Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/1006
35 Churchill Avenue, Horsham, West Sussex, RH12 2JP

DESCRIPTION:
Subdividing of existing plot and erection of a two storey 4 bedroom dwelling.

RELEVANT PLANNING HISTORY:

HU/202/58	Garage (From old Planning History)	Application Permitted on 14.10.1958

DESCRIPTION OF THE SITE

The application site is located at 35 Churchill Avenue, Horsham, RH12 2JP, within the built-up area of Horsham. The surrounding area is predominantly residential, characterised by two-storey semi-detached and terraced dwellings of brick and tile construction, forming part of a well-established suburban estate.

The host property is a two-storey semi-detached dwelling situated on a large corner plot of approximately 470 sqm. The dwelling benefits from generous front, side, and rear gardens, with existing boundary treatments and a vehicular access. The site lies outside of any conservation area or other landscape designation and is in Flood Zone 1.

DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for the subdivision of the existing residential plot and the erection of a new detached two-storey, four-bedroom dwelling with associated parking and garden space.

The proposal would result in the formation of two plots:

- Plot 1: the existing semi-detached dwelling on a reduced curtilage of approx. 216 sqm;
- Plot 2: a new two-storey dwelling on a plot of approx. 254 sqm.

The new dwelling proposes matching brickwork and roof tiles to reflect the host property, with a pitched roof of similar ridge and eaves height. Off-street parking would be provided for both dwellings, and private amenity space would be retained to the rear of each property.

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 24 - Strategic Policy: Environmental Protection
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 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

Neighbourhood Plan:
Horsham Blueprint Business Neighbourhood Plan
Policy HB1 – Location of Development
Policy HB3 – Character of Development
Policy HB4 – Design of Development

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.

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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:

HDC Arboricultural officer: Holding Objection/ Modification - Significant pre-application tree felling has occurred at the site, resulting in the loss of two mature Oak trees that previously contributed to the visual amenity of the area. Although not protected by a Tree Preservation Order (TPO), their removal has caused landscape harm and would have posed a constraint to development had they remained.

The key concern relates to the proposed development's encroachment into the Root Protection Area (RPA) of a mature off-site Oak tree, listed on the Woodland Trust Ancient Tree Inventory. This tree holds high public visual amenity value and its RPA is already constrained by existing infrastructure. The proposal includes new hardstanding and part of the dwelling within the soft ground area of the RPA, exceeding the 20% threshold set by BS 5837:2012, and potentially causing irreversible root damage and soil compaction.

To mitigate these impacts, it is recommended that:

- A full BS 5837 Arboricultural Impact Assessment, Method Statement, and Tree Protection Plan be submitted.
- No new hardstanding be placed within the soft ground area of the tree's RPA.
- The parking area be relocated further south.
- The proposed dwelling be shifted at least 2.5m eastward into the rear garden to avoid RPA intrusion and allow sufficient working space.

Natural England: More Information Required - The proposed development may have significant adverse effects on designated sites including the Arun Valley Ramsar site, SAC, SPA, and Amberley Wild Brooks and Pulborough Brooks SSSIs. Natural England requires further information to assess the potential impacts and determine appropriate mitigation.

To make the development acceptable, the applicant must provide:

Robust evidence demonstrating that the proposal will not lead to increased water abstraction within the Sussex North Water Supply Zone.

Without this information, Natural England may object to the proposal. A re-consultation is requested once the necessary details are submitted.

Southern Water: Comment – Standard advice given regarding connection and proposed soakaways.

WSCC Highways: More information required - The LHA does not consider that the proposal for a single dwelling would have 'severe' impact 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.

Conditions and Informative will be provided once the applicant has confirmed whether there are to be additional works within the publicly maintained highway in this location- in the form of the additional verge planting shown within the drawing "Site Plan Proposed" drawing no. "PLN 14" and positioned between the proposed accesses.

PUBLIC CONSULTATIONS:

Representations:
19 letters of Objection have been received from 15 addresses, objecting to the application on the following grounds:

- Proposed dwelling represents overdevelopment and is out of character with Churchill Avenue.
- Concerns about loss of privacy, natural light, and visual intrusion for neighbouring properties, particularly gardens and rear rooms.
- Noise and disruption from construction traffic and long-term increase in vehicle movements.
- Highway access and parking pressures will worsen; area already suffers congestion, turning difficulties, and parking shortages.
- Risks to pedestrian safety, especially school children accessing the nearby recreation ground.
- Two mature trees have been removed, causing loss of visual amenity, wildlife habitat, and green character.
- Development threatens remaining trees and their root protection areas, contrary to local policy.
- Loss of general residential amenity and deterioration of neighbourhood character.

