Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1893
26 Amberley Road, Horsham, West Sussex, RH12 4LN

DESCRIPTION:
Demolition of existing garages and erection of a three-bed dwelling.

RELEVANT PLANNING HISTORY:

DC/21/2088	Erection of a two storey three bedroom detached dwelling.	Application Refused on 14.01.2022.
DC/24/1446	Demolition of existing garages and erection of a three-bed dwelling.	Application Refused on 13.11.2024.

DESCRIPTION OF THE SITE AND APPLICATION
The application site consists of two single storey garages to the east of Amberley Road and forms part of the side/rear garden of a two-storey semi-detached dwelling. The application site is located within the built-up area boundary of Horsham. The wider area is residential in character with a mix of detached and semi-detached dwellings.

The application seeks permission for a two storey 3 bedroom detached dwelling with approximate dimensions of 6 metres in width, depth of 13 metres and 10 metres at first floor with a gable roof with a ridge height of 7.9 metres. Two off road parking spaces would be provided to the frontage of the site, with private amenity space extending to the south-east. The proposed materials would be render at the ground floor, timber to the first floor and concrete roof tiles.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five-year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 40: Improving Housing Standards in the District

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
Natural England: No Objection. The following mitigation measures are required / or the following mitigation options should be secured:

- The delivery, management and maintenance of any measures identified in the applicant's water neutrality statement that are required to ensure that the proposed development will not result in increased levels of abstraction within the Sussex North Water Supply Zone.

Southern Water: Comment. If the applicant is proposing to use the existing foul connection, Southern Water will then have no further comment regarding foul. Previous comments dated 2nd October regarding soakaways remain valid.

WSCC Highways: Comment: -

This application is for the demolition of existing garages and erection of a three-bedroom dwelling. The site is located on Amberley Road, a D classified residential road subject to 30mph speed restrictions.

The Local Highways Authority (LHA) has previously been consulted on matters at this address under applications DC/21/2088 and DC/24/1893 to which no severe highways safety concerns were raised subject to conditions.

This most recent planning application does not materially change in Highways terms from that previously submitted. Therefore, the comments issued will remain similar to that previously advised.

Vehicle Access and Parking

Vehicle access and parking for the new dwelling will be facilitated by an existing dropped crossing access that currently facilitates access and parking for 26 and 26B Amberley Road. This existing parking provision takes the form of a large hardstanding area and garages large enough to park a minimum of 2 vehicles per dwelling.

The garages will be lost because of the proposal; however, the retained hardstanding is considered large enough to park at least 2 vehicles per dwelling (26B and the proposed dwelling).
Such provision would be considered adequate to meet the needs of a dwelling of this size in this location.

As a result of this proposal 26 Amberley Road will no longer make use of this existing dropped crossing access point. Therefore, the net impact at this particular access point would be considered zero.

The proposed block plan annotates that a new driveway and hardstanding to serve the host dwelling will be provided to serve 2 vehicles.

Amberley Road is 'unclassified' so this replacement dropped crossing access works would be implemented under a Licence Agreement obtained from WSCC Highways, an informative has been included below outlining this as well as a condition to secure the access arrangement.

Cycle Parking

Secure and covered cycle parking has been proposed to serve both the existing and new dwellings. This is welcomed given the loss of garage space which may ordinarily also serve as a cycle parking location. A suitably worded condition has been included below in order to secure the provision.

Conclusion

In principle the Local Highways Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

Representations:
2 representations (from 2 addresses) were received, objecting to the application on the following grounds: -

- Inappropriate infill amounting to overdevelopment.
- Unconvinced that proposal achieves water neutrality.
- Plans not correct.

Parish Comments:
Objection due to overdevelopment of the site.

Member Comments:
None received.

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Background:

An application DC/21/2088 for a three-bedroom two storey dwellinghouse on the site was refused on 14.01.2022. This was refused for the following reasons:

1. *The proposed development would erode the spacing and rhythm of the build pattern, which is considered to play an integral role in the visual amenity of the street scene, and would be of a scale, size, bulk and mass that would result in an inappropriate and cramped form of development. The proposal would fail to reflect or reinforce the settlement pattern, build characteristics and visual amenity of the locality and would be disproportionate when read against the immediate dwellings within the street. The proposed development would therefore result in significant and demonstrable harm to the townscape character and visual amenity of the street scene, and would detract from the rhythm and sense of place, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).*

2. *Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).*

After this refusal, an appeal APP/Z3825/W/22/3292158 was dismissed on 10/07/2023. This appeal was dismissed, with the Inspector concluding: -

'…..the proposal would not harm the character and appearance of the area. However, the proposal fails to demonstrate that it would achieve water neutrality…..'

A following application, ref: DC/24/1446, for a three-bedroom two storey dwellinghouse was refused on 13.11.2024 for the following reason:

1. *Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).*

This current application is a resubmission, with the siting and design of the dwellinghouse unchanged from the preceding application. The key change is the submission of additional information in respect of water neutrality.

