

From: Planning@horsham.gov.uk
Sent: 01 July 2026 23:42
To: Planning
Subject: Comments for Planning Application DC/26/0873

Categories: Comments Received

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 01/07/2026 11:42 PM.

Application Summary

Address:	Rosecroft Nightingales West Chiltington West Sussex RH20 2QT
Proposal:	Variation of condition 1 of previously approved application DC/26/0059 (Erection of a single storey rear extension and an enlarged front door opening) to create enlarged rear terrace area.
Case Officer:	Steve Astles

[Click for further information](#)

Customer Details

Address:	Pengarth Nightingales West Chiltington Pulborough West Sussex
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Comments Details

Commenter Type:	Neighbour
Stance:	Customer objects to the Planning Application
Reasons for comment:	- Loss of General Amenity - Other - Privacy Light and Noise
Comments:	RE: PLANNING APPLICATION DC/26/0873 - VARIATION OF CONDITION 1 OF DC/26/0059 (ENLARGED REAR TERRACE) AT ROSECROFT, NIGHTINGALES, WEST CHILTINGTON, WEST SUSSEX RH20 2QT FORMAL REPRESENTATION BY INTERESTED PARTY - OWNER OF PENGARTH, NIGHTINGALES, WEST CHILTINGTON RH20 2QT 1. STANDING OF THE REPRESENTOR I am the owner and occupier of Pengarth, Nightingales, West Chiltington, the property immediately adjoining Rosecroft to the south. I am directly and materially affected by this

application. The proposed raised terrace is located on the west and south elevations of Rosecroft, the southern elevation being the one directly adjacent to my property. I submit this representation as a formal objection, with a constructive alternative set out in Section 4 below.

2. DESCRIPTION OF THE PROPOSED DEVELOPMENT

This application seeks to vary Condition 1 of planning permission DC/26/0059 (approved 12 March 2026) for a single-storey rear extension at Rosecroft. The variation proposes to enlarge the external landing and steps at the rear of the property into a raised terrace approximately 450mm above garden ground level. The applicant's own planning statement acknowledges that this height exceeds the 300mm Permitted Development threshold under the Town and Country Planning (General Permitted Development) (England) Order 2015, thereby constituting a material change requiring a planning application.

The proposed terrace will be situated within approximately 6 metres of the shared boundary between Rosecroft and Pengarth, on the elevation directly facing my property.

3. GROUNDS OF OBJECTION

3.1 CONFLICT WITH HDPF POLICY 33 - OVERLOOKING AND LOSS OF PRIVACY

Policy 33 of the Horsham District Planning Framework (2015) requires that development avoids unacceptable harm to the amenity of occupiers of nearby residential property through overlooking and loss of privacy. The proposed raised terrace at approximately 450mm above garden ground level, situated within 6 metres of the boundary with Pengarth, will afford persons standing or seated on it elevated views directly over my rear garden and toward the habitable rooms at the rear of my property. This constitutes a material and unacceptable impact on my residential amenity and living conditions.

3.2 THE PLANNING INSPECTOR'S DECISION OF 18 JUNE 2026 IS A MATERIAL CONSIDERATION

The Planning Inspectorate issued its decision in Appeal Ref APP/Z3825/C/24/3343866 on 18 June 2026, the same date on which the Parish Council submitted its holding comment on this application. That decision is a directly material consideration for this application and cannot be disregarded by the Planning Authority.

In that decision, Inspector Robin Buchanan upheld the enforcement notice issued by Horsham District Council against a raised timber decking platform at my property, Pengarth, on the grounds that it caused significant harm to the living conditions of the occupants of Rosecroft through overlooking and loss of privacy, contrary to Policy 33. The Inspector found that a raised platform of approximately 0.7m above garden ground level at the boundary between the two properties created unrestricted, panoramic standing views over the rear garden and toward the habitable room windows of the adjoining property, causing those circumstances to significantly diminish the living environment of that property.

The proposed terrace at Rosecroft is at 450mm above garden ground level - a height that the applicant's own architect acknowledges constitutes a material change for precisely the same reason: it exceeds the 300mm threshold at which raised platforms are treated as giving rise to overlooking concerns under national planning policy. The juxtaposition and orientation of Rosecroft and Pengarth is directly comparable to the circumstances the Inspector assessed. The same logic that the Inspector applied in upholding the enforcement notice against my property applies with equal force to this application. Horsham District Council cannot rationally approve a raised terrace at Rosecroft giving rise to the same overlooking impacts on Pengarth that it found unacceptable in the reverse direction, without cogent and specific reasons distinguishing the two situations.

3.3 THE 45-DEGREE ANGLE REFERENCED IN THE PLANNING STATEMENT DOES NOT ADDRESS OVERLOOKING

The applicant's planning statement references a 45-degree angle from the new foundations in the context of structural impact on neighbouring buildings. This rule relates to the structural and physical impact of foundations on adjacent structures and has no bearing whatsoever on

the question of overlooking and loss of privacy. It does not constitute any mitigation of the privacy harm identified above and should not be treated as such by the Planning Authority.

3.4 THE BOUNDARY BETWEEN ROSECROFT AND PENGARTH IS INADEQUATE TO PREVENT OVERLOOKING

The boundary between Rosecroft and Pengarth currently comprises a 2-metre wooden fence panel, the legal responsibility for which rests with the owner of Rosecroft as confirmed by the property deeds. As the Inspector himself noted in his decision of 18 June 2026, this 2-metre boundary is not sufficient to prevent elevated views from a raised platform on either property toward the other. The Inspector observed that the visible upper part of the fence was not tall enough to prevent unrestricted, panoramic standing views from a raised platform across the adjoining property. Those findings apply with equal force to the proposed terrace at Rosecroft facing Pengarth.