- Concerns that back-garden infill would set a damaging precedent for further intensification.
- Plot considered too narrow and constrained, leaving inadequate outdoor amenity space.
- Lack of sufficient off-street parking provision for the size of dwelling, contrary to council standards.
- Unsustainable design that fails to respect established pattern of development.
- Some residents already complained to WSCC Highways about existing issues; development seen as exacerbating these problems.
- Construction vehicles should not access the site via Hamilton Road (unadopted, unsuitable for such use).

Parish Comments:
None Received

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

Principle of Development:

The application site lies within the built-up area of Horsham, as defined by Policy 3 of the Horsham District Planning Framework (HDPF, 2015). Policy 3 establishes the district's settlement hierarchy and confirms that development within defined Built-Up Area Boundaries (BUABs) will be acceptable in principle, subject to compliance with all other relevant policies. Within BUABs, infilling, redevelopment, and small-scale housing schemes are generally supported where they are appropriate to the scale and character of the settlement and contribute to meeting local housing needs.

The National Planning Policy Framework (2024) reinforces this approach through its presumption in favour of sustainable development. Paragraphs within the NPPF emphasise that planning decisions should support the Government's objective of significantly boosting the supply of homes, and that development proposals which accord with an up-to-date Development Plan should be approved without delay. Where relevant policies are absent, silent, or out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole.

Accordingly, the principle of erecting a new dwelling within the built-up area of Horsham is acceptable, subject to the proposal's detailed impacts being assessed against relevant local and national planning policies. These include considerations relating to design, character and appearance, residential amenity, parking, and the Council's statutory duties in relation to water neutrality.

Design and Appearance:

Policies 32 and 33 of the Horsham District Planning Framework (HDPF) require development to be of a high-quality design which complements and enhances the character of the area, contributes to a sense of place, and respects the character and scale of the surrounding built environment. Proposals must ensure that development is sympathetic to the existing built form, layout, and pattern of development, and should avoid townscape impacts such as overdevelopment, visual intrusion, or a cramped appearance.

The application site forms part of a prominent corner plot at the junction of Churchill Avenue and Hamilton Road, within a residential estate characterised by two-storey semi-detached and terraced dwellings set within relatively spacious plots. The existing dwelling benefits from a wide curtilage, which contributes to the openness of the corner and provides a visual break in the built form along the street frontage. This openness is an important part of the established character of the street scene, ensuring a balanced rhythm of development.

The proposed subdivision of the plot and introduction of a two-storey detached dwelling would result in a significant reduction in the openness of this corner plot. The new dwelling would appear tightly positioned within the available land, with limited separation from the host dwelling and constrained private amenity space. This would create a visually cramped and overdeveloped form of development at odds with the prevailing character of the surrounding estate, which is defined by dwellings set within proportionate plots with generous spacing.

Furthermore, by introducing a substantial detached building on this prominent corner, the development would appear overbearing and intrusive within the streetscape, disrupting the established pattern of semi-detached dwellings and eroding the spatial qualities that contribute positively to the suburban character of Churchill Avenue. The erosion of this corner space would be readily perceptible from the public realm, resulting in harm to the character and appearance of the area.

Notwithstanding the above, it is also considered that the application has not adequately addressed consultee concerns relating to trees and highways. The Council's Arboricultural Officer has raised significant concerns regarding the encroachment of the development into the Root Protection Area of a mature oak tree of high public amenity value, while the Local Highway Authority has requested further clarification on the extent of highway works and associated planting. The absence of this information prevents a full assessment of the impacts of the proposal and represents a further reason why the scheme cannot be supported.

In light of the above, it is considered that the proposal would fail to respect the existing pattern of development and would introduce an overly cramped and overbearing form of development, harmful to the established character of the street scene. In addition, the proposal fails to demonstrate a design solution that respects its context or satisfactorily resolves technical matters relating to trees and highways. The proposal is therefore contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015), and Paragraphs 130 and 134 of the National Planning Policy Framework (2024), which collectively seek to secure high quality design that is sympathetic to local character and reinforces a strong sense of place.

Residential Amenity:

Policy 33 of the Horsham District Planning Framework (HDPF, 2015) requires that development should ensure that the amenities of neighbouring occupiers are safeguarded, with regard to privacy, outlook, and daylight.

