Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0625
Oakfield, Cox Green, Rudgwick, West Sussex, RH12 3DD

DESCRIPTION:

Variation of condition 1 of previously approved application DC/23/0340 to allow for: front and rear skylight changed to dormer windows; amendments to driveway entrance; addition of timber pergola, 2 no. external outbuildings, open lean to, relocation of consented back door to side of house and minor fenestration alterations.

RELEVANT PLANNING HISTORY:

DC/20/0209	Demolition of existing detached garage and outbuilding. Erection of a detached two storey dwelling with associated landscaping, parking and the creation of new access	Withdrawn Application on 19.03.2020
DC/20/1689	Demolition of existing detached garage and outbuilding. Erection of double storey detached dwelling and 2No. detached garages on existing garden land. Creation of new vehicular access.	Application Permitted on 20.11.2020
DC/21/2209	Demolition of existing detached garage and outbuilding. Erection of two-storey detached dwelling and detached garage on existing garden land.	Application Permitted on 29.04.2022
DC/21/2211	Demolition of existing dwelling and garage and erection of a replacement detached dwelling with new vehicular access, attached garage and associated car parking.	Application Permitted on 18.03.2022
DC/23/0235	Erection of 1no detached two-storey dwelling with integral garage and associated access and erection of a detached garden room to the rear.	Application Permitted on 17.08.2023
DC/23/0340	Variation of Condition 3 of previously approved application DC/21/2211 (Demolition of existing dwelling and garage and erection of a replacement detached dwelling with new vehicular access, attached garage and associated car parking) to allow for amendment to the wording of the condition relating to the Bat Licence from pre-commencement to pre-demolition.	Application Permitted on 21.04.2023
DISC/23/0053	Approval of details reserved by condition 5 to approved application DC/21/2211.	Application Permitted on 06.04.2023
DISC/24/0082	Application for Approval of Details Reserved by Condition 4 to approved application DC/23/0340	Application Permitted on 14.06.2024

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 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

Rudgwick Neighbourhood Plan:
RNP2: Housing Mix
RNP5: Housing Density
RNP17: Green Infrastructure and Trees

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 Arboriculture: No Objection with conditions recommended

WSCC Highways: No Objection, conditions recommended

Parish Comments: Objection

It is not shown in the application how the changes to the driveway access proposed vary from any previously approved. Therefore, it is not possible to consider whether the amendments are minor material ones or determine what effect they might have.

Also, with regard to RNP policy 17 information should be provided to show if any trees or hedges are affected by the changes.

With regard to the proposed outbuildings, there is no information provided concerning footings involved in the development and the site of each building in relation to existing trees. Regard must be given to RNP Policy 17 and the effect of the position of the outbuildings and their footings on the Root Protection Areas of any trees on the site. A condition should be placed on any final approval to ensure that the outbuildings are not to be used for accommodation purposes and therefore breach HDPF Policy 28.

Representations:

1 letter of representation received neither objecting to nor supporting the application, noting:

- No trees should be removed
- Outbuildings will not be used for residential purposes [sic]

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

The site is located to the north side of the B2128 highway within the built up area of Rudgwick. Land to the west side of Oakfield was granted planning permission for infill development (ref. DC/20/1689) to erect a double storey detached dwelling and garage on existing garden land.

With specific reference to Oakfield, planning permission was granted in March 2022 for the demolition of the existing dwelling house and garage, and erection of a replacement detached dwelling with new vehicular access, attached garage and associated parking (ref: DC/21/2211). Permission was also granted in April 2023 for Variation of Condition 3 of previously approved application DC/21/2211 to allow for amendment to the wording of the condition relating to the Bat Licence from pre-commencement to pre-demolition. More recently, permission was granted in August 2023 for a further new detached two-storey dwelling on garden land to the east side of Oakfield (ref: DC/23/0235).

Planning permission is sought to vary condition 1 of previously approved application DC/23/0340 to allow for:

- The front and rear skylight (which serve an en-suite bathroom to the front and a dressing room to the rear) to be changed to pitched roof dormer windows to match the front and rear dormer windows, in height, width and materials, permitted under DC/21/2211.

- Amendments to the driveway entrance are within the curtilage not altering visibility lines to the highway and to reflect shared access landscaping, as confirmed by the agent.

- the addition to the rear elevation of a freestanding oak frame pergola on to the garden with glazed roof measuring 4.5m width, 4m depth, 2.5m height.

