Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/23/1943
35 Brambling Road, Horsham, West Sussex, RH13 6AX

DESCRIPTION:

Part demolition of existing garage, erection of a two storey detached dwelling with associated works and access onto Brambling Road (Part-Retrospective)

RELEVANT PLANNING HISTORY:

HU/344/87	Re-location of fence. (From old Planning History)	Application Permitted on 14.12.1989
DC/19/0046	Outline application for the part demolition of existing garage, erection of a two storey detached dwelling with associated works and access onto Brambling Road. All matters reserved.	Application Permitted on 08.03.2019
DC/19/1379	Reserved matters application for the part demolition of existing garage, erection of a two storey detached dwelling with associated works and access onto Brambling Road following approval of outline application DC/19/0046, relating to layout, access, scale, appearance and landscaping	Application Refused on 29.08.2019
DC/19/1945	Reserved matters application for the part demolition of existing garage, erection of a two storey detached dwelling with associated works and access onto Brambling Road following approval of outline application DC/19/0046. Relating to layout, scale, appearance, access and landscaping	Application Permitted on 26.11.2019

SITE AND SURROUNDS

The application site comprises a corner plot positioned to the north of Brambling Road, and the west of Heron Way, within the designated built-up area of Horsham. The site is surrounded by a mix of detached and semi-detached dwellings that are positioned along a continuous build line, slightly set back from the public highway.

The application site previously consisted of amenity space to the existing dwelling, bound by close boarded fencing and a mix of hedging and scattered trees. The site is accessed from Brambling Road, with the frontage of the site laid to grass.

The application site now hosts a two storey detached dwelling, subject to the current application.

DETAILED DESCRIPTION

The application seeks full planning permission for the retention of a detached two storey dwelling and associated landscaping and access works. The site benefited from Reserved Matters approval under reference DC/19/1945. However, the conditions were not discharged prior to commencement and the dwelling has therefore been constructed in non-compliance with the planning permission.

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 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 41 - Parking

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 4.3 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 Blueprint Business Neighbourhood Plan:
Policy HB1 – Location of Development
Policy HB3 – Character of Development
Policy HB4 – Design of Development
Policy HB5 – Energy Efficiency and Design

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:

OUTSIDE AGENCIES

WSCC Highways: Comment

The amended documents demonstrate that the access will be widened by 1m to prevent overrun onto the verge and prevent deterioration of the dropper kerb stone.

The Applicant has now decided to extend the Vehicle Crossover an additional 1m to prevent this overrun. The Local Highways Authority would be satisfied to approve an extension of up to 4.5m from the property boundary.

Based on the above considerations the LHA raise no highways safety concerns with the proposal to extend the VCO as demonstrated within the associated plans. The Applicant will need to contact the local Area Office in order to obtain a license to carry out the works within the highway.

A secure and covered cycle shed has also been proposed and appears to be a workable solution.

The Local Highways Authority 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 111), and there are no known transport grounds to resist the proposal.

Southern Water: Southern Water requires a formal application for a connection to the public foul sewer to be made by the Applicant or developer.

Parish Comments:

No Objection

Representations:

1 letter of objection has been received, and this can be summarised as follows:

- Overshadowing from proposed trees

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 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.

Policy HB1 of the Horsham Blueprint Business Neighbourhood Plan states that development will be focused within the built-up area boundary.

Paragraph 68 of the NPFF states that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area…to promote the development of a good mix of sites local planning authorities should…support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes…"

The application site is located within the built-up area of Horsham, and is located within an established residential area. Given the location of the site within the built-up area boundary, infill development is considered acceptable subject to development demonstrating that it is of an appropriate nature and scale to maintain characteristics and function of the settlement.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape 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.

Policy HB3 of the Horsham Blueprint Business Neighbourhood Plan states that development is expected to preserve and enhance the Character Area in which it is located. The design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials. Policy HB5 continues that development is expected to demonstrate a high quality of design, which responds and integrates well with its surroundings and minimises the impact on the natural environment.

Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

The wider street scene is characterised by detached and semi-detached dwellings of similar size and appearance, all of which are positioned along a continuous build line, set back from the public highway. The build pattern comprises elongated plots, with most dwellings positioned centrally with spacing in between. The built form predominantly comprises a mix of brick and tile hanging, and concrete roof, with some limited examples of render and cladding detailing within the wider street scene.

The previous planning applications on the site considered that design and appearance of the site and the visual amenity of the street scene. It was noted that while there are a variety of properties within the locality, many of which have been extended, the site lies within a constrained corner plot which contributes to the spacious character of the street scene in its current form. These characteristics include the set back from the road, and the open spaces fronting these, which creates a sense of openness and spaciousness that is an important feature of the locality. This build pattern is continued throughout the locality and creates and defines the sense of place. Furthermore, the site sits in direct relation to the dwellings along Brambling Road and Heron Way, and is read within this context. Both of these streets comprise uniform architectural features, as well as materials and finish. This character and setting therefore directs that any proposed development would need to be sensitively designed, and in particular, of a scale, mass and footprint that reflects the constraints of the site.

The current proposal seeks permission for a detached two storey dwelling as previously approved under planning reference DC/19/1945, albeit that the landscaping and access arrangements have evolved. Previous considerations are therefore relevant in respect of the design, scale, and layout of the development, where it was considered that the siting of the plot allows for some differentiation to create a focal point within the street. The dwelling is considered to take appropriate reference from features within the townscape, with the dwelling considered to reasonably reflect the overall character and built form of dwellings within the wider street scene. It is therefore considered that the development relates sympathetically to the character and visual amenities of the street scene.

The current proposal has sought to address previous concerns with regard to the landscaping of the site, and specifically the removal of hedging along the frontage. The Proposed Site Plan indicates that additional planting is proposed along the frontage of the site and forward of the front gable feature. This landscaping would reflect the character of the wider street scene which is characterised by a mix of hedging and low fencing. It is however considered reasonable and necessary to impose a condition requiring the submission of further details (including plant species and size). Such condition will also secure the planting of these natural features within the next planting season.

Subject to such condition, the development is considered to appropriately reflect and reinforce the features and form found with the street and locality. It is therefore considered that the proposal relates

sympathetically to the built form, character, and visual amenities of the street scene, in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts:

Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.

The dwelling is positioned to the south of the neighbouring residential property of 36 Heron Way, which has been extended and is built up to the boundary of the site. The proposal would be positioned approximately 10.5m from the shared boundary and the southern elevation of this neighbouring property.

Horsham District Design Guidance outlines that that a distance of 10.5m should be maintained between the rear elevation and flank elevation of a dwelling. This distance ensures that any development does not have an overbearing impact, and provides a suitable amount of amenity space.
Given the distance between the proposed dwelling and the existing dwelling of 36 Heron Way, it is considered that the proposal would be positioned within a reasonable distance to reduce potential impact upon the future occupiers of the proposed dwelling and the occupiers of the adjacent property. For this reason, it is considered that the proposal would accord with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts:

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

The application seeks to widen the access by 1m to prevent overrun onto the verge and deterioration of the dropped kerb stone. Following consultation with the Local Highways Authority, the no highways safety concerns are raised with the proposed extension to the dropped kerb, although a Vehicle Crossover Licence would need to be obtained from WSCC Highways.

The development benefits from a parking area to the front of the site. The WSCC Car Parking Demand Calculator outlines that the dwelling would generate a demand for 3no. parking spaces. The development would therefore provide adequate parking provision for the proposed dwelling.

It is not therefore considered that the development would have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network. The development is therefore considered to accord with Policy 41 of the Horsham District Planning Framework (2015).

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.

Should the development be considered acceptable, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:

- 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.

