Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1103
Oakfield, Cox Green, Rudgwick, West Sussex, RH12 3DD

DESCRIPTION:
Non-Material Amendment to previously approved application DC/21/2209 amendments to window and chimney positions.

RELEVANT PLANNING HISTORY:

DC/21/2209	Demolition of existing detached garage and outbuilding. Erection of two-storey detached dwelling and detached garage on existing garden land.	Application Permitted on 29.04.2022
DC/23/0235	Erection of 1no detached two-storey dwelling with integral garage and associated access and erection of a detached garden room to the rear.	Application Permitted on 17.08.2023
DISC/23/0053	Approval of details reserved by condition 5 to approved application DC/21/2211.	Application Permitted on 06.04.2023
DISC/24/0082	Application for Approval of Details Reserved by Condition 4 to approved application DC/23/0340.	Application Permitted on 14.06.2024
DISC/24/0083	Application for Approval of Details Reserved by Conditions 3 and 6 to approved application DC/23/0235.	Application Permitted on 05.08.2024
DC/24/0625	Variation of condition 1 of previously approved application DC/23/0340 to allow for: front and rear skylight changed to dormer windows; amendments to driveway entrance; addition of timber pergola, 2 no. external outbuildings, open lean to, relocation of consented back door to side of house and minor fenestration alterations.	Application Permitted on 19.07.2024
DISC/24/0109	Application for Approval of Details Reserved by Conditions 4, 5, 7 to approved application DC/23/0235.	Application Permitted on 01.08.2024
DISC/24/0083	Application for Approval of Details Reserved by Conditions 3 and 6 to approved application DC/23/0235.	Application Permitted on 05.08.2024
DISC/24/0148	Approval of details reserved by conditions 3 4 and 5 to approved application DC/21/2209.	Under Consideration
DC/24/0831	Non-Material Amendment to previously approved application DC/23/0235 (Erection of 1no detached two-storey dwelling with integral garage and associated access and erection of a detached garden room to the rear) Omission of the single-storey rear element; Juliette balconies omitted; opening positions amended to accord with brick dimensions.	Under Consideration

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 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles
Policy 34- Cultural and Heritage Assets

Rudgwick Neighbourhood Plan
RNP2: Housing Mix
RNP5: Housing Density
RNP17: Green Infrastructure and Trees

Rudgwick Parish Design Statement

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:
None received.

Parish Comments:
- The chimney stack has moved to the opposite side of the building, bringing it closer to the (off development site) neighbouring property of Marloes and narrowing the gap between the two homes. This repositioning gives the opportunity to affect the neighbours' quiet enjoyment of their home by introducing fumes and smoke significantly closer to their property than in the approved plans, and is a material consideration in determining whether the amendment is actually a non-material one.

- There doesn't appear to be any plan submitted showing the position of the Air Source Heat Pump which was declared selected in the Energy & Sustainability Assessment dated 7/12/2021. Will this change 'conveniently' amend the siting of this unit so as to put it on the side of the building facing the property Marloes? If so, this may mean that the change should not be considered a Non-Material Amendment. Also, why does the planning permission on this property not have a condition equivalent to Condition 7 on DC/23/0235 (3rd property on Oakfield site) relating to a heat pump siting & enclosure?

- If approved presumably Condition 10 of the approved application DC/21/2209 (obscure glass and restricted window opening) will need amendment to refer to the latest plans.

- The building construction has already reached a height near the top of the ground floor windows (including the chimney stack in its new position) and this application has not yet been approved. This is a retrospective application, but not identified as such.

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 ASSESSMENT

The main consideration of this application is whether the proposed alterations can be considered as non-material amendments to the approved scheme in accordance with Section 96A of the Town and Country Planning Act 1990 (as inserted by S190 of the Planning Act 2008). The discretion rests with the Council to decide as to whether the revisions would constitute a non-material amendment to a planning permission, which would not take it outside the scope of the original permission.

The proposed amendments would relocate the external chimney from the north-eastern (side) elevation to the opposite south-western (side) elevation; the design and dimensions of the relocated chimney would reflect the existing permission. The amendments also include adjustments to the siting / proportions of ground and first-floor side facing windows.

The nature of the amendments would not increase the amount of built form at the site with the related changes to fenestration not creating any new openings beyond those of the original permission. However, the proposal, and primarily the re-sited chimney, would have an impact on the appearance of the building and this would be clearly visible and appreciated from neighbouring properties, which fall outside of the application site. The nature and extent of this amendment is considered such that it may raise further considerations beyond those raised as part of the original permission, with neighbouring interested parties having a legitimate expectation that they would be consulted and have opportunity to comment on such a change.

The proposed alterations to the previously approved development, and primarily the relocated chimney, therefore represent a level of change greater than can be considered as a non-material amendment under Section 96A of the Town and County Planning Act 1990.

In respect of the representation received on the application it is noted that concerns have been raised in relation to the heat pump location and the related enclosure. It is not clear that the application is seeking any amendments in this regard, but this could be clarified were approval to be recommended.

Recommendation: Application Refused

Reason:

1. The proposed alterations to the previously approved development, and primarily the relocated chimney, represent a level of change greater than can be considered as a non-material amendment under Section 96A of the Town and County Planning Act 1990.

Plans list for: DC/24/1103

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Floor plan	Roof, as existing/approved	E200 REV 00	18.07.2024
Floor plan	Roof, as proposed	P200 REV 00	18.07.2024

Site plan	As proposed	P100 REV 00	18.07.2024
Elevation plan	As proposed	P450 REV 00	13.08.2024

DELEGATED

Case Officer sign/initial Steve Astles Date: 13.08.2024

Authorising Officer sign/initial Guy Everest Date: 13.08.2024