# PLANNING COMMITTEE REPORT

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| **TO:** | Planning Committee |
| **BY:** | Head of Development and Building Control |
| **DATE:** | 3rd June 2025 |
| **DEVELOPMENT:** | Conversion of garage into habitable living space. |
| **SITE:** | 36 Chessall Avenue Southwater West Sussex RH13 9FB |
| **WARD:** | Southwater South and Shipley |
| **APPLICATION:** | DC/25/0489 |
| **APPLICANT:** | **Name:** Mrs Susannah Buss **Address:** 36 Chessall Avenue Southwater West Sussex RH13 9FB |

**REASON FOR INCLUSION ON THE AGENDA**: By request of Councillor Jeffery

**RECOMMENDATION**: To refuse planning permission

## 1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Permission is sought for the conversion of garage into habitable living space to accommodate a study and a playroom. A window will be installed to the front elevation in place of the existing garage door, and the door on the rear elevation replaced with patio doors. The existing garage measures 3m x 6m which is sufficient in size to accommodate an average sized vehicle. The property is served with a driveway sufficient for a single vehicle, this is to remain to serve the dwelling.

DESCRIPTION OF THE SITE

1.3 36 Chessall Avenue, Southwater is a semi-detached dwelling in the built-up boundary of Southwater. It is currently a 3-bedroom property. The materials are red brick, tilled roof with white PVC windows and doors. It faces the highway and has a small porch with a bay window to the left of the front door. A garage is located to the side with a driveway in front. The property is on the outskirts of the east of Southwater, and forms part of the development approved under reference DC/14/0590. It faces the highway Chessall Avenue and rear garden backs onto residential gardens.

## 2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES
The following Policies are considered to be relevant to the assessment of this application:

**National Planning Policy Framework:**

**Horsham District Planning Framework (HDPF 2015):**
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 41 - Parking

**Southwater Neighbourhood Plan**
SNP14 - Adequate Provision of Car Parking
SNP16 - Design

**Southwater Parish Design Statement 2011**

**Horsham District Local Plan (2023-40) (Regulation 19):**
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles

PLANNING HISTORY AND RELEVANT APPLICATIONS

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| DC/24/1885 | Conversion of garage into habitable living space. | Application Refused on 07.02.2025 |

## 3. OUTCOME OF CONSULTATIONS

3.1 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.

3.2 **WSCC Highways:** No Objection
The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network. Therefore, is not contrary to the National Planning Policy Framework (para 116), and there are no known transport grounds to resist the proposal.

Representations:

3.3 5 letters for Support have been received from 5 addresses, supporting the application on the following grounds:

- Visually the character and appearance of proposed change would fit in well with the overall look of the house.
- Comments on plenty of visitor parking spaces along road and no parking concerns.

Parish Comments:

3.4 **Southwater Parish Council**: Objection
Due to lack of additional parking and contrary to the Southwater Neighbourhood Plan Policy 14.

Member Comments:

3.5 Councillor Jeffery requested for this application to go to committee with the below reasons:

- The existing garage is not suitable for the storage of a modern vehicle.

- An existing driveway which would be retained as part of this application provides parking.
- The proposal would therefore not result in the loss of parking
- Neighbours have supported the proposal

## 4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 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.

4.2 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.

## 5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## 6 PLANNING ASSESSMENTS

Background

6.1 An application was previously submitted under reference DC/24/1885 for the conversion of garage into habitable living space. This application was refused on the 7th February 2025 for the following reason:

> *The proposed development would result in the loss of a garage and would thus provide an inadequate level of off-street parking provision, which would result in on-street parking overspill and adversely impact highway safety. It has not been demonstrated that the suitable alternative provision could be secured or that the need for the development overrides the loss of parking. The proposal would therefore be contrary to Policy 41 of the Horsham District Planning Framework (2015) and Policy SNP14 of the Southwater Neighbourhood Plan (2020).*

Design and Appearance:

6.2 Policies 32 and 33 of the Horsham District Planning Framework (HDPF) seek 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.

*6.3* Policy SNP16 (Design) of the Southwater Neighbourhood Plan states that "*All development must be of high-quality design. In Southwater this means: Facing buildings with locally sourced materials, or materials equivalent to those that would historically have been sourced locally wherever possible."*

6.4 The proposed conversion would match the design and form of the existing garage and uses materials that would match the existing dwellinghouse. The design, form and scale, is considered appropriate to the character and appearance of the existing dwelling and is not considered to 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 polices.

