Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1541
19 Three Acres, Horsham, West Sussex, RH12 1RS

DESCRIPTION:

Erection of a timber clad building to be used for a gym.

RELEVANT PLANNING HISTORY:

DC/21/0384	Prior Approval for the erection of a single-storey extension which would project 5m from the rear elevation, comprising a maximum height of 4m and an eaves height of 3m.	Prior Approval Not Required on 29.03.2021
DC/23/0628	Stationing of a mobile office at the rear of the garden (Lawful Development Certificate - Proposed).	Withdrawn Application on 20.07.2023
DC/23/1406	Siting of a mobile home to the rear of the garden (Lawful Development Certificate - Proposed).	Application Refused on 15.09.2023

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 40 - Sustainable Transport
Policy 41 - Parking

Horsham Town Design Statement

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 21: Heritage Assets and Managing Change within the Historic Environment
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 46: Ancillary Accommodation

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.

Arboriculture:

No concerns in respect of impacts on trees of significant public visual amenity value.

Parish Comments:

Horsham Denne NC has the following queries:

1) The plans show that the proposed building is to be used as a gym, and will have a W.C and changing room. HDNC queries if the gym will be for private or commercial use?
2) Regarding the W.C., HDNC queries how the drainage, which is not indicated on the plans, will be achieved.

Therefore, HDNC objects to this application until we received satisfactory answers to our queries.

Representations:

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 ASSESMENT

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. A site visit was also carried out. These details and the visit were considered sufficient to allow the application to be properly considered and determined.

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 proposed building dimensions would be 3.08m (max height) x 6m (depth), 5.6m (width) with an eaves height of 2.5m. The front elevation would be clad in Thermowood or composite timber effect and the rest in concrete cladding board. The resulting addition would be large and differ in appearance from the existing dwelling. In most instances such a large addition would not be supportable; however, the built form of the neighbouring property and a potential permitted development fallback position should be considered.

Three Acres is a road characterised by large gardens. The built form in the garden of no. 21 Three Acres results in the boundary with no.19 being covered with an outbuilding and greenhouse. Two sheds are also already present at no.19 in the location proposed for the outbuilding. The addition of a large outbuilding, given the above, is therefore considered suitably in keeping and of a scale appropriate to the garden of no.19.

Part 1 Class E of the GPDO provides the opportunity for dwellinghouses such as no.19 to erect an outbuilding with a height of 2.5m and an area not exceeding 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse**.** While the maximum height of the proposal exceeds permitted development, the depth and width likely would not.

On balance, given the existing built form at the site and at no.21 and the fallback position up to 2.5m in height, the proposed building is considered acceptable. The proposal is considered to be of a design, form and scale which is appropriate 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.

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.

The location and orientation of the proposed garden room may cause some overshadowing for part of the garden at no. 17. This would not however impact primary garden space, and the resulting impact is not considered to be significantly greater than the existing situation. For the above reasons, it is considered that the siting and layout of the proposed extension and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

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.

Other Matters

The Parish Council has raised concerns about the drainage of the site and the potential for commercial uses.

The drainage of the site is a matter dealt with under the building control regulations. Given the proposals size it is not considered suitable to attach a condition relating to drainage.

A condition has been attached to restrict the use of the building for uses, such as commercial, which would not be considered incidental to the existing dwellinghouse.

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 materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

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).

4 **Regulatory Condition:** The building hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of the dwelling house at no.19 Three Acres, RH12 1RS and shall not be used as a separate unit of accommodation, as habitable living accommodation, for any commercial purposes or for any other purpose(s)/use(s).

Reason: The establishment of an additional independent unit of accommodation, additional living accommodation, commercial use or any other use(s) would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to 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/24/1541
(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		NONE	03.10.2024

Elevation plan	Mobile Elevations	A.01	03.10.2024
Floor plan	Roof and Floor Plan	A.02	03.10.2024
Plans	Site Plan	03391 REV A	03.10.2024
Tree plan	Tree Plan	03392 REV A	03.10.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 14/11/2024

Authorising Officer sign/initial Tamara Dale Date: 28/11/2024