

17th November 2017

Development Control  
Arun District Council  
The Arun Civic Centre  
Maltravers Road  
Littlehampton  
BN17 5LF

Dear Sir or Madam

**Re: R/225/17/CLE Lawful development certificate for an existing summer house.**

I write in respect of the above referred application for Lawful Development Certificate by Mr A Smith [the Applicant], the owner of Minstrels, 6 West Mead, East Preston, BN16 2SL [Minstrels]. We are the owners of 5 West Mead, East Preston, BN16 2SL [5 West Mead]. 5 West Mead shares a boundary with Minstrels.

**Please accept this submission as an objection to the Application.**

This objection is based on the following points:

**1. Section 9 of the Application**

The Applicant ticks the box beside *'the use began more than 10 years before the date of this application'*. The Application Form is dated 9 October 2017. There are 'handwritten' dates of 25 October 2007 & 26 October 2007 on 2 photographs submitted in support of the Application which only show the foundation and base of the wooden structure. Assuming that those dates are accurate (although we have seen no evidence to verify the dates) it would not have been possible to effectively 'use' the wooden structure more than 10 years before the date of this Application.

There is no material evidence produced with the Application to support that the foundations and base of the wooden structure were created 10 years prior to 9 October 2017. There is only a handwritten date/month on the photographs.

**2. Section 10 of the Application**

In response to the question *'When was the use or activity begun, or the building works substantially completed'* the applicant has written 'Oct/Nov 2007'. There is no evidence submitted in support of the Application which sets out or supports on what date or month the *'use or activity begun'* and there is nothing to verify that use begun in October / November 2007. The Applicant does not make any response to the question of whether the use or activity has been interrupted. The Applicant does not set out in the Application form the date, month or year that construction of the wooden structure was substantially completed and there is no evidence submitted in support of the Application which refers to such date.

### 3. Section 8 of the Application

The applicant describes the structure as a: *'Summer House. A retreat to relax with friends, drink coffee & read.'*

This description indicates incidental use rather than ancillary use. The plans, prepared by A B Jornta submitted with the Application show what appears to be a single bed with pillow and bed cover; a sink with dotted line which we assume to indicate drainage; 2 circular rings which resembles a cooking hob; and a table with 4 chairs. The internal drawing demonstrates and indicates ancillary use and living accommodation. It is notable that these plans are undated.

This plan also shows 7,7 square metres of insulated useable area, which we find to be unusual for a garden structure purely for use as a summer house as described by the Applicant.

We enclose sale particulars available from Rightmove.co.uk advertising for sale Minstreis. The sale particulars describe the structure as a: *'Home Office/Studio'*. This contradicts the description of *'Summer House'* at section 10 of the Application (as referred to above).

These Sales Particulars appeared on Rightmove describing the structure as a *'Home Office/Studio'* between 28<sup>th</sup> July 2017 and the 6<sup>th</sup> October 2017. Only 3 days later (9 October 2017) when the Application was submitted, the structure was described as a *'Summer House'*.

Letters with reference ENF/371/17 in support of the Application are dated between 4<sup>th</sup> and 7<sup>th</sup> October 2017 and we understand these were submitted with the Application i.e. they do not appear to have been submitted independently by the authors of those letters. These letters refer to the structure as a summer house, however as set out above, during the same period the structure was defined as a *'Home Office/Studio'* in the sale particulars.

4. There is also no evidence confirming that the structure has been continually used for a certain purpose for more than 10 years or that it has been in continual use since building works were substantially completed.

### 5. Block Plan

The block plan submitted by the Applicant in support of the Application shows that the south boundary with 5 West Mead, and directly behind the structure, as a straight line. This is not accurate.

On 22<sup>nd</sup> May 2017 a 14 page report prepared by Chartered Surveyor Grumitt Wade, was sent to the Applicant. The Report concluded that the wooden structure was not a lawful development as it did not have planning permission. The report also concluded that the structure encroached the boundary in to 5 West Mead.

We have seen a letter from Mr Grumitt of Grumitt Wade to you dated 10 November 2017 setting out his concerns with the application and we echo the content of that letter.

