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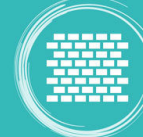



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R/17/26/CLP

Arun District Council, Civic Centre, Maltravers Rd
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From: Neil Crowther <Neil.Crowther@arun.gov.uk>

Sent: 11 February 2026 16:14

To: Planning.Responses <Planning.Responses@arun.gov.uk>

Subject: FW: Urgent: Retrospective Planning Application and Enforcement Delay – 31 Windmill Drive, Rustington

Can this be uploaded against R/17/26/CLP?

From: Paul Harris [REDACTED]

Sent: 11 February 2026 14:09

To: Neil Crowther <Neil.Crowther@arun.gov.uk>

Cc: Paul Harris [REDACTED]; Susan Haley <Susan.Haley@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>; Dawn Hudd <Dawn.Hudd@arun.gov.uk>

Subject: Re: Urgent: Retrospective Planning Application and Enforcement Delay – 31 Windmill Drive, Rustington

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Dear Mr Crowther,

Thank you for forwarding my email to the case officer.

I appreciate that you are not personally familiar with the detail, which is precisely why I would ask that this now be reviewed with particular care and **overseen by yourself.**

This development has had a material impact not only on us at No. 29, but also on our neighbours in Fircroft who have very recently moved in. They (and all neighbours on the rear facing Alangate) have lost garden privacy as a direct result of the full-width first-floor addition, and this impact did not arise in their property searches.

That alone suggests the scale and overlooking implications were not properly or transparently presented. I must respectfully insist that a site visit includes YOUR attendance at our property and garden.

The overlooking and loss of privacy cannot be properly understood from drawings alone. From our garden - previously private and our principal evening space - the double rear windows and massing of what has been built are imposing and intrusive.

The side-facing upper window compounds this further, although in fairness this is obscured glass and much less of a personal concern, although it was not in the post build application

For clarity, a dormer is a vertical window structure projecting from the slope of a pitched roof, with its own roof and cheeks. What has been constructed is a full-width first-floor extension with substantial fenestration. That distinction is not semantic - it goes to the heart of whether this can reasonably fall within permitted development.

The courts have made clear that whether development constitutes a dormer or something materially different is a question of fact and degree, to be assessed by reference to the physical reality of what has been constructed, not the label applied to

it (**Emin v Secretary of State for the Environment; Uttlesford DC v SSE ex p White**). Permitted development rights must be interpreted objectively and not extended beyond their proper scope (**Hibbitt v SSCLG [2016]**). A full-width rear addition that materially alters roof form, massing and overlooking relationships cannot be treated as a "dormer" merely by description. **The distinction is substantive and goes directly to whether the works lawfully fall within Class B of the GPDO or constitute operational development requiring express planning permission - I have highlighted this as it falls to your office to make a decision that could not later be refuted at Council expense in court.**

There must be clear precedent and guidance on how similar full-width rear additions with overlooking impacts have been treated, and I would ask that those comparable cases are examined carefully before any conclusion is reached. The surrounding properties have simply not been taken into account. The approach appears driven solely by maximising internal value, with no regard for neighbouring amenity. To say that we are unhappy is a considerable understatement. I trust this will now be reviewed thoroughly and objectively.

Yours sincerely,

Paul Harris
Founder



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On Wed, 11 Feb 2026 at 13:48, Neil Crowther <Neil.Crowther@arun.gov.uk> wrote:

Mr Harris,

Thank you for your email. I am not familiar with the case or current application but I have forwarded this email to the case officer so that these matters can be considered.

Regards, Neil

Neil Crowther

Group Head of Planning & Building Control

T: 01903 737839

E: neil.crowther@arun.gov.uk

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Delivering the right homes in the right places



Supporting environment to support

From: Paul Harris [REDACTED]
Sent: 10 February 2026 09:50
To: Neil Crowther <Neil.Crowther@arun.gov.uk>; Dawn Hudd <Dawn.Hudd@arun.gov.uk>
Cc: Paul Harris [REDACTED] Cllr. Martin Lury <Cllr.Martin.Lury@arun.gov.uk>
Subject: Re: Urgent: Retrospective Planning Application and Enforcement Delay – [31 Windmill Drive, Rustington](#)

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Dear Neil,

Thank you for your response.

