Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1315
103 Rushams Road, Horsham, West Sussex, RH12 2NY

DESCRIPTION:
Installation of an Air Conditioning Unit

RELEVANT PLANNING HISTORY:

DC/24/0171	Installation of an external Air Conditioning unit to side elevation (Retrospective)	Application Refused on 29.07.2024

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

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

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Consultations:
HDC Environmental Health: The proposed location of the air conditioning unit is at a low level and is well screened by the existing fence. Would not expect there to any significant adverse noise impacts arising from the operation of the unit sited at the location shown in the application.

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:
None received

Representations:
1 Representation was received raising concerns that units can be excessively noisy / cause building vibration. Assurances were asked to be given for the proposed relocation following DC/24/0171 refusal and how disturbances will be minimised at night.

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

Background

The application seeks consent for the installation of an Air Conditioning unit at the property. An earlier application, ref: DC/24/0171, for the retention of an external Air Conditioning unit to the side elevation was refused for the following reason: -

> *It has not been demonstrated to the satisfaction of the Local Planning Authority that the installed air conditioning unit would not result in adverse amenity harm to the neighbouring property at 101 Rushams Road by way of noise nuisance, contrary to Policy 33(2) of the Horsham District Planning Framework (2015).*

This application seeks to address the above reasons for refusal by re-siting the air conditioning unit to a lower position to the side of the building.

Character and Appearance

Policies 32 and 33 of the HDPF seek 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.

The siting and scale of the unit would be well screened by surrounding structures and boundary treatments and would not therefore appear intrusive or unduly prominent in views from surrounding properties or land. The proposal would not therefore adversely impact on the character or appearance of the existing dwelling or wider surrounding area, and no conflict with the above policies would arise.

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.

As part of an earlier application on the site as it was considered that the height of the unit and in line with a rear door of the neighbouring dwelling created potential for noise to propagate, with limited scope to mitigate such impacts available. The current application entails a lower siting between the flank wall of the conservatory (the floor level of which is at a higher level than the rear garden) and the shared boundary fencing.

The height of the unit would be well screened by the existing boundary treatment and the potential for unacceptable impacts on neighbouring amenity would now be limited. It is considered that the siting and layout of the unit and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity. As a consequence it is considered that there is no need to condition operating hours of the unit.

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

Biodiversity Net Gain

In accordance with the Biodiversity Gain Requirements (Exemptions) Regulations 2024, all householder applications are current exempt from the statutory requirement to demonstrate a 10% net gain in biodiversity.

Conclusion

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

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Regulatory Condition:** The unit hereby permitted shall be installed in strict accordance with the approved details and shall be maintained as such thereafter.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of neighbouring amenity and in accordance with Policy 33 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/24/1315
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		290824/01	29.08.2024
Block plan		290824/02	29.08.2024
Elevation & Floor plan		290824/03	29.08.2024
Elevation & Floor plan	Proposed	290824/04	29.08.2024
Elevation & Floor plan		290824/05	29.08.2024
Design & Access Statement		NONE	29.08.2024

DELEGATED

Case Officer sign/initial JBurrowes Date: 04/11/2024

Authorising Officer sign/initial Guy Everest Date: 07.11.2024