Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1311
20 Foxfield Cottages, Southwater, West Sussex, RH13 9EP

DESCRIPTION:
Creation of a dropped kerb and tarmac driveway to the front. (Retrospective).

RELEVANT PLANNING HISTORY
None relevant

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 31- Green Infrastructure and Biodiversity
Policy 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles
Policy 37- Sustainable Construction
Policy 41- Parking

Southwater Neighbourhood Development Plan (2019-2031)
Policy SNP16 – Design

Horsham District Local Plan (2023-40) (Regulation 19):
Policy 9: Water Neutrality
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 25: Parking

Southwater Parish Design Statement

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.

WSCC Highways: Comment:-
This proposal is for the creation of a dropped kerb and tarmac driveway to the front (Retrospective). The site is located on Foxfield Cottages, an unclassified road subject to a speed restriction of 30 mph.

The vehicle crossover (VCO) has been implemented under license by WSCC. It has been operating safely for a number for years and therefore the LHA has no highway safety concerns.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

Parish Comments:
No comments received.

Representations:
Two representations (from 1 address) were received, *objecting* to the proposal for the following reasons:

- Low kerb level
- The gradient of the driveway slopes towards the driveway of 18 Foxfield Cottages
- Lack of drainage to the side of the driveway bordering 18 Foxfield Cottages
- The driveway as a whole increased flood risk

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

The application has been assessed on the basis of the submitted details, together with the planning history of the site and adjoining properties, available images and photographs supplied by the agent. 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 SNP16 of the SNDP requires developments to be of high-quality design promoting appropriate design and safety.

This proposed development is for the retrospective creation of a dropped kerb and tarmac driveway at 20 Foxfield Cottages, Southwater, RH13 9EP.

Much of the front garden was paved with tarmac forming a driveway. Whilst it is desirable that more vegetation could have been retained for visual amenity, this development is considered minor in scale and the impact to the character of the wider area is considered acceptable.

It is therefore considered that the visual impact of the proposal is acceptable and would accord with 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.

Policy SNP16 of the SNDP requires developments to not cause unacceptable impacts on neighbouring amenity.

Whilst much of the front is now paved with hardstanding and more vegetation could have been retained for better visual amenity, such change in appearance is not considered significant enough to cause any unacceptable harm to neighbouring amenity.

Parking and Sustainable Construction

Policy 37 of the HDPF seeks to improve the sustainability of development, including the use of design measures to minimise vulnerability to flooding and heatwave events, whilst Policy 41 seeks to secure adequate parking provisions in development to meet the needs of anticipated users.

A planning compliance report (ref: EN/24/0348) was raised regarding the alleged laying of tarmac driveway without planning permission and concerns were raised over increased risks of flooding. The case was subsequently closed as this application was submitted to the Department.

The gradient of the driveway slopes downwards from the public highway to the principal elevation of the dwellinghouse. Tarmac, a non-porous material was used for the construction of the driveway.

Flood mitigation measures are present on site near the principal elevation of the dwellinghouse. French drains were installed at the front of the dwelling between the driveway and the principal elevation/front porch to direct water off the driveway into the main sewerage. In addition, soakaways with decorative stones are also present adjacent to both sides of the front porch, sitting in between the principal elevation and French drains.

However, these measures are not considered sufficient to minimise vulnerability of flooding. This is because the level of the driveway at the application site is higher than the driveway of the adjacent driveway at the adjoining property to the west. In the case of heavy rainfall, stormwater may run-off diagonally onto the adjoining property. With no flood mitigation measures such as French drains or soakaways on the side of the driveway at the application site, existing measures are considered insufficient to minimise vulnerability to flooding and is therefore considered to be contrary to Policy 37 of the HDPF.

Granting permission for the construction of Vehicle Crossovers (dropped kerb) are the responsibility of WSCC, and permission to construct a 6.4-metre-wide Vehicle Crossover at the application site was granted by WSCC back in March 2021. The width of the road at Foxfield Cottages is relatively narrow, and the construction of the new tarmac driveway created additional off-street parking, which is considered to be in accordance with Policy 41 of the HDPF.

Additional flood mitigation measures to reduce risks of flooding can be achieved through the installation of soft landscaping on both sides of the existing tarmac driveway, as well as additional French drains at the driveway at the top of the slope (front of driveway intersecting with the pavement). With a wide tarmac driveway, such recommended additional flood mitigation measures on either sides of the driveway would not result in a loss of off-street parking spaces. In the absence of such measures, the proposal may result in adverse increase in risk of surface water run-off to neighbouring properties. As such, the proposed development is not considered to accord with Policy 37 of the HDPF.

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

Conclusion

The proposal is not considered to comply with relevant local and national planning policies and is therefore recommended for refusal.

Recommendation: Application Refused

Reason for Refusal:

1 The installed drainange measures are considered insufficient to minimise risks of flooding to adjoining properties. The proposed development is therefore contrary to Policy 37 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/24/1311
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	12.09.2024
Block plan		NONE	12.09.2024
Site plan		NONE	27.09.2024

DELEGATED

Case Officer sign/initial	Joshua Lee	Date:	20.01.2025
Authorising Officer sign/initial	RHERMITAGE	Date:	20.01.2025