Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1401
Raidons, Annexe, Nutbourne Lane, Nutbourne, West Sussex, RH20 2HS

DESCRIPTION:
Prior Approval for the enlargement of existing dwellinghouse by erection of an additional storey resulting in an increase in height of 2.59m.

RELEVANT PLANNING HISTORY:

DC/23/1539	Application to confirm the continuous occupation of building as an independent dwelling for a period in excess of four years (Lawful Development Certificate - Existing)	Application Permitted on 06.08.2024.

SITES AND SURROUNDINGS

The annexe at Raidons is located at the rear of Raidons, it is a residential dwelling located within Nutbourne. It is outside of the built-up area, with neighbouring dwellings towards the south-west of the site. There is sufficient boundary treatment with mature screening along the southern boundary.

DETAILED DESCRIPTION

This notification seeks prior approval under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended to form an additional storey to an existing single storey bungalow. The building would increase in height by approximately 2.59m.

An application to confirm the continuous occupation of the building as an independent dwelling was permitted in 2024, so the existing dwellinghouse is considered to be used for residential purposes (Class C3).

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.

Parish Comments:
None received.

Representations:
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

The main consideration with regards to this application is whether the proposed development accords with Class A, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class AA - enlargement of a dwellinghouse by construction of additional storeys

Permitted Development

AA. The enlargement of a dwellinghouse consisting of the construction of—

(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys: or

(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development not Permitted:

AA.1. Development is not permitted by Class AA if—

Criteria		Yes	No
(a)	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);	☐	☒
(b)	the dwellinghouse is located on— (i) article 2(3) land; or (ii) a site of special scientific interest;	☐	☒
(c)	the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;	☐	☒
(d)	the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;	☐	☒
(e)	following the development, the height of the highest part of the roof of the dwellinghouse would exceed 18 metres:	☐	☒
(f)	following the development, the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than— (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;	☐	☒
The additional storey would increase the roof height by approximately 2.59m.			

(g)	the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres— (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated.	☐	☒
(h)	the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;	☐	☒
(i)	any additional storey is constructed other than on the principal part of the dwellinghouse;	☐	☒
(j)	the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or	☐	☒
(k)	the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.	☐	☒

Conditions

AA.2.— (1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—

		Yes	No
(a)	the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	☒	☐
Plans application form that proposed materials would match those of the existing dwelling.			
(b)	the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;	☒	☐
Plans do not include a side window to any side elevation.			
(c)	the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and	☒	☐
The pitch of the proposed roof would follow that of the main dwelling.			
(d)	following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.	☒	☐

A Lawful Development Certificate Existing was permitted in 2024 which confirmed that the building has been occupied as an independent dwelling for a period in excess of four years (DC/23/1539). Therefore, there is nothing to suggest building would be used other than as dwellinghouse (C3).

(3) The conditions in this sub-paragraph are as follows—

(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—

Criteria	
(i)	impact on the amenity of any adjoining premises including overlooking, privacy, and the loss of light;
	The dwelling sits on the southern boundary of the main curtilage serving Raidons, in which the dwelling was previously served as an ancillary building, set some 7m from its eastern (rear) elevation. The dwelling is positioned towards the rear of Raidons, and therefore has an outlook over the garden area of the main dwelling. The front elevation of the proposed additional storey would include 4 windows, which serve two bedrooms and would overlook the main dwelling and the rear garden area of Raidons. This is considered to result in significant amenity harm due to the level of overlooking which would be unacceptable and the proposal would therefore fail to comply with the above criteria.
(ii)	the external appearance of the dwellinghouse, including the design and architectural features of— (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway;
	The existing building is a single storey flat roofed bungalow, the resultant appearance would retain the overall character of the building and the proposed addition would sit appropriately within the context of the existing building. The external appearance would mirror the existing design and architectural features within the additional storey. The surrounding area is characterised by variable housing styles, with a number of two-storey dwellings in the nearby vicinity, which remain sufficiently separated from one another. The proposal is therefore considered to comply with the above criteria.
(iii)	air traffic and defence asset impacts of the development; and
	The application site is not located within proximity to an aerodrome, technical site or defence asset as identified on any safeguarding map. Given the modest increase in height to the dwelling, it is not considered that the proposal would have an adverse impact on air traffic or defence assets. The proposal is considered to apply with the above criteria.
(iv)	whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;
	The proposed would not impact any protected views, as identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State. The proposal is considered to comply with the above criteria.

(b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse

impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;

Should the development be considered acceptable, a suitable condition could be attached to ensure compliance with the above criteria.

Recommendation: Prior Approval Required and REFUSED

Reason for Refusal:

1. The proposed windows, serving two bedrooms, to the front elevation would overlook the main dwelling on site, Raidons, as well as the garden area resulting in significant amenity harm due to an unacceptable level of overlooking to adjoining premises, contrary to AA2(3)(i). The proposal would therefore fail to comply with AA.2(3)(i) of Class AA of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development).

Plans list for: DC/24/1401
Schedule of plans/documents not **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation plan	Proposed	PEV1 REV A	11.09.2024
Floor plan	Proposed	PFP1 REV A	11.09.2024
Elevation & Floor plan	Existing	EFP1 REV A	11.09.2024
Block plan		EBP REV A	11.09.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 23.10.2024

Authorising Officer sign/initial RHERMITAGE Date: 04.11.2024