

25 March 2026

17 Evelyn Avenue,
Rustington,
West Sussex BN16 2EJ.

Dear Ms Haley,

PLANNING APPLICATION R/31/26/HH: 15 EVELYN AVENUE BN16 2EJ

We are responding to Nat Design's 19 March letter to you in response to Rustington Parish Council's objection to the above application, which we think should not go without comment.

As owners of one of the adjacent bungalows we do not accept the assertions made on behalf of the applicant that this application involves only a "modest" increase in the size of the dormer with no significant additional loss of amenity. There are no measurements with the plans but it seems that the virtually full width dormer will be almost twice the width of the permitted development. Also it will not protrude from the centre of the pitched roof but will be flat fronted virtually the width of the bungalow. This will make it far more obtrusive. And the placing of a window towards each end will be far more intrusive through overlooking because of their sight lines into neighbours' gardens compared with the single centred window even further reducing their privacy.

Nat Design's letter makes much of the Lawful Development Certificate (R/6/26/CLP) as preparing the ground for the planning application. In our view – and by reference to technical guidance on permitted development of the government web site – this should not be a basis for approving an application if it would not have been approved had the whole development been revealed in the first place.

The following is a point by point response, using the headings in Nat Design's letter.

(i) Overbearing Impact, Loss of Light and Privacy

"A modest enlargement to the approved dormer" is not a justifiable characterisation. It is virtually the full width of the bungalow, which is almost 9 metres, rather than protruding at the mid-point of the pitched roof and it is double the width of the permitted development. This seems contrary to guidance in the Arun District Design Guidance that dormers should be "a minor incident in the roof plane".

"The LDC scheme already permits a rear dormer of substantial scale".

The LDC dormer is only about half the width of the proposed dormer, being subject to permitted development limits. If this is substantial, the one to replace it would be massive.

"Rear-facing windows at first floor level are typical of residential development and do not, in themselves, constitute unacceptable overlooking, particularly within established suburban contexts".

But we believe this would constitute unacceptable overlooking within our suburban context. Evelyn Avenue particularly, but also nearby roads, as described in the Rustington Village Design Statement comprises mainly single storey bungalows that do not overlook each other.

"The current proposal represents only a limited increase in the size of the dormer beyond permitted development tolerances. This increase does not materially alter the relationship with neighbouring properties when compared to the approved fallback scheme."

See above comments on the increase in size of the dormer. Also the LDC dormer has only one, central window, overlooking much less than the two windows towards the ends of the dormer.

“The spatial relationship between properties, including the established 2 metre separation, remains unchanged from the fallback scenario”. But it is not clear that this was taken into account when the permitted development application was considered.

As owners of the less near of the two adjacent properties, it is our view that the proposal would “result in a materially greater level of harm than that already deemed lawful”. But we are grateful for the recognition that even the permitted development causes harm.

(ii) & (iii) Character, Scale and Impact on the Street Scene

“The current application does not introduce a fundamentally different form of development, but rather a minor variation to an extant fallback position”.

As explained above, this is more than “a minor variation”. The new dormer is virtually the full width of the bungalow (nearly nine metres), about twice the width of the permitted development. This is not “a simple and unobtrusive form which does not overpower the existing or neighbouring properties” in accordance with the Arun District Design Guide.

“The proposal remains read as a bungalow with roof accommodation, rather than a full two storey dwelling.” This is little more than playing with words. The normal definition of a bungalow is a single- or one-and-a-half storey dwelling. The proposed building will have four bedrooms and the mass of a two storey house.

“The suggestion that the proposal would fundamentally disrupt the street scene does not properly account for the lawful fallback position, which would result in a very similar visual outcome.” This simply highlights the fact that the character of the street was not properly considered in relation to the permitted development. But the five rooflights make this even worse.

(iv) External Cladding

“While it is acknowledged that brick is a common material within the immediate vicinity, the wider area exhibits a variety of finishes, including render and areas of cladding. The proposed materials have been selected to provide a cohesive and contemporary appearance without appearing incongruous.”

Brick is more than a common material in the immediate vicinity and even the wider area (Rustington Village Design Statement Character Area 6). It is overwhelmingly in evidence and is specifically mentioned in the listing of the Architectural Features of the area. Cladding is only used in Evelyn Avenue for five gable infills and extensive cladding as proposed is hardly to be seen in the local area.

