Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0186
5 Netherton Close, Southwater, West Sussex, RH13 9BL

DESCRIPTION:

Prior Approval for the enlargement of existing dwellinghouse by erection of an additional storey resulting in an increase of height of 3.14m.

RELEVANT PLANNING HISTORY:

DC/24/1739	Erection of a detached garage and garden store.	Application Permitted on 20.01.2025
DC/24/1895	Erection of single storey, two storey and first floor extensions.	Application Refused on 31.01.2025

RELEVANT PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015.
Schedule 2, Part 1, Class A - The enlargement, improvement or other alteration of a dwellinghouse.

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

Parish Comments:

None received

Representations:

3 letters of representation received from 3 separate addresses objecting to the application for the following reasons:

- Concerns regarding the scale, design and appearance of the proposed development
- Concerned the development would prove overbearing resulting in an unacceptable loss of amenity for the neighbouring properties resulting in unacceptable harm
- Concerned that the proposed development would reduce light levels, also resulting the loss of light and privacy and increased overlooking

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 main issue is whether prior approval is required for the proposed additional storey to the existing three storey end of terrace dwelling under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Class AA - enlargement of a dwellinghouse by construction of additional storeys

Permitted development

AA. The enlargement of a dwellinghouse consisting of the construction of—

(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or

(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development not permitted

AA.1. Development is not permitted by Class AA if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

The dwellinghouse was not granted under any of the aforementioned Classes

(b) the dwellinghouse is located on— (i) article 2(3) land; or (ii) a site of special scientific interest;

The land is not located on article 2(3) land or a site or a site of specific interest

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

From the information available to the Council and the planning history, it is considered that there would no conflict with part (c) above.

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

The existing dwelling has not been previously enlarged by additional storeys

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

The plans indicated maximum roof heights would not exceed 18 metres

(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or

(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

The term 'storey' is not defined in s336(1) of the Town and Country Planning Act 1990. It is not defined in the general interpretation given in Article 2 of the General Permitted Development Order 2015, the general interpretation for Part 1 of Schedule 2, or the specific interpretation for Class AA. Where this is no statutory definition, the courts often look to the common understanding or dictionary definition. The Cambridge online dictionary give 'a level of a building', while the Chambers Dictionary The New Ninth Edition defines it as 'all that part of a building on the same floor'.

The subject dwelling includes rooms on the ground floor and an upper floor, where the upper floor is accessed via a staircase. On this basis, and given the interpretations above, it is considered that the dwelling is two storeys for the benefit of (f).

The plans indicate that the addition of one storey to the dwelling would increase the dwellings height by 4metres. The proposals therefore adhere to part (f) above.

(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—

(i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or

(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

Not applicable

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

The Application Form confirms that the development would result in a floor to ceiling height that would not exceed 3 metres or the floor to ceiling height of any existing storey of the principal part of the building. The proposal would therefore accord with (h).

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;

The additional storey is to be constructed on the principal part of the dwellinghouse**.**

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or

The submitted proposed plans do not show any visible support structures on or attached to the exterior of the dwellinghouse.

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

The submitted details do not show any engineering operations outside of the curtilage of the dwelling.

Conditions
AA.2.—(1)Development is permitted by Class AA subject to the conditions set out in subparagraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The submitted plans indicate that the proposed materials to be used would match those of the existing dwellings.

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;

The submitted plans show that the proposed development would not include a side window to any side elevation.

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

The submitted plans indicate that the roof pitch of the dwelling following the development would match that of the existing.

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

The submitted details indicate that following the development, the dwelling would be used as a dwellinghouse (C3).

(3) The conditions in this sub-paragraph are as follows—

(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—

> **(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;**

The layout of the established residential development results in the neighbouring property to the north being positioned at 90 degrees to the subject dwelling, with the neighbouring property to the east built generally in line with the subject dwelling. The residential amenity space serving the neighbouring property to the north extends up to the front elevation of the subject dwelling, with the residential amenity space of the neighbouring property to the east extending in line with the subject dwelling. It is of note that the subject dwelling benefits from a larger amenity space than the neighbouring properties.

The proposed development would introduce additional storeys, with additional windows to the front and rear elevations. These windows would serve bedrooms and bathrooms, where the bedrooms would be considered habitable rooms.

The subject dwelling is oriented to face directly toward the neighbouring property to the north, where the existing dwelling partially overlooks this neighbouring property, including its associated amenity space. The introduction of additional storeys, and the addition of windows particularly to the front elevation, would result in a level of overlooking and loss of privacy that would demonstrably harm the amenities of this neighbouring property. The additional storey would exacerbate the sense of overlooking, thereby negatively impacting the privacy and amenity of the neighbouring dwellings. Therefore, the proposal is considered to be contrary to AA.(3)-(a)(i).

> **(ii) the external appearance of the dwellinghouse, including the design and architectural features of—**
>
> > **(aa) the principal elevation of the dwellinghouse, and**

(bb) any side elevation of the dwellinghouse that fronts a highway;

The proposed development is located in close proximity to a number of existing residential properties of similar design, scale, and proportion to the existing subject dwelling. The cluster of dwellings are of similar height and given their physical relationship, are read as a collective.

The addition of an extra storey and increase in roof height, would introduce a significant change in the overall appearance of the property from the principal elevation. The result of the development would be to create a two-storey dwellinghouse (with pitched roof above) on the site. The scale and form of the resulting dwelling would create a sharp and incongruous contrast with the established character, built characteristics, and visual appearance of development along Netherton Close.

The addition of an extra storey and increase in roof height, would introduce a significant change in the overall appearance of the property from the principal elevation. This alteration would appear overly prominent and out of place, creating a stark contrast the with established character of the surrounding area. As such, the proposal is considered to be incompatible with the existing streetscape and would be harmful to the overall aesthetic cohesion of the immediate locality and would not respect the visual character and architectural context of the surroundings. Therefore, the proposal is considered to be contrary to AA.(3)-(a)(ii)

(iii) air traffic and defence asset impacts of the development; and

Given the siting and position of the additional storey within the area, it is not considered that the proposal would have an adverse impact on air traffic or defence assets. The proposal is considered to comply with the above criteria.

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;

The proposed would not impact on any protected views, as identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State. The proposal is considered to comply with the above criteria.

(b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;

A suitable condition would be attached to ensure compliance with the above criteria

Overall, the proposal is not considered to comply with the limitations and restrictions as set out under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. As such, it is recommended that Prior Approval is required and is refused.

Recommendation: Prior Approval Required and Refused

Reason(s) for Refusal:

1 The proposed development, by virtue of the increased height and additional windows, would due to the orientation and relationship of the application dwelling and neighbouring property, result in adverse harm through overlooking and loss of privacy to the neighbouring property of 6 Netherton Close to the north. The proposal would therefore be contrary to AA.3(a)(i) of Class AA of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

2 The proposed development would be of a scale, height, and massing that would result in a prominent and dominant addition that would be at odds with the overall appearance of the application dwelling. The proposal would create a sharp and incongruous contrast with the established character, built characteristics, and visual appearance of the dwelling and immediate surroundings, and would fail to comply with AA.3(a)(ii) of Class AA of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order 2015, as amended.

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/25/0186
(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
Location & Block plan	Site Location and Block Plans	24/04/SP(4)	05.02.2025
Elevation & Floor plan	Existing Plans and Elevations	24/04/1	05.02.2025
Elevation & Floor plan	Proposed First and Second Floor Extension	24/04/7	05.02.2025

DELEGATED

Case Officer sign/initial Marie Riggs Date: 27.03.2025

Authorising Officer sign/initial Tamara Dale Date: 01.04.2025