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 Applicant has submitted a Water Neutrality Report reference C286 Rev P- by CGS Civils dated 21.09.2023.
The proposal relates to the erection of a 4-bed dwelling and the erection of a 4-bed dwelling. The Statement has calculated the proposed water use based on the optional standard of 110 litres per person per day. Using the average occupancy figure of 2.86 for a 4-bed dwelling, the total demand arising from the proposal would be 314.6 litres per day.

The Statement continues that water efficient fixtures and fittings could be utilised within the proposed dwelling to further reduce water demand. The Part G Calculator at Appendix A indicates the installation of water efficiencies, including dual flush toilet, low-flow taps and shower, reduced volume bath, and water efficient white goods. The resulting water demand is reduced to 89.04 litres per person per day, with the total demand arising from the development being 254.6 litres per day.

The Water Neutrality Statement furthers that rainwater harvesting could be utilised to reduce mains water. Based upon the roof area of the dwelling, the total demand could be reduced by an additional 27.23 litres per day, resulting in an overall demand of 227.37 litres per day.

Prior to the subject building being constructed, the site comprised residential amenity space to 35 Brambling Road. The existing baseline is therefore zero (0).

The Water Neutrality Statement outlines that the Applicant owns another property within Horsham District, where it is proposed to retrofit the property with water efficient fixtures and fittings, and install water butts for external use.

The existing property comprises a 6-bed dwelling with a confirmed occupancy of 5 persons. The property is not fitted with a water meter, and an Existing Fittings Survey has been carried out to confirm the existing water consumption. The existing water demand of the property is measured at 631.55 litres per day.

Through retrofitting the property, the Statement outlines that the water demand of the off-setting property could be reduced to 397.5 litres per day. This would be an overall reduction of 234.05 litres per day. This reduction would address the demand arising from the application dwelling and would provide sufficient headroom.

The proposal has been subject of an Appropriate Assessment, where it has been concluded that subject to this offsetting, as secured by a s106 Agreement, the development would not have a likely significant effect on the Arun Valley Protected Sites and Habitats. Natural England has been consulted, raising no objection to the strategy.

It is therefore concluded that, with mitigation, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. The development would therefore be in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), 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 and Species).

Conclusions:
The proposed subdivision of the site to accommodate an additional 1no. detached dwelling is considered acceptable in principle, and is not considered to result in harm to the visual amenities of the street scene, or the amenities of neighbouring properties.

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	137	0	137
		Total Gain	**137**
		Total Demolition	**0**

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 **Regulatory Condition**: Within 1 month of the date of the permission hereby granted, evidence shall be submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 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).

3 **Regulatory Condition**: Parking, turning and access facilities necessary to serve the dwelling hereby approved shall be implemented in accordance with the approved details as shown on plan reference DE862/02 REV P5 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: Cycle parking facilities to serve the dwelling hereby approved shall be provided within the side or rear garden for that 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).

5 **Regulatory Condition**: The provision for the storage of refuse and recycling shall be made for the dwelling hereby approved in accordance with plan reference DE862/02 REV P5. These facilities shall thereafter be retained for use at all times.

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

6 **Regulatory Condition**: A fast charge electric vehicle charging point for the dwelling shall be installed in accordance with plan reference DE862/02 REV P5. 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).

7 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure, other than that shown on plan reference DE862/02 REV P5, shall be erected or constructed in front of the forward most part of any proposed building which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenities of the locality and/or highway safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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/23/1943
(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 & Block plan	Existing Site and Location Plan	DE862.01 REV P4	20.11.2023
Site plan	Proposed Site Plan	DE862.02 REV P5	23.10.2023
Floor plan	Proposed Floor Plans	DE862.03 REV P4	23.10.2023
Elevation plan	Proposed Elevations	DE862.04 REV P4	23.10.2023
Plans	Drainage Plan	DE862.05 REV P1	23.10.2023
Supporting Statement	Water Neutrality Report by cgs civils dated 21.09.2023	C2826 Rev P	23.10.2023

DELEGATED

Case Officer sign/initial Tamara Dale Date: 28.05.2024

Authorising Officer sign/initial Guy Everest Date: 05.06.2024