We would also add that location plan submitted with the Application is therefore also not accurate.

The block plan submitted in support of the Application does not show '*measurements from the proposal to the site boundaries*' which is a requirement under the letter dated 17<sup>th</sup> October 2017 from Arun District Council to the Applicant.

Further, the block plan does not indicate the number of trees surrounding the structure either on the Applicant's land or that of 5 West Mead. Historically there were Leylandii trees on 5 West Mead within the vicinity of the structure, however those were removed (as referred to further below) and since August 2017 we have planted new trees at 5 West Mead within the vicinity of the structure.

#### 6. Overall dimensions and views

The Application does not include any reference to the height of the structure. One of the photographs submitted in support of the Application depicts a raft support system at ground level. We understand that the height is taken from ground level to its highest point. We estimate this to be 2.9 metres approximately, which is well in excess of the permitted development rules.

From 5 West Mead, we have sight of 2 sides of the structure – being rear view and left view which sit alongside the close board fencing (see photo below July 2017). We also bear the full extent of the structure's height which as noted is 2.9 metres approximately.



## 7. Visibility of the wooden structure

The wooden structure was not visible from any road until July 2014 when Leylandii trees surrounding the structure were removed. Photographs submitted with the Application also show how the height and density of the Leylandii trees effectively concealed the structure, its foundations and build from the general public's view. We have also seen aerial photographs at Arun District Council dated June 2008, April 2010, and September 2012 which also show that the structure was concealed from the general public's view by the Leylandii trees. Therefore the structure and its use was not visible at all from West Mead Road or at all from the land of 5 West Mead until the Leylandii trees were removed.

## 8. The wooden structure - Safety

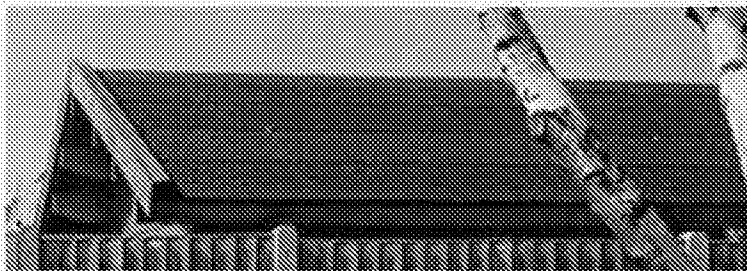
The structure is constructed from a highly combustible material (wood) and within the structure there is an electrical supply. Its rear, left and right sides sit inches from wooden fencing. From the block drawing the structure is shown to sit tightly in an enclosed area with only the structure's front view and roof enjoying open space. We are therefore concerned about the *potential* spread of fire in this enclosed tight space.

Further, if the useable area, which it appears is in excess of 15 square metres, is used as sleeping accommodation as shown on the internal drawings by AB Jornta, we understand that a structure of this type for such use would normally require Building Regulations Certification. There is no evidence that the electrical works in the wooden structure meet Part P regulations. There is not a dated electrical installation certificate included with the Application.

We are seriously concerned that the wooden structure is a health and safety hazard. There is a lack of any evidence in support of the Application which would alleviate such concerns or demonstrate that the wooden structure is indeed safe.

## 9. Guttering

The external drawings submitted with the Application do not show that there is guttering on the wooden structure. In actual fact there is guttering on the right view but no guttering on the left view. As such rain water landing on the structure's roof falls towards the boundary and the fencing. (See photo April 2017 below.)



#### **10. Drainage**

The Application does not contain any information about or a statement on the structure's drainage. Nor is there any information or a statement on the total roof space of the structure. We estimate that the roof space is circa 16-18 square metres and as such requires proper drainage which we understand would comprise of a drain run and soakaway simply because the wooden structure sits so tightly to fencing. The Applicant's photograph dated 26 October 2007 shows what appears to be some sort of stone or aggregate surrounding the base – we do not believe that this is adequate drainage in relation to the total roof space and its proximity to fencing. We are on clay soil and in conditions such as sustained rainfall on such soil can produce a solid effect within the sub-soil caused by the absorption of various nutrients to make it an impenetrable barrier. This effect causes water-logging where water sits on the surface or fails to drain at all. The impact of this will have a detrimental effect on a) the wooden fencing surrounding the wooden structure in that water will cause it to eventually rot ; and b) roots of any trees or plants in the vicinity (including our newly planted trees) could potentially drown as the water excludes air from soil.

