Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0171
103 Rushams Road, Horsham, West Sussex, RH12 2NY

DESCRIPTION:
Installation of an external Air Conditioning unit to side elevation (Retrospective)

RELEVANT PLANNING HISTORY:

DC/23/1173	Conversion of loft to form habitable space (Lawful Development Certificate - Proposed).	Application 23.08.2023	Permitted on
DC/23/0347	Conversion of loft to form habitable space, incorporating creation of a rear dormer and installation of 3no rooflights to front (Lawful Development Certificate - Proposed).	Application 09.05.2023	Refused on
DC/16/1972	Replacement of existing polycarbonate roof to conservatory with a prefabricated warm roof with 3 x roof lights to match existing dwelling (Certificate of Lawful Development - Proposed)	Application 14.10.2016	Permitted on
DC/04/1125	Conservatory	Application 23.07.2004	Permitted on

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 25- Strategic Policy: The Natural Environment and Landscape Character
Policy 26- Strategic Policy: Countryside Protection
Policy 28- Replacement Dwellings and House Extensions in the Countryside
Policy 31- Green Infrastructure and Biodiversity
Policy 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles
Policy 34- Cultural and Heritage Assets
Policy 40- Sustainable Transport
Policy 41- Parking

Horsham Blueprint Business Neighbourhood Plan (HBBNP) 2019 - 2036:
Policy HB3 - Character of Development
Policy HB4 - Design of Development

Parish Design Statement:

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Consultations:

Natural England: Standing Advice:-
It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments:
None received

Representations:
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

This application is for the Installation of an external air conditioning unit to side elevation (Retrospective) at 103 Rushams Road, Horsham, West Sussex, RH12 2NY.

This application seeks to regularise a breach of planning.

The application has been assessed on the basis of the submitted details, together with the planning history of the site, available images and photographs. These details were considered sufficient to allow the application to be properly considered and determined.

Character and Appearance

Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

Policy HB3 and HB4 of the HBBNP cover the design and character of development within Horsham which is supported by the neighbourhood councils of Forest, Denne and Trafalgar. It advocates for high quality design and construction that integrates with its surroundings whilst minimising impact on natural

environments. It should reflect the character and architectural forms of the area in order to protect against inappropriate design.

The proposed development is for This application is for the Installation of an external air conditioning unit to side elevation (Retrospective) at 103 Rushams Road. The unit has indicated measurements of 575mm x 765mm x 310mm (*h* x *w* x *d*) is positioned in the rear garden at an indicated 0.9m above the ground. Though it would be favourable for a unit to be located at ground floor level, the overall appearance it is not thought be overly prominent in the street scene due to being positioned to the side of dwelling. On balance, the proposal would accord with the above policies in terms of its design and appearance.

Impact on Neighbouring Amenity

Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The unit has been positioned 0.9m above the ground on the conservatory wall, though photography provided would seem to indicate that this height would be incorrect. The unit's position is in line with the rear door of the neighbouring dwelling of 101 Rushams Road, approximately 3m away and roughly just above head-height.

It is considered that this is a less than satisfactory position for the unit as it is not attenuated and can freely propagate into the neighbouring dwelling. Though Environment Health recommended a condition to limit its noise between 2300hrs and 0700hrs, the unit's noise has not been detailed during the daytime and in fair weather it would likely be of a noise nuisance for residents of 101 Rushams Road using their garden. Furthermore, as the unit is located above ground floor level, mitigations against potential noise impact would not abate emissions. It is therefore considered that the unit would have a harmful effect on the neighbouring amenity.

It was previously requested on 21/03/2024, that the unit was moved prior to determination however this was denied by the applicant. In the absence of information demonstrating that unit in its current position would not result in adverse amenity harm to the neighbouring property, or appropriate mitigations to abate noise impacts, the proposal is not satisfactory of Policy 33(2) of the HDPF.

Other Matters

It was requested on 22/03/2024 that revised plans were submitted that accurately reflect with the proposal due to photography received which indicated the plans were not scale. The drawings were also thought to be contrary to the provided specification. A revision received on 21/04/2024 was also considered to be inaccurate.

Water Neutrality

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

The proposal is not considered to be satisfactory of the policies outlined and is therefore recommended for refusal.

Recommendation: Application Refused

Reason for Refusal:

1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the installed air conditioning unit would not result in adverse amenity harm to the neighbouring property at 101 Rushams Road by way of noise nuisance, contrary to Policy 33(2) of the Horsham District Planning Framework (2015).

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/24/0171

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation plan	Existing	1	30.01.2024
Elevation plan	Proposed	2	21.04.2024
Location plan		OI1585664	30.01.2024
Block plan		NONE	05.02.2024
Details plan	AC Unit	3/3	21.02.2024

DELEGATED

Case Officer sign/initial J.Burrowes Date: 22/04/2024

Authorising Officer sign/initial RHERMITAGE Date: 29.07.2024