Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0949
14 Denne Park House , Denne Park, Horsham, West Sussex, RH13 0AZ

DESCRIPTION:
Replacement windows to first and second floors of apartment.

RELEVANT PLANNING HISTORY:

DC/24/0950	Replacement windows to first and second floors of apartment (Listed Building Consent).	Pending consideration

SITE AND SURROUNDS
The application site is located on the eastern side of Worthing Road with a long private access road leading up to the property. The main property is a large 3 storey buildings with square head windows, stone mullions and transoms. The host building is a grade II listed building which has been converted into flats.

DETAILED DESCRIPTION
The proposal seeks planning permission for the replacement of the existing white timber, single glazed, square leads to the frames with white timber flush casements windows.

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 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets

Southwater Neighbourhood Development Plan 2019 – 2031
Policy SNP16 – Design

Southwater Parish Design Statement 2011

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 Conservation: Objection.

Parish Comments:
Southwater Parish Council - No Objection, on the proviso that both Heritage England and HDC find no reason to object.

Representations:
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

Design, Appearance and Heritage Impact:

Paragraph 205 of the NPPF states that "the local planning authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise". Paragraph 206 adds that "[a]ny harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Policy 34 of the HDPF seeks to conserve and sustain the heritage assets that are within the district. It ensures that development within conservation areas is consistent with the special character of buildings and areas of which they are located within.

Policies 32 and 33 of the HDPF, which is reflected by Policy SNP16 of the Southwater Neighbourhood Plan, stipulate that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of scale, density, massing, siting, orientation, views, character, materials and space between buildings.

14 Denne Park House is a grade II Listed Building, with the list description stating: -

> '*2. The original portion in the north-east corner was built in 1605 and has this date on the tower. Three storeys. Three windows. Stone Horsham slab roof. Square-headed windows with stone mullions and transoms. Three gables surmounted by pinnacles. Four-storeyed tower with good contemporary staircase to north. About 1870 the house was greatly enlarged to the south and west in matching style, and the present main or west front dates wholly from that time. The house is now occupied in flats.*'

The application seeks the replacement of the existing windows with double glazed timber units. While Denne Park House has been subdivided into flats it retains the appearance of a single unit, with this partly derived from the uniformity of windows across all elevations. The proposed replacement windows would appear as generic double-glazed units which would not reflect the sections or proportions of the existing windows. The replacement windows would not match those of the wider

building in terms of its glazing or detailing and would therefore cause harm to the cohesive form and quality of the building as a whole. As a result, the proposed replacement windows would therefore harm the overall significance of the listed building, contrary to the above policies.

Impact on Neighbouring Amenity

Policy 33 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 proposed development entails replacement of existing windows which would have a neutral impact on neighbouring amenity, with no unacceptable harm by way of loss of privacy arising from the development.

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.

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 may not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The development entails replacement windows which would not impact a priority impact, would impact less than 25 sq m of onsite habitat or 5m of linear habitat. The development is therefore considered to be exempt from BNG.

Conclusions:

The replacement windows would result in harm to the overall significance of the listed building, with the nature of this harm would be less than substantial. The NPPF, at paragraph 208, states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the replacement double glazed windows have potential to create improved thermal efficiency for this particular flat. These benefits could though also be derived from a more sensitive scheme for replacement windows, or through improvements to the existing windows. It is therefore considered that the public benefit would not outweigh the identified harm.

The application is therefore recommended for refusal, as the replacement windows would not reflect the sections or proportions of existing windows at Denne Park House, with the double-glazed units not matching the wider building in terms of their glazing and detailing. The replacement windows would therefore cause harm to the cohesive form and quality of the building as a whole, resulting in harm to the overall significance of the Grade II Listed Building. There are no public benefits that outweigh the harm identified. The proposed development is therefore contrary to policy 34 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The replacement windows would not reflect the sections or proportions of existing windows at Denne Park House, with the double-glazed units not matching the wider building in terms of their glazing and detailing. The replacement windows would therefore cause harm to the cohesive form and quality of the building as a whole, resulting in harm to the overall significance of the Grade II Listed Building. There are no public benefits that outweigh the harm identified. The proposed development is therefore contrary to policy 34 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework.

NOTE TO APPLICANT

Biodiversity Net Gain Condition
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric).

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is likely to be exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act
Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -
(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
(b) the conditions subject to which the planning permission is granted:
(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat

(including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

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/24/0949

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

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

Plan Type	Description	Drawing Number	Received Date
Plans	Lounge	6 of 8	21.06.2024
Plans	Lounge	7 of 8	21.06.2024
Plans	Lounge	8 of 8	21.06.2024
Elevation plan	Existing	none	27.06.2024
Photos	Arial	none	21.06.2024
Design & Access Statement		none	21.06.2024
Supporting Statement	Fire	none	21.06.2024
Supporting Statement	applicant	none	21.06.2024
Supporting Docs	BNG	none	21.06.2024
Location plan		none	27.06.2024
Block plan		none	21.06.2024
Elevation plan	Proposed	none	21.06.2024
Plans	Bathroom	1 of 8	21.06.2024
Plans	Bedroom	2 of 8	21.06.2024
Plans	Bedroom	3 of 8	21.06.2024
Plans	Bedroom	4 of 8	21.06.2024
Plans	Lounge	5 of 8	21.06.2024

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 16.09.2024

Authorising Officer sign/initial Guy Everest Date: 16.09.2024