Hence our concern as laid out in points 9 and 10 above with lack of guttering and drainage statements with respect to this wooden structure taking into consideration the well-publicised problems regarding clay soil and water-logging.

#### **Conclusion**

We are incredibly concerned by the wooden structure and its lack of planning consent. For the reasons set out above we do not believe that the wooden structure ought to be granted a lawful development certificate. Furthermore we are concerned that the Applicant has misrepresented the position within the Application in order to try to obtain a lawful development certificate.

Yours faithfully,



C. Radford. K. Gannon

5 West Mead  
East Preston  
BN16 2SL



Jackson-Stops, Arundel  
28 High Street, Arundel, BN18 9AB

01903 443099 local call rate



www.rightmove.co.uk/property/57985572

This property has been removed by the agent.  
It may be sold or temporarily removed from the market

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## 4 bedroom detached house for sale

West Mead, East Preston, West Sussex

Guide Price  
**£1,100,000**



### Property Description

- Entrance Hall, Sitting Room, Triple aspect Conservatory, Dining Room
- Recently re-fitted Kitchen/ Breakfast Room, Utility Room
- Bedroom 4/Study
- Triple aspect Bedroom 1 with En-suite Shower Room
- 2 Further Bedrooms, Family Bathroom
- Galleried Study
- Beautiful front and rear gardens - The secluded plot extends to just over a quarter of an acre
- Timber Home Office/Studio
- Garage, Driveway with parking for several vehicles
- Approximately 400 metres to the beach

#### Full description

Tenure: Freehold

A beautifully presented and spacious 3/4 bedroom detached property situated on a mature plot of just over a quarter of an acre, on the popular Willowhayne Pile Estate, just 400 metres from the beach.

The well planned and versatile accommodation was subject to considerable improvement in recent years and comprises Entrance Hall, superb Sitting Room with impressive vaulted ceiling opening through to triple aspect Conservatory overlooking the garden and a Dining Room with rear aspect. There is a beautiful newly fitted Kitchen/Breakfast Room with a range of German Nobilia units incorporating quartz worktops, built-in appliances including four ring gas hob, electric oven with warming drawer, microwave, dishwasher and wine cooler. There is a separate Utility Room with matching units including Miele worktops and space and plumbing for appliances. Double aspect Bedroom 4/Study with a range of wardrobe cupboards and a Shower Room.

To the first floor the Master Bedroom is a bright triple aspect room featuring a range of built-in wardrobe cupboards with central dressing table, En-suite Shower Room, 2 Further Bedrooms and a Family Bathroom. There is a galleried Study with an open aspect overlooking the Sitting Room fitted with a range of bookshelves.

Outside a five-bar gate leads into the gravelled driveway with adjoining lawn with raised flower beds with hydrangeas, lavender, pear trees etc. Just off the Conservatory is a paved terrace leading to lawn with shaped flower beds, pear trees, quince tree and further mature trees and shrubs, all enclosed by fencing. Timber Home Office/Studio with covered decking area, power and light. A gate leads to the driveway and there is side access to the rear garden.

The rear garden has been beautifully laid out by the current owners and offers a high degree of privacy. A paved terrace leads to an extensive lawn area with well stocked flower borders, large central shaped rose bed, hydrangeas, two apple trees (one cooking), two plum and one fig tree, soft fruits including gooseberries and raspberries. Two timber garden sheds and a summerhouse/workshop with decked area. There is a Garage with electronically operated roller door. The secluded plot extends to just over a quarter of an acre.

#### More information from this agent

To view this media, please visit the on-line version of this page at [www.rightmove.co.uk/property-for-sale/property-67963072.html?premiumA=true](http://www.rightmove.co.uk/property-for-sale/property-67963072.html?premiumA=true)

#### Energy Performance Certificate (EPC) graphs

See full size version online



#### Listing History

Added on Rightmove:  
28 July 2017

## Discussion