Residential Amenity:

6.5 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.

6.6 The change of the front elevation is not expected to cause any adverse changes to the public realms or impact upon the neighbouring amenity.

6.7 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.

Highways Impacts:

6.8 Following the refusal of the previous application for 36 Chessal Avenue, additional information was received to support this application. A Parking Stress Assessment was submitted to support the application.

6.9 The existing garage measures 3m x 6m which is sufficient in size to accommodate an average sized vehicle according to 4.14(a) of WSCC's Guidance on Parking at New Developments (September 2020). Although the applicant states that this is not currently in use for parking, this proposal will see a reduction in overall parking provision. The property is served with a driveway sufficient for a single vehicle, this is to remain to serve the dwelling.

6.10 Policy 41 of the HDPF states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for the development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

*6.11* Policy SNP14.1 of the Southwater Neighbourhood Plan states that '*Residential development must include provision for adequate off-road parking spaces in accordance with the following criteria:*

*a) apart from one-bedroom flats which shall have one allocated parking space, every dwelling will provide, for use associated with that dwelling, 2 parking spaces and one additional parking space for each additional bedroom over a total of three, with an upstairs study counting as a bedroom within its curtilage (or within the development).*

*b) The proposed solution should avoid car parking dominating the street-scene. Therefore, parking should be to the side rather than in front the property.'*

6.12 SNP14.2 states that *'Where a proposed development would result in the loss of a garage, the application will be refused unless the applicant can provide an alternative parking space elsewhere within the curtilage of the dwelling.'*

6.13 The site comprises a three-bedroom semi-detached dwelling. The existing parking arrangement includes one parking space contained within the existing garage, and one parking spaces in front of the garage on a driveway. Chessall Avenue is an unclassified road that is not subject of parking restrictions (i.e. double yellow and/or resident parking permits).

6.14 Southwater falls into Parking Behaviour Zone 2 of the WSCC Parking Demand Calculator. The West Sussex County Council Guidance on Parking at New Developments (September 2020) states that expected levels of parking demand in residential development should be determined, where appropriate, taking account of location (parking behaviour zone), dwelling size (rooms), parking provision (allocated or unallocated), and arrangements for control/enforcement (charges, etc.). Calculation of expected levels of parking demand should normally be based on local or comparable data taking account of forecast changes in demand for the local plan period.

6.15 Table 2 within the West Sussex County Council Guidance on Parking at New Developments (September 2020) indicates that a 3-bed dwelling within Parking Behaviour Zone 2 would be anticipated to provide 2.1 off-road parking spaces.

6.16 The subject dwelling currently provides one garage space and one parking spaces in front of the garage. The loss of the garage space would result in only one off-street parking space being provided, which would be an undersupply of one off-street parking spaces. The reduction of one parking spaces would exacerbate the existing parking pressures within the locality. Whilst the applicant states that the existing garage is not utilised for parking, WSCC recognise that the dimensions of the garage is capable of accommodating vehicular parking. As such, Officers are of the view that the loss of the garage would result in the loss of a parking space on the site.

6.17 Whilst it is recognised that parking within the locality includes parking on the street, where such parking is restricted, the undersupply of off-street parking spaces at the application site is considered to put additional demand within the immediate area. It is considered that the site was planned to provide adequate parking for the development in the interests of highway safety, where an increase in on-street parking has the potential to adversely impact highway safety. In any cases, these spaces are un-allocated visitor bays thus there is no guarantee that any dwellings on the street would be able to benefit from long-term use.

6.18 A Parking Stress Assessment for the existing parking bays on Chessall Avenue was submitted as part of this application which is composed of 3 sets of images showing each parking bay. WSCC Highways note that the survey states that the provided imagery was taken on Wednesday March 5th, Tuesday March 11th and Thursday March 13th 2025. However, they then note that this is not consistent with the dates provided by the applicant. As such, this illustrates some conflict with the data. Furthermore, WSCC note that the survey was not carried out using a recognised methodology (the Lambeth Methodology), thus the results of the provided survey are questionable.

6.19 Whilst the present application has attempted to show adequate parking, the data provided is unreliable and therefore not considered as part of this proposal. In addition to this with regards to the laybys on the street, these are non-allocated visitors' spaces and therefore are not considered to provide for a dwellinghouse's parking provision, especially when considering Policy SNP14 requiring off-street parking. Therefore, there has been no attempt to create additional off-street parking.