- The erection of two no. external timber pitched roofed outbuildings to be located in the rear garden; one measuring 7.85m x 3.35m, ridge height 3.484, eaves height 2.27m. The other measuring 7.7m x 2.7m, ridge height 3.484, eaves height 2.27m.

- an open lean-to extension for bins and boot storage, to the west (side) elevation, measuring 1.2m side projection, 6.5m depth approx., 2.2m eaves, 3.5 max height, materials to match. And the relocation of the consented utility room back door to this west side of house under the lean-to.

- Amending the approved glazed balustrade to metal

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.

The variations to existing permission consist of a front and rear skylight changed to pitched roof dormer windows, which would match the front and rear dormer windows, in height, width and materials, permitted under DC/21/2211. The visual impact of the proposed would reflect the character and design features permitted. The addition of a rear timber pergola, open lean to and two outbuildings to the rear could be comfortably positioned within a rear plot of sufficient space to maintain rear outdoor amenity space too and would not be seen to impact the character or appearance of the site from any public views. A condition is attached to ensure that these buildings remains incidental to the main use of the dwelling. The proposed relocated back door would not impact the character of the dwelling and similarly with the entrance drive alterations within the curtilage to reflect shared access landscaping, as confirmed by the agent

The proposal would represent subservient additions and are 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.

Trees

The Parish's comments relating to the trees are noted. The proposal has been assessed by the Council's Arboricultural Officer, who noted a Tree Protection Plan (TPP) and Method Statement have been submitted and consulted with HDC Arboriculture. A single tree within the site curtilage, T19 (an Ash), is indicated for removal. Previously recorded as a category B tree with medium deadwood in its crown under application DC/21/2211, T19 has been downgraded to a category U tree due to infection by Hymenoscyphus fraxineus, commonly known as Ash Dieback (ADB). This chronic fungal disease of ash trees in Europe is characterized by leaf loss and crown dieback. Provided images justify T19's re-categorization based on its condition, clearly showing ADB infection. Regardless of the application outcome, T19's removal is recommended for safety reasons due to its location within a residential dwelling's curtilage and associated safety concerns with ADB. It is considered acceptable to remove this tree, though a replacement tree should be planted.

The proposed garden room's footings, due to their low invasive above-ground nature within T18's Root Protection Area (RPA), and with RPA incursion below 20% coupled with limited public visibility of T18, pose no significant development concerns.

The TPP also indicates development within the RPA of T20, an offsite category U Ash recommended for removal on safety grounds. These comments align with tree information provided for DC/21/2211, where T20's removal was deemed acceptable under previous site permissions. The submitted TPP and Method Statement provide a fair assessment of the site's tree stock in terms of age, quality, and development impact. Although additional tree protection measures for the garden room area are absent, it is accepted that the building falls within the tree's RPA. Boxing the stem and implementing some ground protection measures are recommended and can be addressed via the recommended condition.

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 siting and layout of the proposed dormer windows would reflect existing windows and not providing any additional views that over and above the approved arrangement and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways

This application seeks the variation of Condition 1 of previously approved application DC/21/2211, to allow for various minor amendments to the proposals. WSCC in its role as Local Highway Authority (LHA) provided consultation advice for the previously approved application DC/21/2211, raising no highway safety concerns.

The LHA has been consulted with this application and comment that from inspection of the plans, the proposals appear not too dissimilar from what was previously permitted from a highway safety point of view. The site exhibits suitable off-street vehicular parking and turning space. Amendments to the proposed driveway entrance are noted and, for the avoidance of doubt, the LHA would request that visibility be provided in accordance with the parameters agreed previously. Assuming this can be provided, the LHA would raise no concerns to the variation of Condition 1 for the proposed amendments.

Conclusion

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

Recommendation: Application Permitted

Conditions:

2 **Pre-Demolition Condition**: No demolition works shall commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) a method statement relating to a registered site supplied by an individual registered to use a Bat Mitigation Class Licence for Bats; or
c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve Protected and Priority species and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998 and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

3 **Pre-Occupation Condition**: The dwelling hereby permitted shall not be occupied until the Biodiversity Enhancement Strategy for Protected and Priority species has been carried out in accordance with the details approved under application ref: DISC/23/0053 on 06.04.2023, unless details of an alternative Strategy have otherwise been approved in writing by the Local Planning Authority. The works shall be retained in that manner thereafter.

Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

4 **Pre-Occupation Condition**: Prior to the first occupation of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include details and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary/residential curtilage treatments
- Existing and proposed lands levels
- Ecological and Biodiversity Enhancements

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition**: No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Site Plan and numbered 2.02 (received 02.07.2024).

