



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0873
Rosecroft, Nightingales, West Chiltington, West Sussex, RH20 2QT

DESCRIPTION:

Variation of condition 1 of previously approved application DC/26/0059 (Erection of a single storey rear extension and an enlarged front door opening) to create enlarged rear terrace area.

RELEVANT PLANNING HISTORY:

DC/26/0059	Erection of a single storey rear extension and an enlarged front door opening.	Application Permitted on 12.03.2026
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RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 41 - Parking

Neighbourhood Plan:

The West Chiltington Neighbourhood Plan has undergone examination with the examiner's recommendations now being considered. Of most relevance to this application is: -
Policy H2 Quality of Design

West Chiltington Common Parish Design Statement

Horsham District Local Plan (2023-40) (Regulation 19):

Policy 19: Development Quality
Policy 20: Development Principles
Policy 25: Parking

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:

Parish Comments:

West Chiltington Parish Council: The Parish Council wishes to rescind its holding comment, lodged on the 18th June 2026. It also requests that HDC conduct a site visit to investigate the privacy issues raised by the applicant's neighbour in Pengarth, as it seems the proposed height of the terrace is above the permitted level. If no privacy issues exist, then the Parish Council would have **no objection** to the application.

Representations:

2 representations have been received from 1 neighbour, objecting to the application for the following reasons: -

Overlooking and loss of privacy

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:

Character and Appearance

Policies 32 and 33 of the 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.

The application site is within the Built-Up Area Boundary (BUAB) of West Chiltington Common and is situated on the west side of the cul-de-sac Nightingales. Rosecroft is a detached hipped pitched roofed bungalow, composed of facing brickwork and white UPVC windows/doors. The dwelling has previously been extended including an attached flat-roofed double garage to the northwest corner of the dwelling and adjoining flat-roofed rear orangery / extension to the dwelling.

The current application seeks permission to enlarge the rear terrace decking area associated with the single-storey rear extension approved under planning permission reference DC/26/0059. The proposal seeks to extend the outdoor terrace across the rear elevation of the dwelling (primarily northwards), which would infill the area up to the rear projection of the attached garage. This differs from the original permission which permitted a small landing depth and cascade of steps providing access from the rear extension down into the rear garden.

There is a change in level between the finished floor level of the rear extension, the steps and the rear garden sloping downwards to the rear and as such pd height of 300mm at the rear (west) of the terrace decking would be exceeded and will be approx 450mm above the falling ground level of the rear garden. The proposed terrace area would sit within the context of the extended dwelling and would sit comfortably within the context of the host dwelling. When considered collectively, the proposal would be a clearly subservient addition and is 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.

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 noted that an objection has been received from the neighbouring property to the south side for reason of overlooking and loss of privacy. This application seeks permission to extend the rear terrace which would be primarily northwards back across the rear elevation of the dwelling, with a relatively minimal extension to the south towards Penarth and would maintain a separation distance of well over 6 metres from the south side boundary. As such, and having visited the site, it is considered that the siting and layout of the proposed extended rear terrace across the rear extension, and the resulting relationship with the neighbouring property to the west, would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Water Neutrality

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

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.

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 **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 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

Reason: In the interests of visual amenity and 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)).

In addition, the Biodiversity Gain Plan Condition does not apply to applications for major development made before 12 February 2024, or non-major development made before 2 April 2024.

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/26/0873

(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
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