6.20 As described on the previous refusal decision notice, a recent appeal has been determined by the Planning Inspectorate recently that supports the Council's case on the parking matters as highlighted above, which was located within a new build estate: DC/23/0652 40 Carter Drive (APP/Z3825/D/23/3325522). In the case of this appeal, similarly, the appellant proposed to part convert the garage into a home office, thus result in the loss of one off-street car parking space. At paragraph 11 of their report, the Inspector noted physical constraints on the street for on-street parking, owing to narrow highway and footpaths, and that the increase in onstreet parking would '*result in disrupting the free flow of vehicles*'. Ultimately, the Inspector's decision validates the requirement of Policy SNP14, and the Officer's consideration of the matter is consistent with this outcome.

6.21 Officers also note that within the Planning Statement document the applicant has provided a list of approved applications similar to this proposal. However, the majority of cases, apart from 2, mentioned are not within Southwater and are therefore not subject to the considerations of Policy SNP14. The 2 cases within Southwater as detailed in the Planning Statement provided as part of the application are described below:

- DC/24/1489, 8 Thistle Way – Within the Officers report, the application was permitted on the basis that there was adequate parking available, despite the loss of potential parking space within the garage: *"Whilst the proposal would result in the loss of a potential parking space within the garage there would seemingly remain potential for 4/5 vehicles to park on the existing hardstanding and there are no apparent issues arising from street parking in the locality. It would not therefore be anticipated that the proposal would result in harmful demand for on-street parking from any displaced vehicles."*
- DC/23/1846, 12 Great Lime Kilns – This application was refused, though not on highways grounds. Whilst it was accepted that the loss of the garage would result in the loss of one parking space, this was of a lesser scale than the present proposal (0.7 of a space compared to 1.1), thus considered acceptable despite a slight conflict with the provisions of Policy SNP14.

6.22 Based on the above information, the cited applications are not relevant to this proposal as the majority are not within Southwater and the circumstances differ from those at the application site.

6.23 On the basis of the above, it is considered that the loss of 1 off-street parking spaces, which would subsequently fail to address the anticipated needs of the 3-bed dwelling by 1.1 spaces, would detrimentally affect the interests of highway users. Whilst Officer's acknowledge that the WSCC Guidance does state that a garage of this site would only facilitate 0.5 of a parking space, the original application for the dwelling (approved under DC/15/2064) was made prior to the publication of the guidance. Furthermore, condition 8 attached to the permission for reserved matters application stipulated that garages and parking spaces shall be used for the parking of vehicles only. Notwithstanding WSCC's current guidance on the matter, given the previous necessity to condition parking spaces and garages under the reserved matters application on an established new-build development, the garage should be considered as 1 parking space, not 0.5. The proposal would therefore be contrary to policy 41 of the HDPF and SNP14 of the Southwater Neighbourhood Plan 2019 – 2031.

Water Neutrality:

6.24 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 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

6.25 In accordance with the Biodiversity Gain Requirements (Exemptions) Regulations 2024, all householder applications are current exempt from the statutory requirement to demonstrate a 10% net gain in biodiversity.

Conclusions and Planning Balance:

6.26 The proposed development would result in the loss of a garage and would thus provide an inadequate level of off-street parking provision, which would result in on-street parking overspill. The sub text to Policy SNP14 of the Neighbourthood Plan advises that a lack of

off-street parking leads to restrictions to safe traffic flows, poor access for service and emergency vehicles such as ambulances and has a detrimental impact on the street scene. The application has not been amended to have the creation of additonal paking, by means of hardstanding, to the side of the existing off-street parking. The proposal would therefore be contrary to Policy 41 of the Horsham District Planning Framework (2015) and Policy SNP14 of the Southwater Neighbourhood Plan (2020).

## 7. RECOMMENDATIONS

7.1 To refuse the application for the following reason:

Reason for Refusal:

1. The proposed development would result in the loss of a garage and would thus provide an inadequate level of off-street parking provision, which would result in on-street parking overspill detrimenal to all road users and the character of the area. Furthermore, it has not been demonstrated that suitable alternative provision could be secured or that the need for the development overrides the loss of parking. The proposal would therefore be contrary to Policy 41 of the Horsham District Planning Framework (2015) and Policy SNP14 of the Southwater Neighbourhood Plan (2020).