Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1446
26 Amberley Road, Horsham, West Sussex, RH12 4LN

DESCRIPTION:

Demolition of existing garages and erection of a three bed dwelling.

RELEVANT PLANNING HISTORY:

DC/21/2088	Erection of a three bed dwelling.	Refused on 14.01.2022

DESCRIPTION, SITE AND SURROUNDS

The application site consists of two single storey garages to the east of Amberley Road and forms part of the side/rear garden of a two storey semi detached dwelling. The application site is located within a built up area boundary. The wider area is residential in character with a mix of detached and semi-detached dwellings.

The application seeks permission for a two storey 3 bedroom detached dwelling with approximate dimensions of 6 metres in width, depth of 13 metres and 10 metres at first floor with a gable roof with a ridge height of 7.9 metres. Two off road parking spaces would be provided to the frontage of the site, with private amenity space extending to the south east. The proposed materials would be render at the ground floor, timber to the first floor and concrete roof tiles.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

The Horsham District Local Plan 2023-2040

The Horsham District Local Plan 2023-2040 was submitted for examination on the 26th of July 2024. Paragraph 48 of the NPPF states that *"local planning authorities may give weight to relevant policies in emerging plans according to:*

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework[NPPF] (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)"

Policies in this Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since the 26th of July 2024, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The relevant policies are:
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 40: Improving Housing Standards in the District

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

North Horsham Neighbourhood plan area was designated and then withdrawn.

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: Objection

Further information is required to determine the significance of impacts on designated sites and the scope for mitigation, chiefly:

- Revised calculations
- Revised AA following WNS changes

WSCC Highways: No objection subject to suggested conditions

Vehicle access and parking will be facilitated by an existing dropped crossing access that currently facilitates access and parking for 26 and 26B Amberley Road. This existing parking provision takes the form of a large hardstanding area and garages large enough to park a minimum of 2 vehicles per dwelling.

The garages will be lost because of the proposal; however, the retained hardstanding is considered large enough to park at least 2 vehicles per dwelling (26B and the proposed dwelling).

Such provision would be considered adequate to meet the needs of a dwelling of this size in this location.

As a result of this proposal 26 Amberley Road will no longer make use of this dropped crossing access point. Therefore, the net impact at this particular access point would be considered zero.

The proposed block plan annotates that a new driveway and hardstanding will be provided to facilitate replacement vehicle access and parking for 26 Amberley Road.

The Local Highways Authority is mindful that the frontage of 26 Amberley Road has not been included within the red edge of the application block / location plan. As such the replacement parking provision for 26 Amberley Road cannot be secured via condition as part of this application.

Amberley Road is 'unclassified' so this replacement dropped crossing access works could potentially be sought via permitted development rights and implemented under a Licence Agreement obtained from WSCC Highways.

Due to the above, the Local Planning Authority would be advised to consider this application on the basis that no replacement vehicle access and parking provision for 26 Amberley Road will come forwards. The impact of this would be the displacement of 2/3 spaces of car parking demand being placed on street.

It is difficult to substantiate that small quantities of on street car parking will result in a an unacceptable highway safety issue in residential areas such as this. The Local Planning Authority may wish to consider the amenity implication of this however, as the highways authority is unaware of any existing parking pressures in this location.

The LPA may wish to request an alteration to the plans to include the new access and parking area and enable these works to be conditioned, to which the LHA could then advise suitable conditions and informative.

It is noted that a bike store for the new dwelling has been indicated on the proposed block plan, this is welcome. The provision should be secure and covered. The details of which can be secured via a suitably worded condition.

The proposed includes the loss of the garages for 26 and 26B Amberley Road which could have facilitated cycle storage. Given these garages will be lost it would be beneficial if both 26 and 26B Amberley Road were to be provided with replacement cycle storage provisions, currently replacement

provisions have only been shown for no 26. Similar to the above these provisions could only be secured via a suitably worded condition with amendments to the red edge plans.

In principle the Local Highways Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

However, the Local Planning Authority would be advised to consider the comments above pertaining to replacement vehicle access, replacement vehicle parking and replacement cycle parking and raise these with the applicant prior to determination to see if the application can be improved upon.

Conditions recommended.

Southern Water: Comment

A formal application for a connection to the public sewer would be needed and the applicant should seek this though Southern Water's Get Connected service.

Parish Comments:

Objection on the basis of overdevelopment

Representations: One objection received

- Inappropriate new dwelling
- Overdevelopment

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

Background:

An application DC/21/2088 for a three bedroom two storey dwellinghouse was refused on 14.01.2022. This was refused for the following reasons:

1 The proposed development would erode the spacing and rhythm of the build pattern, which is considered to play an integral role in the visual amenity of the street scene, and would be of a scale, size, bulk and mass that would result in an inappropriate and cramped form of development. The proposal would fail to reflect or reinforce the settlement pattern, build characteristics and visual amenity of the locality and would be disproportionate when read against the immediate dwellings within the street. The proposed development would therefore result in significant and demonstrable harm to the townscape character and visual amenity of the street scene, and would detract from the rhythm and sense of place, contrary to Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

Subsequent to this refusal, an appeal APP/Z3825/W/22/3292158 was dismissed on 10/07/2023. This appeal was dismissed for the one following reason:

'I have found that the proposal would not harm the character and appearance of the area. However, the proposal fails to demonstrate that it would achieve water neutrality and I am therefore unable to conclude that it would not adversely affect the protected Arun Valley Sites.'