Furthermore, a contemporary appearance is at odds with the statement in the Rustington Village Design Statement that Character Area 6 is “characterised mainly by 1950s and 1960s bungalows”, which is the overwhelmingly predominant building style.

“The surrounding area is not architecturally uniform. A range of alterations, materials and extensions are evident within Evelyn Avenue and the wider Rustington Area. The proposed use of cladding is therefore not alien to the locality and has been carefully considered to provide a contemporary yet complementary appearance.”

Furthermore, No 15 sits in the middle of a row of eleven identically built bungalows that are architecturally uniform and do not have cladding. Indeed, the LDC was amended at Arun DC’s instigation to exclude the introduction of cladding, though this is not shown on the plan with this application.

“Importantly, the introduction of alternative materials to a dwellinghouse is not uncommon and, in this case, would not result in demonstrable harm to the character of the street, particularly given the modest scale of the porch and the overall composition of the elevations.”

It should be self-evident that this use of cladding would be completely out of character with the properties in Evelyn Avenue. And the cladding at the sides of the proposed development would be visible from the street as well as the cladding on the front. Also, the cladding of the full width rear dormer would make it even more intrusive.

(v) Policy 2 of the Rustington Neighbourhood Plan

Policy 2 is misleadingly summarised and the three bullet points in no way address the breaches of it.

The policy actually says that “proposals (including alterations to existing buildings) will be supported, provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape”. To this end it “requires the design of all housing schemes to reflect the local character of different parts of the parish by responding positively to the relevant guidance in the adopted 2010 Rustington Village Design Statement”. This proposal does not comply with this.

Evelyn Avenue is in the second (southern) part of Character Area 6, “characterised by mainly semi detached and detached bungalows, while some Victorian housing can be found in the Broadmark Lane/Glenville Road Area”. The architectural features of the area are set out in the related Planning Guidelines. They say that “the detached and semi-detached bungalows are of brick and painted brick construction, with the predominant use of clay tiles. A few houses in this area are brick and render”. “The street scenes are generally alike in architecture with each road characterised by similar styles.”

The mass of a two storey four bedroomed property is clearly at odds with this, particularly in relation to Evelyn Avenue, which comprises entirely single storey bungalows except at the ends of the road, but also to other roads in the area.

The claim that “the proposal is considered to comply with the intent of Policy 2 when assessed in the correct planning context” is just an unjustifiable assertion with unexplained references to “intent” and “the correct planning context”.

(vi) Precedent and “Abuse” of Permitted Development Rights

We take issue with the statement that Rustington Parish Council’s “suggestion that the use of permitted development rights constitutes an “abuse” is not supported by planning legislation or policy” The government’s own rationale for permitted development (from technical guidance on the gov.uk web site) is “to allow householders to improve and extend their homes without the need to apply for planning permission where that would be out of proportion with the impact of works carried out while protecting the interests of their neighbours and the wider environment”. Permitted development rights were clearly not intended or envisaged to be used as a device to enable homeowners to avoid comment on and proper scrutiny of contentious elements that would be subject to objection as part of a subsequent planning application.

The permitted development proposal (R/6/26/CLP) protected neither neighbours’ interests nor the wider environment, as explained in Rustington Parish Council’s and others’ responses to the subsequent planning application (R/31/26/HH). Unfortunately, neighbours were not consulted on their interests in relation to the application for a Lawful Development Certificate and lost the opportunity to comment on it because we were given incorrect information about the time scale for this in a 6 February telephone call to Arun DC Planning, the decision then being taken less than a week later, on 12 February.

While approval of this application would not “set a binding precedent”, it would surely be cited in applications for future properties in the area with a progressive replacement of much needed single storey properties for older people and those with mobility issues and an unplanned and unintended change in the character of the area.

Conclusion

These are simply five assertions, as dealt with in detail above.

Yours sincerely,

M R TREPTE

T S TREPTE

Susan Haley,
Planning Department,
Arun District Council
Civic Centre,
Maltravers Road,
Littlehampton,
West Sussex BN17 5LF.