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: No part of the development shall be first occupied until visibility splays of 2.4 x 54 metres northeast and 2.4 x 52 metres southwest have been provided at the proposed site vehicular access onto Cox Green in accordance with the approved planning drawings (Site Plan Numbered 2.02, received 02.07.2024). Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

Reason: To ensure safe access onto the highway in accordance with Policy 40 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan 2.02 (received 02.07.2024). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car parking for the use in accordance with Policy 41 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition**: No part of the development hereby permitted shall occupied until 1no electrical vehicle charging point per dwelling has been provided on site. The charging points shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

9 **Pre-occupation Condition**: No part of the development shall be first occupied unless and until covered and secure cycle parking spaces have been provided to serve the dwellings. The facilities shall thereafter be retained for use at all times.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with Policy 40 and 41 of the Horsham District Planning Framework (2015).

10 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with drawing number 2.03 (received 30.04.2024). 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).

11 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied until the first floor side windows on Plan 2.03 (received 30.04.2024) have been fitted with obscured glazing. No part of that/those window(s) that are/is 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).

12 **Pre-Occupation Condition**: Prior to the first occupation of the dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be 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).

13 **Regulatory Condition**: The development hereby approved shall be undertaken in strict accordance with the schedule of materials as approved under DISC/24/0082 on 14.06.2024, unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14 **Regulatory Condition**: All mitigation and enhancement measures and works shall be carried out in accordance with the details contained in the 'Preliminary Ecological Appraisal Updated' report (The Ecology Co-op, August 2021) and the 'Bat Survey Report Update' (The Ecology Co-op, August 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: As this matter is fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

15 **Regulatory Condition**: The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

16 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Reports TCP02 dated 10.7.2021 & TPP04 dated 21.06.2024, prepared by Treeline Services Ltd. (Received 24.09.2021 and 21.06.2024 respectively).

- Any excavations within the RPA should be undertaken carefully, using hand-held tools.
- If any roots are exposed during the work, they should immediately be wrapped or covered to prevent desiccation and protect them from rapid temperature changes. Any wrapping should be removed before backfilling, which should take place as soon as possible.
- Before backfilling, any retained roots should be surrounded with topsoil or uncompacted sharp sand (builders' sand should not be used because of its high salt content, which is toxic to tree roots), or other loose inert granular fill, before the soil or another suitable material is replaced. This material should be free of contaminants and other foreign objects potentially injurious to tree roots.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

17 **Regulatory Condition**: The means of foul and surface water drainage shall be executed as per the drainage statement submitted 24.09.2021.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

18 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

19 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) as amended, no development falling within Classes A, AA, B, C, or E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the nature of the development and constraints of the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

20 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of neighbouring properties along Hermongers Lane in accordance with Policy 33 of the Horsham District Planning Framework (2015).

21 **Post-Occupation Condition**: Upon the first occupation of the dwelling hereby permitted, the existing dwelling indicated on drawing no. 2.03 (received 30.04.2024) shall cease to be used for any purpose whatsoever and within a period of 3 months thereafter such existing building shall be demolished (including the removal of foundations). All materials arising from such demolition shall be removed from the site.

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

22 **Regulatory Condition**: The outbuildings hereby permitted (shown on plan 2.02 received on 30.04.2024) shall be occupied solely for purposes incidental to the occupation and enjoyment of the main dwelling and shall not be used as a separate unit of accommodation, or commercial purposes.

Reason: The establishment of an additional independent unit of accommodation or commercial use would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 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/24/0625

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Tree plan	Tree Survey	TCP.02	24.09.2021
Supporting Statement	Energy and Sustainability Statement	NONE	24.09.2021

Supporting Statement	Drainage Statement	NONE	24.09.2021
Supporting Statement	Transport	NONE	24.09.2021
Supporting Docs	Bat Survey	P3302	24.09.2021
Supporting Docs	Preliminary Ecological Appraisal	P3302	24.09.2021
Site plan		Rev.B 2.02	02.07.2024
Elevation & Floor plan	Roof, General Arrangement, as proposed	2.03	30.04.2024
Elevation & Floor plan	Outbuildings, as proposed	2.04	30.04.2024
Supporting Statement	Planning	NONE	23.04.2024
Supporting Statement	Tree Protection Plan & Arboricultural Method Statement	TPP 04 Rev C	01.07.2024

DELEGATED

Case Officer sign/initial Steve Astles Date: 09.07.2024

Authorising Officer sign/initial RHERMITAGE Date: 19.07.2024