Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0244
32 Arun Valley Way, Faygate, West Sussex, RH12 0BF

DESCRIPTION:
Erection of a garden outbuilding (Retrospective).

RELEVANT PLANNING HISTORY
None relevant

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 28- Replacement Dwellings and House Extensions in the Countryside
Policy 31- Green Infrastructure and Biodiversity
Policy 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles

Neighbourhood Plan:
Colgate has not been designated as a Neighbourhood Plan area.

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.

Parish Comments:
Colgate Parish Council raised an objection to the application for the following reason:

The building looks too large and obtrusive

Representations:
One letter of representation received objecting to the application for the following reasons:

- Privacy
- Light
- Noise

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

Principle of Development:

Retrospective planning permission is sought for the erection of a garden outbuilding. The application site is located within the wider Kilnwood Vale development, which forms one of the Council's strategic development sites, to the west of Crawley. Kilnwood Vale is not within the defined built-up area boundary, and has not been identified as a secondary settlement within the Local Plan Review (Issues and Options, 2018). Therefore, from a technical standpoint, the site is located within a countryside location. However, Kilnwood Vale is clearly a built-up area, and though it does not fall within a defined boundary, material circumstances dictate that the applicant of countryside protection policies would be onerous.

Character and Appearance:

Policy 28 of the HDPF relates to house extensions in the countryside, with Kilnwood Vale not a classified settlement, and requires (inter alia) that extensions are in keeping with the scale of the existing dwelling. 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.

The dwelling was approved under a reserved matters application DC/17/1993 in December 2017. Condition 10 on the decision notice restricts the erection of outbuildings without prior consent from the Local Planning Authority:

> ***Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or reenacting that Order, no development falling within Classes A, B, D and E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.*
>
> *Reason: In the interest of visual amenity and due to (insert with reasons) in accordance with Policy 33 of the Horsham District Planning Framework (2015).*

Therefore, the site does not benefit from permitted development rights to erect such a building within its curtilage. This condition was attached on the application site in order to control development within a newly created neighbourhood, in the interest of visual amenity.

The garden outbuilding is sited to the rear (north east) of the plot a sufficient distance from neighbouring properties to prevent any harmful loss of light or outlook to habitable rooms. The garden outbuilding is higher than boundary treatments to shared side boundaries and a representation has raised concern regarding the overbearing impact which results. While the garden outbuilding is visible from adjoining properties it is considered that any harm is offset by depth, width and size of the (incidental) residential curtilage, as a result of these factors the garden outbuilding is not considered to result in any significant harm to the adjoining garden areas. The design and detailing of the garden outbuilding does not introduce window openings at a height or location which would lead to harmful or intrusive overlooking of adjoining properties. It is therefore considered that the proposal has not resulted in significant harm to neighbouring amenity. Overall, the scale and appearance of the outbuilding would not be considered out of the ordinary within a residential setting and would not detract from the prevailing character of the wider surrounding area. Had permitted development rights not been restricted by condition 10 attached to DC/17/1223, permission would not otherwise be required.

It is noted, a neighbour has raised a concern that the outbuilding would be used for residential purposes. The agent has confirmed that the proposed detached outbuilding would facilitate the creation of a new space area for purposes ancillary to the main dwelling. The submitted plans indicate that the outbuilding would be accessed through the existing dwelling and it is considered that the siting and scale would be in an ancillary and subordinate manner. As such there is no objection to the intended use, with a condition recommended.

The applicant has confirmed that the proposed detached outbuilding would facilitate the creation of a new space area for purposes ancillary to the main dwelling. The submitted plans indicate that the accommodation would be accessed through the existing dwelling and it is considered that the siting and scale would be in an ancillary and subordinate manner. As such there is no objection to the intended use, with a condition recommended to ensure non-severance from the main dwelling.

The proposal would therefore be a clearly subservient addition and 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.

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.

Conclusion

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

Conditions:

1 **Regulatory Condition**: The outbuilding hereby permitted shall be used solely for purposes incidental, as a garden outbuilding, to the occupation and enjoyment of the residential property at 32 Arun Valley Way, Faygate, (as identified on the approved plans), and shall not be used as a separate unit of accommodation, for any commercial purposes or for any other purpose(s)/use(s).

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/24/0244
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan		1198-02	12.02.2024
Block plan	Proposed	1198-03	23.02.2024
Elevation & Floor plan		P1198-4	12.02.2024
Location plan		1198-01	12.03.2024
Location plan		NONE	12.03.2024

DELEGATED

Case Officer sign/initial Marie Riggs Date: 30.04.2024

Authorising Officer sign/initial RHERMITAGE Date: 07.05.2024