Concerns have been raised by neighbouring residents regarding overlooking and the overbearing impact of the proposed dwelling. It is acknowledged that the siting of the new dwelling would not be fully in line with the established building pattern along Churchill Avenue. However, the separation distances to surrounding dwellings are considered reasonable in this suburban context and sufficient to prevent any unacceptable loss of light, outlook, or sense of enclosure.

With respect to overlooking, the first-floor windows to the rear elevation would face towards garden areas in a similar manner to other two-storey dwellings in the street, creating no materially greater degree of overlooking than already exists from neighbouring properties. The proposed side-facing first-

floor window would serve a bathroom and can be secured by condition to be obscure-glazed and non-opening below 1.7m. This would prevent any loss of privacy to adjoining occupiers.

On this basis, while the proposed dwelling would alter the outlook from neighbouring gardens, the relationship is not considered to result in significant harm. The proposal would therefore not have an unacceptable impact on the amenities of neighbouring occupiers and is compliant with Policy 33 of the Horsham District Planning Framework (2015).

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone, which draws its supply from groundwater abstraction at Hardham. Natural England has advised that it cannot be concluded with the required degree of certainty that new development within this zone would not have an adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar sites. This is due to the existing adverse impacts of abstraction on the hydrology of the Arun Valley sites, which support a range of rare habitats and species of international importance.

In line with Natural England's position statement, all new development within the Sussex North Water Supply Zone that results in increased water demand must demonstrate water neutrality, either through on-site efficiency measures or offsetting arrangements. Where such information is not provided, applications are required to be refused as the Local Planning Authority, acting as Competent Authority under the Conservation of Habitats and Species Regulations 2017 (as amended), cannot conclude no adverse effect on the integrity of the protected sites.

The applicant has not submitted a Water Neutrality Statement or any mitigation strategy to demonstrate how the proposed dwelling would avoid or offset its water consumption. The accompanying Habitats Regulations Assessment (HRA) screening and Appropriate Assessment confirm that, in the absence of such evidence, a likely significant effect on the Arun Valley SAC, SPA, and Ramsar sites cannot be ruled out. As such, the precautionary principle applies, and planning permission cannot be granted.

Accordingly, the proposal is contrary to Policy 31 of the Horsham District Planning Framework (2015), the Conservation of Habitats and Species Regulations 2017 (as amended), and Paragraphs 193 and 194 of the National Planning Policy Framework (2024).

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) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

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

Conclusions:

The principle of residential development within the built-up area of Horsham is acceptable in accordance with Policy 3 of the Horsham District Planning Framework and the NPPF (2024). However, the detailed assessment has identified that the proposal would result in a cramped and visually overbearing form of development on a prominent corner plot, harmful to the established character and appearance of the street scene. In addition, no information has been provided to demonstrate how the

scheme would achieve water neutrality, and the Local Planning Authority cannot therefore conclude no adverse impact on the integrity of the Arun Valley designated sites.

The application has also not satisfactorily addressed consultee concerns relating to arboricultural and highways matters, further weighing against the proposal.

For these reasons the application is contrary to Policies 31, 32 and 33 of the Horsham District Planning Framework (2015) and the relevant provisions of the NPPF (2024).

Recommendation: Application Refused

Reasons for Refusal:

1. The proposed subdivision of the plot and the introduction of a detached dwelling of this scale would result in a development that appears cramped and visually overbearing within the street scene. The scheme fails to provide sufficient outdoor amenity space and would lead to a significant loss of openness on this prominent corner plot, thereby undermining the established character and spatial quality of Churchill Avenue. As such, the proposal is considered to be contrary to Policies 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 193 and 194 of the National Planning Policy Framework (2024), 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).

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/25/1006
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Design & Access Statement		NONE	18.06.2025
Location & Block plan		PLN12	18.06.2025
Floor plan	Existing	PLN01	18.06.2025
Floor plan	Existing first and roof	PLN02	18.06.2025
Elevation plan	Existing	PLN03	18.06.2025
Elevation plan	Existing	PLN04	18.06.2025
Section plan	Existing	PLN05	18.06.2025
Floor plan	Proposed	PLN06	18.06.2025

Floor plan	Proposed	PLN07	18.06.2025
Floor plan	Proposed	PLN08	18.06.2025
Roof plan	Proposed	PLN09	18.06.2025
Elevation plan	Proposed	PLN10	18.06.2025
Section plan	Proposed	PLN11	18.06.2025
Block plan	Existing	PLN13	18.06.2025
Site plan	Proposed	PLN14	18.06.2025

DELEGATED

Case Officer sign/initial Shazia Penne Date: 03.09.2025

Authorising Officer sign/initial RHERMITAGE Date: 05.09.2025