I need to make it clear that the application is materially inaccurate and incomplete, and therefore cannot be relied upon as a factual basis for determining whether the development falls within permitted development.

There is **no reference whatsoever in the application to the side-facing upper-floor window**, despite the fact that this window has been constructed and directly overlooks our second bedroom. This omission is not a matter of interpretation or judgement – it is an objective failure to describe what has actually been built.

Separately, the description of the development as a “rear dormer loft conversion” is fundamentally misleading.

For clarity, and I know you know this, but a dormer is defined as:

“A vertical window unit, complete with its own roof and side walls (cheeks), that projects outward from the slope of an existing pitched roof.”

What has been constructed at 31 Windmill Drive is not a dormer by any reasonable or technical definition. It is a full-width, first-floor extension across the entire footprint of the bungalow, with large areas of glazing. It does not project from the slope of the existing roof, it is not subordinate to it, and it materially alters the scale, massing and character of the original dwelling. The attached photographs clearly show this.

The resulting loss of privacy to our property is immediate and severe, particularly to our bedroom and our once private rear garden (indeed for the last 70 + years as the estate was designed with privacy in mind, our problem is that this is our primary private amenity space and it is now lost. This is plainly visible from our land and cannot be properly appreciated from the applicant’s property alone.

This was to be our quiet retirement home for which we saved all our lives - please take this into consideration.

More prosaically from a planning perspective given:

- the omission of the side-facing window from the application,
- the mischaracterisation of the works as a dormer,
- and the direct overlooking of our home,

I formally request that the Planning Officer's site visit includes **both** 31 Windmill Drive **and** our property at 29 Windmill Drive. My contact details are below. Any assessment that does not view the development from the affected neighbouring land will be incomplete and risks being based on an inaccurate narrative rather than the reality on the ground.

We alerted the council before the works were completed, yet the development proceeded regardless. It is therefore essential that the council's determination is based on what has actually been built, not what the application claims has been built.

Please confirm that a visit to our property will be included as part of the site inspection, or explain why this would not be considered necessary given the issues outlined above.

Kind regards,

Paul Harris

Founder



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On Tue, 10 Feb 2026 at 09:02, Neil Crowther <Neil.Crowther@arun.gov.uk> wrote:

Mr Harris,

I write on behalf of Cllr Lury and also in response to your email sent to Dawn Hudd on 9 February.

Your initial complaint was received on 13 January, and we communicated with you on 19 January. We made contact with the occupants of 31 Windmill Drive and an application for a Certificate of Lawful Development was submitted on 2 February. You are aware that this application has been submitted and have seen the details of the application on the council's website.

The current application submitted is to determine whether what has been built is classed as 'permitted development' or not. There are a lot of works to a property that are classed as permitted development which do not need planning permission. These are set within national legislation and include different types of works dependent upon where they are sited and what the size is. Whether something is or isn't built or whether planning permission has or has not been first obtained is not a consideration in this. It is solely a determination on whether what has been built is within the permitted development limits or not. There can be no other judgement involved.

[Planning Portal interactive guidance for householders](#)

Unfortunately, retrospective applications are not uncommon, but they are determined no differently.

The Planning Officer will be checking the drawings and carrying out a site visit to check the works to determine whether they are permitted development or not. If they are permitted development, the council will confirm this, and the owner would not need any further permissions. If they are not, then a full planning application would need to be submitted. The decision is due to be made towards the end of March.

Regards, Neil

Neil Crowther

Group Head of Planning & Building Control

T: 01903 737839

E: neil.crowther@arun.gov.uk

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**Supporting
environment
to support**

From: Paul Harris [REDACTED]

Sent: 08 February 2026 18:00

To: Cllr. Martin Lury <Cllr.Martin.Lury@arun.gov.uk>

Cc: Caroline Pattenden <Caroline.Pattenden@arun.gov.uk>; Planning Compliance <Planning.Compliance@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>

Subject: Re: Urgent: Retrospective Planning Application and Enforcement Delay – [31 Windmill Drive, Rustington](#)

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Dear Councillor Lury,

Apologies for the immediate follow-up – please read my previous email first, as I omitted the planning link below relating to the neighbouring property at [31 Windmill Drive, Rustington, West Sussex BN16 3HL](#), which directly adjoins our home at [29 Windmill Drive, Rustington BN16 3HL](#).

