property. Please ensure that the render matches the original house, and that such a colour is retained in perpetuity.

Yours sincerely,



STEPHEN JUPP
BA(Hons), LL.M, MRTPI
Chartered Town Planner