Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0135
15 Penn Stone Way, Thakeham, West Sussex, RH20 3QR

DESCRIPTION:
Installation of boundary fence and extension of residential curtilage (Part Retrospective)

SITE AND SURROUNDS
15 Penn Stone way is a detached dwelling in a newly built residential area in Thakeham. It is surrounded by dwellings of similar design and appearance, the development at present is located outside the built-up area of Thakeham.

DETAILED DESCRIPTION
The application is a retrospective planning application seeking to regularize the installation of fencing to the southern boundary and the extension of the residential curtilage by incorporating the grass verge to the south of the site and thus changing the use a small strip of land from public amenity space to residential curtilage.

RELEVANT PLANNING HISTORY:
None Relevant

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 26- Strategic Policy: Countryside Protection
Policy 28- Replacement Dwellings and House Extensions in the Countryside
Policy 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles

Thakeham Neighbourhood Plan (2017-2031)
Policy 6 – Design

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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:

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.

Parish Comments:
No Objection

Representations:
3 letters of representation received objecting to the application for the following reasons:

- The fence reduces the line of site for vehicles turning and exiting into and out of Strawberry Close.
- The application states the fence will mirror the fence opposite at 17 Penn Stone Way which has a maximum fence height from ground level to the top of the trellis of 1.8m and a setback from the curb to create a minimum verge of 1.0m. The proposal at 15 Penn Stone Way is for a fence height of 2.0m and a verge of 0.6m.
- The proposal closes down the entrance to Strawberry Close creating an enclosed alleyway-type entrance. This goes against the original 'Open Space' feel of the original development design and is to the detriment of the residents of Strawberry Close.
- Not in line with the original landscape and outside space design
- Obscures the line of sight of drivers.

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 and Appearance:

15 Penn Stone way is a detached dwelling in a new build residential area in Thakeham. It is surrounded by dwellings of similar design and appearance, the development at present is located outside the built-up area of Thakeham. The application is a retrospective planning application seeking to regularize the installation of fencing to the southern boundary and the extension of the residential curtilage by incorporating the grass verge to the south of the site and thus changing the use a small strip of land from public amenity space to residential curtilage.

The extension of the curtilage to the south would be at most, incorporating a narrow strip of public amenity grassed verge some to align with the neighbouring boundary to the south, across the road No. 17 Penn Stone Way, who's fencing whilst not on the public grass verge has similar character of boundary fencing. Though the realignment of the fence has resulted in the loss of public amenity grassed verge, this is not considered so uncharacteristic on the street, given the neighbouring boundary that also features similar board fencing characteristics. Matters relating to ownership of the land or land registry are not material to the consideration of the Local Planning Authority, and must be resolved by the applicant accordingly.

The fencing is clearly visible within the street scene, though would not appear overly dissimilar from the pre-existing arrangement. Furthermore, the timber materials would not be unusual in this location and street scene and given the modest height would be a subservient addition and is considered to be of a design, form and scale which is acceptable to the character and appearance of the existing dwelling, and which would not harm the character or appearance of the wider area.

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

Amenity Impacts:

Policy 33(2) of the HDPF supports development that does not cause unacceptable harm to the amenity of nearby properties. In this case, the development, involving the change of land use and installation of fencing, is acceptable despite the objections raised.

The fence at 15 Penn Stone Way, although slightly taller and closer to the curb than the one at 17 Penn Stone Way, does not significantly differ in character or obstruct sightlines in a manner that would cause unacceptable harm to vehicle safety. Whilst the proposed fence is 2.0m tall with a 0.6m verge, compared to the 1.8m height and 1.0m verge at 17 Penn Stone Way, this modest increase does not substantially detract from the area's appearance or function.

Additionally, the closure of the entrance to Strawberry Close and the creation of an enclosed alleyway does not significantly impact the overall 'Open Space' feel of the original development, as the fencing mirrors the character and materials of existing boundary treatments. Although not in complete alignment with the original landscape design, the change is minor and integrates with the surrounding environment due to similar fencing across the street.

The fence, while visible, does not obscure drivers' line of sight to a degree that would cause a safety hazard. Given the visual integration with the existing streetscape and the negligible impact on public amenity and safety, the development aligns with Policy 33(2) and is therefore acceptable.

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

Conclusion

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

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/24/0135

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	30.01.2024
Block plan		24.06	30.01.2024
Elevation plan	As existing	BH/P1	08.04.2024
Elevation plan	As proposed	BH/P2	08.04.2024
Photos	Fencing	NONE	24.01.2024
Supporting Statement		NONE	24.01.2024
Design & Access Statement	Planning	NONE	05.04.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 30.05.2024

Authorising Officer sign/initial RHERMITAGE Date: 31.05.2024