Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0866
105 Pondtail Road, Horsham, West Sussex, RH12 5HT

DESCRIPTION:
Demolition of the existing dwelling and erection of a new replacement dwelling.

RELEVANT PLANNING HISTORY:

DC/21/2478	Erection of a part two-storey, part single storey front extension and a single storey rear extension. Roof extensions and alterations and to external materials to dwelling.	Application Permitted on 27.06.2022
DC/23/1319	Erection of a single storey side extension (Part Retrospective).	Application Permitted on 24.01.2024

Planning Compliance History –

EN/23/0218	Alleged: development is not in accordance with the plans approved under DC/21/2478 (bungalow has been virtually demolished).	Close – No Breach
EN/23/0240	Alleged: extension approved under DC/21/2478 is not being built in accordance with the approved plans.	Closed – Application Received
EN/24/0190	Alleged: Development not in accordance with approved plan DC/23/1319 (erection of wall not shown on plans too close to side boundary)	Closed – Application Received

SITE AND APPLICATION DESCRIPTION

The application site is situated on the northwest side of Pondtail Road, within the built-up area boundary of North Horsham, an established residential area, with an eclectic mix of house types, sizes and building lines. Given the mature front boundary treatment, views of the site are limited to those from the vehicular access. The site is not located within a conservation area, and no Article 4 Directions are applicable to the site.

This application is for the demolition of the existing dwelling and the erection of a new replacement dwelling. The application is part retrospective, given that the existing dwelling has mostly been demolished, with only the rear study and utility room remaining. The previous building was a detached two-storey chalet-bungalow, set within an elongated plot.

In 2021, planning permission under the reference DC/21/2478, granted for the following:

- Erection of a part two-storey, part single-storey front extension
- A single-storey rear extension.
- Roof extensions and alterations
- Alterations to external materials of the dwelling, allowing the property to be rendered.

A further application in 2023, reference DC/23/1319, granted the following:

- Erection of a single storey side extension

The Planning Statement for this application details that whilst undertaking the work to remove the main walls of the existing dwelling, the structural integrity of the building was found to be insufficient, and on the advice of the Building Control Inspector, the majority of the existing property was demolished. The plans within this application match those from the previous permissions, with no deviations from the previously approved plans.

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 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 37 - Sustainable Construction
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

North Horsham Neighbourhood Plan
North Horsham has not been designated as a Neighbourhood Plan area.

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.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 4: Horsham Town
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 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
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
Policy 40: Improving Housing Standards in the District

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

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:

HDC Planning Compliance:
Comments received

PUBLIC CONSULTATIONS:

Representations:
Two letters of Objection have been received from two addresses, objecting to the application on the following grounds:

- Boundary concerns relating to the proposed dwelling being too close to the boundary line.
- Potential for encroachment over the boundary line, with concerns for rainwater running off into neighbouring property.
- Health and safety concerns relating to the insecure and exposed site.
- Concerns relating to the quality of building work taken place thus far.
- Overlooking and privacy concerns.
- Proposed dwelling has a much larger footprint and height than the original dwelling and neighbouring dwellings – overdevelopment.
- The design of the proposed dwelling is not in keeping with this part of Pondtail Road.

Parish Comments:
North Horsham Parish Council: Objection
On the grounds of overdevelopment for the site and its location, not in keeping with the street scene and being located too close to the boundary.

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

Principle of Development:

Policy 2 of the Horsham District Planning Framework (HDPF) sets out the main growth strategy, focusing development on the main settlements. The HDPF outlines that the proposed settlement hierarchy is the most sustainable approach to delivering housing; where new development is focused on the larger settlements of Horsham, Southwater and Billingshurst; and limited new development is directed elsewhere, and only where it accords with an adopted Neighbourhood Plan.

The HDPF sets out a spatial strategy which directs growth in the district in accordance with an identified settlement hierarchy, reflected in defined settlement boundaries. This is reflected by Policy 3 of the HDPF, which states that development will be permitted within towns and villages which have defined built-up areas, and that any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement in accordance with the settlement hierarchy.

The application site is positioned within the built-up area of North Horsham, with the replacement dwelling situated in the same location as the original dwelling. Given the plot size, the scale of the replacement dwelling is considered appropriate and would sit comfortably within the existing residential curtilage. The proposed development is therefore considered to be acceptable in principle, subject to all other material considerations.

Design and Appearance:

Policies 25, 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.

As outlined above, this application follows the same footprint and design as previously approved schemes, with no additional alterations or extensions proposed. While the replacement dwelling represents a substantial enlargement compared to the original building, the scale of the proposal is considered acceptable in the context of the generous plot size and the varied character of surrounding properties. The dwelling would be set back from the front boundary and, owing to the mature boundary treatment, would not be clearly visible from public vantage points. Although the increased ridge height and roof extension would be visible from the front, they would not appear unduly prominent or out of keeping, given the setback and the mixed character of the area.

The concerns raised by objectors and the Parish Council regarding the proposal not being in keeping with other dwellings on Pondtail Road are acknowledged. However, the street comprises a range of dwelling types and styles, with many properties having evolved from their original single-storey form. Some retain original features, while others have been subject to substantial redevelopment. While neighbouring dwellings are not rendered, the principle of a rendered finish was accepted under application DC/21/2478, and there are examples of painted brickwork and rendered finishes along Pondtail Road.

