Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/23/1757
3 Farm Avenue, Horsham, West Sussex, RH12 2JY

DESCRIPTION:
Erection of wooden childrens play equipment at the end of the garden on a sunken lawn (Retrospective)

RELEVANT PLANNING HISTORY
None relevant

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 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
Policy 34- Cultural and Heritage Assets
Policy 40- Sustainable Transport
Policy 41- Parking

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

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

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:
None received.

Representations:
13 Letters of Representation were received from 3 differing addresses. 11 letters of support, 1 letter neither supporting nor objecting and 1 letter objecting to the development.

The grounds of objection are:

- Loss of Privacy (overlooks bathroom)
- Disturbance
- Design
- Overshadowing

Grounds of support:

- Well constructed and in keeping
- Good for children and their health

Members Comments

Cllr. Boffey commented on the application on 09/01/2024: “It is not particularly the presence itself of the structure which bothers me - it is reasonable to want to have play equipment in the garden - it is the location. [I]f it were placed on the northern boundary of the property, it would not impact on the neighbour at number 5 at all because there is no dwelling there. However, placing it on the southern boundary, where there is a dwellinghouse and that property is a bungalow does have a significant impact on the neighbour”.

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

This application is for the erection of wooden children’s play equipment at the end of the garden on a sunken lawn (Retrospective) at 3 Farm Avenue, Horsham, West Sussex. 3 Farm Avenue is semi-detached property on Farm Avenue. Farm Avenue is a residential road primarily made up of other semi-detached properties.

3 Farm Avenue has been subject to enforcement investigation EN/23/0303 (Alleged: erection of chicken coop 1ft higher than fence adjacent to boundary and erection of 15ft high play frame). The chicken coop was found to be below 2.5m and was therefore considered not to be in breach. The play equipment was found to have a raised platform of over 30cm off the ground so was advised that

planning permission would be required to retain the platform. This application therefore comes for to seek permission for the equipment.

The application has been assessed on the basis of the submitted details, together with the planning history of the site, available images and photographs. These details were considered sufficient to allow the application to be properly considered and determined.

Character and Appearance
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.

Policy HB3 and HB4 of the HBBNP cover the design and character of development within Horsham which is supported by the neighbourhood councils of Forest, Denne and Trafalgar. It advocates for high quality design and construction that integrates with its surroundings whilst minimising impact on natural environments. It should reflect the character and architectural forms of the area in order to protect against inappropriate design.

This application is for the erection of wooden children's play equipment at the end of the garden on a sunken lawn (Retrospective) at 3 Farm Avenue, Horsham, West Sussex. The children's play equipment that has already been erected is positioned in the garden. The structure is 4.2m in depth; 3.1m in width and has a height of 3.1m. The raised platform is at a height of 1.5m. The platform is approximately around 1.7m^2. The structure is a timber construction.

The proposal would 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 proposal would not cause unreasonable harm to the privacy of the neighbouring dwellings. The proposal would not look out on to the principal amenity space of the garden nor into any habitable rooms. Whilst overlooking could technically be achieved somewhat, due to the raised platform and proximity to neighbouring dwellings, the primary function of the equipment is for a child to play with. It would therefore be unreasonable to assume that the platform would be used principally overlook neighbouring dwellings.

Though technically able to somewhat overlook neighbours, it is considered on balance that the siting and layout of the equipment does not severely harm neighbouring amenity enough to warrant refusal, (noting the neighbour's concern that their bathroom window faces the boundary with the equipment). This is due to the primary function of the equipment being a climbing frame for a child with the activities (slide and netting climb, facing away from the neighbour. It is therefore considered that this would be unlikely to cause significant and purposeful overlooking. The usage of the climbing frame is also likely to be limited for fair weather and in the day. It therefore accords with above policies.

Other Matters
Neighbouring comments and comments by members have been heeded by the council. The part of the garden which would be visible from the play equipment would not be deemed to be the usable space of the garden and the rooms (including the bathroom referred to by the neighbour) which are closest to the play equipment are not considered habitable rooms upon review of planning history of the affected property. In the event the neighbour is concerned over privacy in the bathroom when the equipment is being used, closed windows and/or blinds would reasonably achieve the necessary privacy.

Issues regarding the chicken coop are not related to this application and are therefore disregarded.

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.

Recommendation: Application Permitted

Conditions:

1 Plans list

2 **Regulatory Condition**: The materials and measurements to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

NOTE TO APPLICANT

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/23/1757

(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			09.10.2023
Block plan		TQRQM23320124 450299	16.11.2023
Supporting Docs	Play Equipment details including dimensions		20.09.2023
Photos	Images of play equipment		20.09.2023
Photos	Image of play equipment in situ		16.11.2023

DELEGATED

Case Officer sign/initial J.Burrowes Date: 11.01.2024

Authorising Officer sign/initial Adrian Smith Date: 16/09/2024