It is also relevant that the original 3-metre conifer hedge which previously divided these two properties, and which provided adequate mutual privacy, was removed by the owner of Rosecroft and replaced with the current 2-metre fence. The inadequacy of the existing boundary treatment is therefore a consequence of decisions made by the applicant, not a pre-existing condition for which I bear any responsibility.

4. CONSTRUCTIVE ALTERNATIVE - APPROVAL ONLY SUBJECT TO CONDITIONS

I wish to be clear that I do not object in principle to the owner of Rosecroft improving and extending their property. My objection is confined entirely to the overlooking harm that the raised terrace will cause to my property and living conditions in the absence of adequate boundary treatment.

If the Planning Authority is minded to approve this application, I request that it does so ONLY SUBJECT TO a condition requiring the owner of Rosecroft - who is the legal owner of and responsible for the boundary fence between Rosecroft and Pengarth - to raise the height of the boundary treatment between the two properties to a minimum of 3 metres, prior to or simultaneously with the construction and use of the proposed terrace. Such a condition would:

- a) Be imposed upon the applicant in respect of land and a boundary for which they bear legal responsibility, and would therefore be lawful and enforceable;
- b) Directly address and remedy the overlooking harm identified above, consistent with the Inspector's own finding in APP/Z3825/C/24/3343866 that a taller boundary treatment is the appropriate means of mitigating overlooking between these two properties;
- c) Restore the level of boundary screening that previously existed between these properties before the owner of Rosecroft removed the original 3-metre conifer hedge;
- d) Be consistent with the character of boundary treatments throughout the surrounding area, where 3-metre and above green boundary treatments, not 2-metre high wood-panel fencing, are the norm;
- e) Allow the applicant to enjoy their proposed terrace without causing unacceptable harm to my amenity as the occupier of the immediately adjoining property.

Subject to such a condition being imposed and complied with prior to the use of the terrace, I would not maintain my objection to this application.

5. REQUEST FOR DETERMINATION BY PLANNING COMMITTEE

I note that West Chiltington Parish Council has also submitted a holding comment on this application, requesting that if the Planning Officer is minded to approve it, the application be put before HDC's Planning Committee due to potentially material planning concerns. I strongly support that request.

The Planning Inspectorate's decision of 18 June 2026 in APP/Z3825/C/24/3343866 - which

directly concerns the relationship between these two immediately adjoining properties and was determined on the same date as the Parish Council's initial comment - is a highly material consideration that requires careful and transparent assessment. The consistency of the Planning Authority's approach as between this application and the enforcement proceedings it conducted in respect of my property is a matter of legitimate public interest that warrants determination at Committee level rather than under delegated authority.

6. ADDITIONAL MATERIAL CONSIDERATION: PRECEDENT AT CERNE COTTAGE, NIGHTINGALES, WEST CHILTINGTON

I wish to draw the Planning Authority's attention to an additional material consideration in support of the constructive alternative set out above, namely that approval subject to a boundary condition is both appropriate and consistent with established local precedent.

In 2015, Horsham District Council granted planning permission (drawing reference DE610/03, DMA Building Designs, dated August 2015, revised October 2015 included in DC/15/2034 - Demolition of existing sunroom to replace with single storey extension to rear) for a single-storey rear extension with a new raised deck and balustrade at Cerne Cottage, Nightingales, West Chiltington RH20 2QT - the property immediately adjoining Pengarth on the opposite side to Rosecroft. The approved drawings indicate that the raised deck at Cerne Cottage is approximately 900mm above finished floor/DPC level, which is higher than both the proposed terrace at Rosecroft (approximately 450mm) and the decking at Pengarth which is the subject of enforcement notice EN/23/0459.

That approval demonstrates that raised decking and terracing at this height is not unacceptable in principle on this street. The reason no overlooking concerns arise between Cerne Cottage and Pengarth is that adequate boundary treatment - a 3-metre green hedge maintained jointly by both properties - provides mutual privacy. This is precisely the model I have proposed in my representation above as the appropriate condition for approval of the current application: that the owner of Rosecroft, who bears legal responsibility for the boundary between Rosecroft and Pengarth as confirmed by the property deeds, be required to raise the boundary treatment to a minimum of 3 metres prior to or simultaneously with the use of the proposed terrace.

The Cerne Cottage precedent therefore directly supports the position that the proposed terrace at Rosecroft can and should be approved, BUT ONLY SUBJECT TO that boundary condition. It also demonstrates that the Planning Authority has previously recognised and applied exactly this approach on the same street: raised terracing is acceptable where adequate boundary treatment exists. I respectfully request that the Planning Authority applies that same consistent approach here.

7. CONCLUSION

For the reasons set out above, I formally object to the Variation of Condition 1 of DC/26/0059 on the grounds that the proposed raised terrace will cause significant harm to my residential amenity through overlooking and loss of privacy, contrary to Policy 33 of the Horsham District Planning Framework 2015, and inconsistent with the findings of the Planning Inspectorate's decision of 18 June 2026 which is a directly material consideration.

If the Planning Authority is minded to approve this application, I request that it does so subject to a condition requiring the boundary between Rosecroft and Pengarth to be raised to a minimum of 3 metres prior to or simultaneously with the use of the proposed terrace, and that the application be determined by the Planning Committee rather than under delegated authority.

I am happy to provide any further information or clarification the Planning Authority may require.

Yours faithfully,



Owner, Pengarth, Nightingales, West Chiltington, West Sussex RH20 2QT

Kind regards

Telephone:

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**Horsham
District
Council**



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