

11<sup>th</sup> September 2024

Ms Hannah Barker  
Planning Department  
Adur and Worthing District Council  
Town Hall  
Chapel Road  
BN11 1JN

Dear Hannah Barker,

**PROJECT NO 406: 51 OLD FORT ROAD, SHOREHAM**

Planning Permission references: AWDM/2007/21 (original application) and  
Planning Application: AWDM/1058/24 (to vary condition 15)

Thank you for visiting the application site with me last week. I would like to respond to comments made by neighbours regarding the application to vary planning condition 15.

An inaccuracy in the comments made is that they consider the houses have not been built in accordance with the planning permission.

The development has been built as the approved drawings. Small changes in materials were approved under permission AWDM/1119/23.

The decision notice is ambiguous in that both the approved drawings are set out with levels shown and these levels contradict planning condition 15.

The approved drawing (06C) shows the living room at 5.86. The approved FRA also shows the level of 5.86 AOD at appendix C referred to in the planning condition. As built it is 50mm higher.

I explained in our meeting how the original design showed the building 300mm higher and the EA's comments and subsequent recommended planning condition was based on a level 300mm higher, and that comment was not revised when the building was lowered and approved.

Raising the floor to 6.15 could not have been achieved without revising the design and raising the whole rear section of the houses by 300mm.

It is in fact that we have followed the approved drawings that we have applied to vary condition 15.

The neighbours comments presume the flood risk is from the sea. It is not, it is from the river. (Please refer to the approved FRA paragraph 2.7).

EA data is calculated on the 'undefended' scenario in 91 years' time. 'Undefended' means without any man-made sea defenses. i.e. the newly constructed river wall has hypothetically and catastrophically failed.

91 years' time, because EA data allows for sea levels rising.

Rainwater within the front lightwell is drained via a sump and mechanical pump. This has all been approved via planning condition and implemented as per the approved design.

For flood water to affect the lower ground floor it would have to overtop a level of 6.1 at the front and 6.25 at the rear. 840mm higher and 990mm higher than the flood level respectively.

In the letter of 7<sup>th</sup> December 2021, the lower ground floor was described as '*non-habitable*'. The letter also describes the lower ground floor as a '*work from home room*' and a '*flexible room*'. Flexible in use. This letter is referred to in planning condition 15.

If I understood your use of the term '*non habitable*' in the context of the planning permission, it does not mean no habitable use at all (e.g. a cupboard). '*Non-habitable*' was used to describe uses other than 'sleeping'. i.e.: watching TV, working from home, games or hobbies room are all reasonable and habitable uses.

The term 'non-habitable' is also not consistent with comparable planning permissions where the term is not used at all.

The term '*no sleeping accommodation at ground floor*' is only used in comparable planning permissions where the entire ground floor is lower than the flood level and there are no mitigating defenses.

At 51 old fort road there are mitigating defenses because water would have to overtop a level 840mm higher than the flood level.

It is therefore reasonable that the living room and kitchen can be described as 'habitable' where there is no requirement for these areas to be used as 'sleeping' rooms. The lower ground floor is both habitable and could be used to sleep in because it is as safe as the lowest level where a hypothetical and undefended flood could breach. i.e. 840mm above the flood level in 91 years.

Other concerns regarding compliance with the building regulations are unfounded. A building regulations completion certificate can be provided upon request to show full compliance with the regulations.

Yours sincerely,

James Breckell

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