Principle of Development:

As per the previous applications, the new dwellinghouse would be built within the built-up area, where there is a presumption in favour of sustainable development. Given the character of the area, the proposal is considered to be appropriate in nature and scale to the settlement, in accordance with Policy 3 of the HDPF. The principle of development is therefore considered acceptable, subject to other material considerations.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves, and enhances the townscape character from inappropriate development. Proposal should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Amberley road is characterised by dwellings of varying styles and sizes, both single and two-storey, set within well-sized plots set back from the road by driveways and gardens with varying sized spaces in between each property. What is consistent however is that properties along this road are broken up by gaps between them which provides visual relief to the area. The introduction of the proposed dwelling in this location would erode the wide-open view of the skyline that currently exists between the dwellings on either side and would remove the open space and views between the properties. However, the proposed dwellinghouse would replicate the size and scale of the 26B Amberley Road and would therefore assimilate with the built characteristics of the street scene.

The appeal decision APP/Z3825/W/22/3292158 found that there were examples of similar sized small gaps between dwellinghouses within the immediate locality such that the resultant gaps from the proposal would reflect and reinforce the settlement pattern within the area and be in keeping. Overall, the Inspector found that the proposal would not harm the character of the area. There have been no changes to the scheme, site or surroundings which would lead to a different conclusion.

The design of the proposal reflects the design, scale and character of the previous application considered at appeal and there are no alterations introduced within the design such that would draw a different conclusion. Overall, there are no objections to the proposal in terms of policy 25, 32, 33 of the HDPF.

Residential Amenity:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

The preceding applications were not refused or dismissed at appeal due to the impact on neighbouring amenity. As with these earlier decisions, the proposed dwelling is considered to be a scale that would not result in a sense of enclosure, with the dwelling is located within an area where there is an expected degree of mutual overlooking. Whilst the proposal would introduce additional built form, this would not result in an unacceptable relationship or harm to the amenities and sensitivity of neighbouring properties, in accordance with the above policy.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

The proposed development would provide 2no. parking spaces along the frontage and would utilise an existing dropped kerb to serve a new driveway and parking area. There would be a loss of two spaces from the demolition of the garages, however there is sufficient hardstanding proposed to provide two

parking spaces required for the new dwelling. In principle, the Local Highways Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The submitted Water Neutrality Statement outlines that the existing baseline water demand at 26 Amberley Road (the adjoining property) is 408 litres per day, evidenced from average water bills. The proposed development would comprise a water demand of 202 litres per day, with an average occupancy of 2.47, therefore the whole site consumption equals 610 litres per day. Retrofitting within 26 Amberley Road would reduce water consumption (within this property) to 253 l/d. This together with the proposed dwelling would exceed existing water consumption (of 408l/d). To achieve water neutrality greywater recycling is proposed, which would lower total consumption to 378 l/d. Therefore, through the use of onsite efficiencies and greywater harvesting, the strategy demonstrates that the proposed use would use less water than the existing dwelling, this achieving water neutrality.

Natural England were consulted on the water strategy following the carrying out of an Appropriate Assessment by officers and raised no objection. The information available and the mitigation measures proposed are considered to provide the necessary certainty to demonstrate that the proposed development would be water neutral. Appropriate mitigation measures have been demonstrated and are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC, and Ramsar site from the development either alone or in combination with other plans and projects, in accordance with Policy 31 of the Horsham District Planning Framework (2015), the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats and species).

Climate Change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Electric vehicle charging points

Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG(, unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The development qualifies as 'self-build or custom housing' under Regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

The proposal is considered to accord with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Commencement (New-Build) Condition:** No new-build development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement (Slab Level) Condition**: No new-build development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (Water Neutrality Statement received 25.11.2024) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

5 **Pre-Commencement (Slab Level) Condition:** No new-build development above ground floor slab level shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the agreed details.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: The dwelling hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

7 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities have been implemented in accordance with the approved Block Plan, drawing no. 1221/4, and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the rear garden. The facilities shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

9 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

10 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/

Online applications can be made at the link below, alternatively please call 01243 642105.

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1893

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan		NONE	25.11.2024
Elevation plan	Existing Elevations	1221/2	25.11.2024
Block plan	Block Plan	1221/4	25.11.2024
Elevation & Floor plan	Proposed Plans & Elevations New House	1221/1	25.11.2024
Location plan		NONE	25.11.2024
Elevation plan	Proposed Street Scene Side Elevation	1221/3	25.11.2024
Supporting Statement	Water Neutrality Statement by H2Ogeo dated 12.09.2024	20240716P2	25.11.2024
Design & Access Statement	Planning	NONE	25.11.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 05.02.2025

Authorising Officer sign/initial Guy Everest Date: 05.02.2025