Planning statement link:

https://www1.arun.gov.uk/aplanning/OcellaWeb/viewDocument?file=dv_pl_files%5CR_17_26_CLP%5CApplicationFormRedacted.pdf&module=pl

Having now reviewed the submission in full, it is clear that the applicant's description is not accurate. Aside from the other matters already raised, this is **not a dormer window**, but a **full-width first-floor addition to a bungalow**, PLUS a **new side-facing window** overlooking our property.

As such, it fails the spirit – and arguably the letter – of permitted development limits, particularly in relation to:

- scale and massing
- character of the host dwelling
- overlooking and loss of privacy in an entirely otherwise low rise bungalow development
- side-facing fenestration - again not planned.

The planning statement materially downplays what has actually been constructed at 31 Windmill Drive.

I will await your response

Kind regards,

Paul Harris

[29 Windmill Drive](#)

[Rustington](#)

[West Sussex BN16 3HL](#)

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██

Paul Harris

Founder

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On Sun, 8 Feb 2026 at 17:43, Paul Harris [REDACTED] wrote:

Dear Councillor Lury,

I am copying you into this correspondence because, despite raising a clear planning enforcement concern with Arun District Council on **13 January**, I have received no substantive response since the acknowledgement letter from **Michaela Mercer dated 19 January**, and the situation has now materially worsened.

It has only just come to light that **our neighbours have submitted a planning application after the building works were completed**. The attached photographs show that the development is now finished. A retrospective application has been lodged only once the fact of the build was unavoidable.

I find both the delay in response from the Council and the conduct of the developer deeply troubling.

To be clear on the facts:

- Works commenced and were substantially completed **without any consultation** with us as adjoining owners.
- No planning application was visible or notified at the time the works were undertaken.
- Only now, **after completion**, has an application been submitted.
- Despite reporting this promptly in January, enforcement appears to have stalled entirely.

This is not a technical or abstract concern. We live in a **1950s bungalow development**, historically low-rise and valued precisely for its privacy. My wife and I bought this property as our **final retirement home**, after a lifetime of work and saving, specifically for the quiet enjoyment and privacy it provided.

That privacy has now been fundamentally lost:

- Our **rear garden**, our principal private amenity space, is directly overlooked.
- Our **second bedroom** is now overlooked due to new side-facing openings.
- We were given no opportunity to raise concerns, request mitigation, or even understand what was proposed before the damage was done.

Had we been consulted in advance, we would of course have approached this reasonably and constructively, and sought the Council's guidance at the outset. Instead, the position has been imposed on us unilaterally, and the Council's lack of timely intervention has effectively allowed a *build first, ask later* approach to succeed.

We are pensionable, however my wife continues to work for the NHS, and I have spent my working life employing people and contributing locally - which I still do. It is difficult to accept that this is how residents who have acted responsibly and in good faith are treated – through loss of privacy, loss of amenity, and a material diminution of the value of what is now our forever home.

I appreciate that officers operate within statutory frameworks, but **retrospective planning following completed works**, combined with prolonged enforcement silence, raises serious questions about process, prioritisation, and fairness.

I am therefore asking you directly to:

1. **Escalate this matter immediately** within Planning Enforcement.
2. Confirm why no substantive response or site visit has occurred since 19 January.
3. Confirm how the Council proposes to address a development that was completed prior to any planning determination.
4. Ensure that the loss of residential amenity and privacy is treated as a central, not peripheral, consideration.

I have attached the relevant correspondence, images, and the retrospective application details for ease of reference.

I served for many years as a volunteer parish councillor and took my obligations seriously. I am asking Arun District Council – and its leadership – to do the same here.

I look forward to your response.

Yours sincerely,

Paul Harris
[29 Windmill Drive](#)
[Rustington](#)
[BN16 3HL](#)

Paul Harris

Founder & CEO

[REDACTED]



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