Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/2008
77 Tern Avenue, Horsham, West Sussex, RH12 5AT

DESCRIPTION:
Partial conversion of existing garage to form a home office.

RELEVANT PLANNING HISTORY:
None.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

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

Neighbourhood Plan
North Horsham has not been designated as a Neighbourhood Plan area.

Horsham District Local Plan (2023-40) (Regulation 19):
Policy 17: Green Infrastructure and Biodiversity
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:
Natural England: Standing Advice:-

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there

are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

WSCC Highways: The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

Parish Comments:
No objection.

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:
77 Tern Avenue is an end of terrace property within the built-up boundary area of Horsham. Permission is sought for the partial conversion of existing detached garage to form a home office to the rear with storage space to the front. The proposal does not entail any external alterations to the garage.

The application has been assessed on the basis of the submitted details, together with the planning history of the site and adjoining properties, available images and photographs supplied by the agent. These details were considered sufficient to allow the application to be properly considered and determined.

Highways

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.

The dwelling is a semi-detached with 3 bedrooms. The existing parking arrangement comprises one parking space contained within the existing garage, and one parking spaces in front of the garage, on a driveway. The site is located on Tern Avenue, an unclassified road that is not subject of parking restrictions (double yellow and / or resident parking permits).

It is noted that the Local Highway Authority has commented that the existing garage is below 6m x 3m (as outlined in the Manual for Streets) and was not therefore considered to form a parking space. This is though considered to be a drafting error in the submitted plans. The original planning permission for the property included garage plans annotated as being 6m x 3m, with this size sufficient to accommodate a parked vehicle (ref: DC/16/2855). The following considerations are made on this basis.

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 locality. 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, particularly given the limited scope for street parking along Tern Avenue.

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, would detrimentally affect the interests of highway safety. The proposal would therefore be contrary to policy 41 of the HDPF.

The above approach is consistent with decisions taken elsewhere within the District, with a recent appeal determined by the Planning Inspectorate supporting the Council's position, ref: DC/23/0652 at 40 Carter Drive (APP/Z3825/D/23/3325522). In the case of this appeal, the appellant similarly proposed to part convert the garage into a home office, resulting 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 on-street parking would 'result in disrupting the free flow of vehicles'. The appeal was accordingly dismissed.

It is noted that planning permission was granted for a comparable scheme at the neighbouring property to the east, no. 79, under ref: DC/22/0233. As part of this application it was noted that the property would retain 2 off-street parking spaces, with the garage subject of this application set further back than the garage at the (no. 77) application site. The current proposal would see conversion of the existing garage and the retention of one off-street parking space, sited to the front of the garage. The neighbouring planning permission is not therefore directly comparable to the current proposal, and in any case would not create a binding precedent for future applications on Tern Avenue.

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 proposal entails internal alterations with an incidental use which would not adversely impact on the character and appearance of the existing dwelling or the wider surrounding 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 considered that the part conversion of the garage and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity. The proposed (incidental) use would not be expected to result in significant potential for harmful levels of noise or disturbance.

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 180 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 Refused

Reason:

1 The 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 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).

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/24/2008
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Photos		NONE	10.02.2025
Photos		NONE	10.02.2025
Photos		NONE	10.02.2025
Photos		NONE	10.02.2025
Floor plan	Existing and proposed	001	31.12.2024
Location plan		NONE	13.01.2025

DELEGATED

Case Officer sign/initial Meg Bayliss Date: 03/03/2025

Authorising Officer sign/initial Guy Everest Date: 10.03.2025