Principle of Development:

As per the previous application, the new dwellinghouse would be built within the built-up area, where there is a presumption in favour of sustainable development. Given the character of the area and modest quantum of development, the proposal is considered to be appropriate in nature and scale to the settlement, in accordance with policy 3 of the HDPF. The principle of development is therefore considered acceptable, subject to all other material considerations.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the townscape character from inappropriate development. Proposal should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Amberley road is characterised by dwellings of varying styles and sizes, both single and two storey, set within well-sized plots set back from the road by driveways and gardens with varying sized spaces in between each property. What is consistent however is that properties along this road are broken up by gaps between them which provides visual relief to the area. The introduction of the proposed dwelling in this location would erode the wide open view of the skyline that currently exists between the dwellings on either side and would remove the open space and views between the properties. However, the proposed dwellinghouse would replicate the size and scale of the 26B Amberley Road and would therefore assimilate with the built characteristics of the street scene. The Appeal decision APP/Z3825/W/22/3292158 found that there were examples of similar sized small gaps between dwellinghouses within the immediate locality such that the resultant gaps from the proposal would reflect and reinforce the settlement pattern within the area and be in keeping. Overall, the Inspector found that the proposal would not harm the character of the area.

The design of the proposal reflects the design, scale and character of the previous application considered at appeal and there are no alterations introduced within the design such that would draw a different conclusion. Overall, there are no objections to the proposal in terms of policy 25, 32, 33 of the HDPF.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

As per the previous application, there is no objection to the proposal on the basis of amenity concern. The proposed dwelling is considered to be a scale that would not result in a sense of enclosure and the dwelling is located within an area where there is an expected degree of mutual overlooking anticipated. Whilst the proposal would introduce additional built form, this would not result in an unacceptable relationship or further adverse harm to the amenities and sensitivity of neighbouring properties through loss of privacy, overlooking, or loss of light. No objection in this regard.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Following consultation with WSCC Highways, the proposed development would provide 2no. parking spaces along the frontage and would utilise an existing dropped kerb to serve a new driveway and parking area. There would be a loss of two spaces from the demolition of the garages, however there is sufficient hardstanding proposed to provide two parking spaces required for the new dwelling. Parking for 26 Amberley is not within the red line boundary such that parking cannot be ensured via condition, however no objection is raised to the proposal as it is not considered that the proposal would result in harm throughout displacement or parking pressure. Whilst there would be no mechanism to ensure the parking for 26 Amberley, the WSCC Highways department are not aware of parking pressure on the street such that the displacement of 2/3 vehicles would be reason for refusal on this basis.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Applicant has not submitted a Biodiversity Metric given that it would be a self-build development. As such the proposal is exempt from Biodiversity net gain requirements.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.

An advice note from Natural England (September 2021) advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

As per the previous application and the Inspector's conclusion, there is no existing use within the application site against which to establish a baseline given that it consists of garages. Whilst the Water Neutrality Statement advances that the existing 26 Amberley Road water use would be the baseline, this is not within the red or blue line boundary such that it can be regarded as a robust baseline use for the application site. The baseline water usage of the land within the red line boundary is assumed therefore as nil. Without a legal agreement to secure the mitigation, the mitigation measures would not be ensured. Whilst the water saving methods proposed may help reduce water consumption for the proposed dwellinghouse, there is insufficient evidence that the proposal would not result in an increase in water usage. Additionally, the proposed usage and subsequent mitigations proposed are suggested to include greywater recycling, however insufficient details have been included in the submission regarding the Greywater system to outline the method of this working, where this would be installed, or how this would maintained. It is not known if the system would be viable such that the proposed resultant water use of the dwellings would be realistic. As such, there is potential for additional mitigation to be required.

Amendments to the red line boundary and further details on the grey water recycling system were requested during the course of the application but no details or amendments to include the site for mitigation were forthcoming. Consequently, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Climate Change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Cycle parking facilities
- Electric vehicle charging points

Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusions:

The proposed development would be located within the built-up area of Horsham and would be within the walking distance to a number of amenities, facilities and services, as well as public transport nodes. The proposal would make a contribution to the housing needs of the District, providing a 3-bed unit that would contribute to the diversity and availability of the housing stock within the Parish. The proposal is therefore considered to result in social and public benefits that are of weight in the planning balance.

The council are currently unable to demonstrate a 5-year housing land supply and in some circumstances where a proposal would be considered sustainable development, the tilted balance would be engaged. However, the application has not demonstrated that the proposal would not have the potential to increase water consumption within the application site. As such and notwithstanding the information submitted, there is an insufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon he integrity of the internationally designated Arun Valley Special Area of Conservation, Special protection area and Ramsar site by way of increased water abstraction, contrary to policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservaton of Habitats and Species regualtions 2017 (as amended) and S40 of tehNERC 2006 (Priority Habitats and Species).

Recommendation: Application Refused

Reason(s) for Refusal:

1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31

of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

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/24/1446

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

Plan Type	Description	Drawing Number	Received Date
Block plan		NONE	19.09.2024
Elevation plan	Existing Elevations	1221/2	19.09.2024
Block plan	Block Plan	1221/4	19.09.2024
Elevation & Floor plan	Proposed Plans & Elevations New House	1221/1	19.09.2024
Location plan		NONE	19.09.2024
Elevation plan	Proposed Street Scene Side Elevation	1221/3	19.09.2024
Supporting Statement	Water Neutrality Statement by H2Ogeo dated 12.09.2024	20240716P2	19.09.2024

DELEGATED

Case Officer sign/initial Hannah Darley Date: 12.11.2024

Authorising Officer sign/initial Tamara Dale Date: 13.11.2024