PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	1st July 2025
DEVELOPMENT:	Part retrospective application for the amendment to previously approved application DC/25/0105, to replace side window to full height sliding door, installation of glazed bathroom window, and erection of a fence with the change of use of land to residential.
SITE:	3 Woodgates Close, Horsham, West Sussex, RH13 5RS
WARD:	Forest
APPLICATION:	DC/25/0493
APPLICANT:	**Name:** Mr Adrian Phillips **Address:** 3 Woodgates Close, Horsham, RH13 5RS

REASON FOR INCLUSION ON THE AGENDA: The applicant is an employee of Horsham District Council

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application is seeking to make amendments to planning permission DC/25/0105, which was for side and rear extensions to the host property. The amendment to:

- Replace the proposed side bedroom window with full height sliding patio doors;
- The installation of a bathroom window to the same elevation; and
- The extension of the rear garden into the adjacent grass verge with the associated construction of a new 18m high close boarded fence and hedgerow. This would result in the grass verge changing to residential use.

The proposed works have commenced, with the existing hedgerow side boundary removed and works to implement the side and rear extension. This application is therefore part-retrospective.

DESCRIPTION OF THE SITE

1.3 The application site comprises a bungalow located on northern side of Woodgates Close, within the built-up area of Horsham. The dwelling is part of a development of detached and semi-detached houses varying in scale, design and appearance. The house has a garage to the front (southern) side of the house.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES
The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles

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

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/25/0105	Demolition of existing side conservatory, erection of a single storey rear and side extension and conversion of garage into habitable living space.	Application Permitted on 19.03.2025

3. OUTCOME OF CONSULTATIONS

CONSULTATIONS

3.1 **HDC Arboricultural Officer**: No Objection
No arboricutural concerns – issue of hedge/vegetation loss and proposed position of new boundary demarcation/re-planting remains a streetscene/landscape impact issue.

PUBLIC CONSULTATIONS

3.2 Representations:
1 letter of Objection has been received from 1 address, objecting to the application on the following grounds:

- The enclosure of the grassed area adjacent to the highway with a wooden fence would be detrimental to the original open plan design of this development and should be resisted.

3.3 Parish Comments:
Forest Neighbourhood Council: No comments received

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 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.

4.2 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.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 The main issues are the principle of the development in the location and the effect to the development on the character of the dwelling and the visual amenities of the area and the amenities of the occupiers of the adjacent properties

Design and Appearance:

6.2 Policy 32 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building and adjoining neighbouring properties. Policy 33 states amongst other criteria that extensions should have regard to the natural and build surrounding in terms of their design, scale and character.

6.3 The proposed amendment seeks to install a bathroom window in he approved side extension and amend a bedroom window in the same elevation to double doors. Both amendments would match the design and form of the existing dwelling and use materials that would match the existing dwellinghouse. As such, these amendments would not harm the character or appearance of the dwelling or wider area in accordance with the above polices.

6.4 The main amendment is to the site's southern boundary, with the proposal now resulting in the loss of the existing hedgerow boundary and its replacement with a new close boarded fence and hedge. This new boundary would incorporate much of the existing open grass verge into the rear garden of the property, thereby changing the use of this land to residential garden and encroaching on the openness of this part of the streetscene. The work to remove the hedge and implement the permission has commenced, with the applicants stating that it was necessary to remove the hedge as it was causing significant drainage damage.

6.5 In support of this aspect of their proposal, the applicant has provided a map detailing nearby properties which have carried out similar proposals to extend their garden curtilage into the grass verge over the years. Overall, having regard to the mixed character of the street, where open verges are interspersed with properties and fences close to the roadway, it is not considered that the loss of this area of open verge would have a detrimental impact on the character of the street. In respect of the loss of the hedgerow, which includes a small tree, the Council's Arboricultural Officer has raised no arboricultural concerns with its loss.

Residential Amenity:

6.6 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 amendments and new fence line would face the street and therefore would not result in harm to neighbouring amenity.

Water Neutrality

6.7 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 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG)

6.8 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.

6.9 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.

6.10 Given the proposed development is retrospective, it is exempt from the statutory requirement to achieve a minimum 10% BNG under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below:

1 **Plans list**

2 **Regulatory Condition**: The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

Reason: In the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3 **Pre-Occupation Condition**: The 1.8m boundary fence and gate, and adjacent hedgerow, shall be implemented in full in accordance with the submitted plans prior to the occupation of the extensions hereby permitted. Any hedgerow planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).