The Application Form stated that the proposed development would consist of white rendered walls, with the first floor consisting of ‘red western cedar timber boarding fitted vertically (as approved)’. The previous applications did not approve timber boarding, and confirmation has been received from the agent that the entire property is to consist of monocouche render, and painted off-white. This email has therefore been included in the approved plans/documents and conditioned appropriately.

Overall, the proposed development is considered to be of an appropriate design, scale, and form that respects the character and appearance of the existing dwelling and the surrounding area. The visual impact is therefore considered acceptable and in accordance with relevant planning policies.

Residential Amenity:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute 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.

It is noted that side-facing windows are proposed at first-floor level, and concerns have been raised by the occupiers of No. 103 regarding potential overlooking into their garden and driveway. While these windows do not serve habitable rooms, application DC/21/2478 considered it appropriate to impose a condition requiring them to be obscure-glazed. This condition has been carried forward to the current proposal. In addition, the proposed rooflights within the pitched roof are angled in such a way that they would not result in unacceptable overlooking or loss of privacy.

While a written representation has been received from No. 103 to the south, the orientation and relationship between the properties are such that the proposed rear extension would primarily face the side elevation of No. 103. Although Juliet balconies are proposed, these are located on the front and rear elevations, and it is considered that any views between the properties would be limited. The Juliet balcony on the rear elevation would open onto the flat roof of the ground-floor extension; however, a condition is recommended to ensure that the flat roof is used for maintenance or emergency access only, and not as a roof terrace, garden, or other amenity space.

In terms of daylight or outlook, the rear gardens face west, meaning that any early morning shading is already caused by the existing dwellings. The proposed development would not result in any additional overshadowing or loss of light beyond the current situation and does not give rise to harm sufficient to warrant refusal.

Comments from No. 107 to the north have also been noted. The existing study wall of the original dwelling has long been positioned on the boundary line, and the extension of this wall was previously granted under application DC/23/1319. While it may have been preferable to set the wall back from the boundary, it was not considered harmful under the earlier approval, and for reasons of consistency, it cannot reasonably be considered harmful in this instance.

Overall, it is considered that the siting and layout of the proposal, together with the relationship with neighbouring properties, would not result in any unacceptable harm to residential amenity. The proposal therefore complies with Policy 33 of the HDPF.

Highways Impacts:

Policies 40 and 41 of the HDPF require that development provide safe and adequate access and parking provision suitable for all users. The proposed dwelling would be served by the existing access from Pondtail Road. The submitted details, including the application form, confirm that sufficient space is available on site for the parking of up to eight vehicles.

It is therefore considered that the proposal would not have an unacceptable impact on highway safety or result in any severe cumulative impacts on the operation of the highway network. As such, there are no transport-related grounds on which to resist the proposal.

Trees and Landscape

The proposal confirms that the existing mature hedging and trees to the front and rear of the site are to be retained. It is considered that the proposed landscaping works are acceptable.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England 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.

The proposed replacement dwelling would result in the same number of bedrooms as the resulting dwelling approved under the previous planning permissions. The proposed dwelling would result in no greater occupancy than the previous planning permissions, and there is therefore no compelling evidence that the development would result in a greater level of water abstraction than the previous permissions. It could not, therefore, be concluded that the proposal would result in a greater likely impact on the protected Arun Valley sites.

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.

Conditions are attached to secure the following:

- Requirement to provide full fibre broadband site connectivity
- Refuse and recycling storage
- Cycle parking facilities
- An electric vehicle charging point

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

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The application is retrospective made under Section 73(A) of the Town and Country Planning Act.
- The development qualifies as 'self-build or custom housing' under Regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	444.83	0m2	444.83
		Total Gain	**444.83m2**
		Total Demolition	**0m2**

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

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 **Pre-Occupation Condition**: No dwelling shall be first occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

4 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the side or rear garden for the dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the side or rear garden for the dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the windows at first floor level to the north and south facing side elevations, indicated on Plans 105PR : FPA01/02 and 105PR : FPA01/03, received on 23rd May 2025, have been fitted with obscured glazing. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

Reason: To protect the privacy of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved plans and detailed within the email, dated 16th July 2025.

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).

9 **Regulatory Condition**: Access to the flat roof over the extensions, located at the front and rear of the dwelling, hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policy 33 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and impacts less than 25 square

metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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/25/0866
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Planning Statement	NONE	23.05.2025
Location plan	Existing Floor Plans, Elevations and Location Plan	105PR : FPA01/01	23.05.2025
Supporting Statement	Water Neutrality Strategy	NONE	23.05.2025
Floor plan	Proposed Floor Plans	105PR : FPA01/02	23.05.2025
Site plan	Proposed Elevations and Site Plan	105PR : FPA01/03	23.05.2025
Supporting Docs	Email - Confirmation of materials	NONE	16.07.2025

DELEGATED

Case Officer sign/initial	Sam Nye	Date:	16/07/2025
Authorising Officer sign/initial	RHERMITAGE	Date:	18.07.2025