



TO: Planning Committee North
BY: Development Manager
DATE: 4 April 2017
DEVELOPMENT: Retrospective application for the tarmacking of existing hardstanding area between stream and highway to front of site
SITE: Twigs Bashurst Hill Itchingfield Horsham
WARD: Itchingfield, Slinfold and Warnham
APPLICATION: DC/16/2568
APPLICANT: Mr Duncan Jagger

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations have been received of a contrary view to the Officer recommendation and at the request of Councillor Youtan.

RECOMMENDATION: To grant planning permission subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks retrospective planning permission for the tarmacking of an area of land to the front of Twigs.

1.3 The application as originally submitted included an area measuring some 50 sqm however as a result on discussions with West Sussex County Council this has been reduced to some 17 sqm, with an amended plan submitted on 06.03.2017

1.4 The area of tarmac now provides a widened access into/out of the site rather than the provision of parking as previously proposed.

DESCRIPTION OF THE SITE

1.5 The application site comprises a square-shaped residential plot, on which a two storey property has recently been constructed following the demolition of a bungalow that previously existed on the site. The plot is located on the west side of Bashurst Hill in a countryside location. Bashurst Hill is characterised by large detached dwellings set in very generous plots.

- 1.6 An area of land between a stream that runs to the front of the site and the highway and to the north of the existing vehicular crossover forms the site of this application.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework:**

NPPF7 - Requiring good design

NPPF11 - Conserving and enhancing the natural environment

NPPF14 - Presumption in favour of sustainable development

RELEVANT COUNCIL POLICY

- 2.3 **Horsham District Planning Framework (HDPF 2015)**

HDPF1 - Strategic Policy: Sustainable Development

HDPF2 - Strategic Policy: Strategic Development

HDPF25 - Strategic Policy: The Natural Environment and Landscape Character

HDPF26 - Strategic Policy: Countryside Protection

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF40 - Sustainable Transport

HDPF41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Parish of Itchingfield was designated as a Neighbourhood Development Plan Area on 1 September 2015.

- 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/08/1523	Demolition of existing bungalow and erection of a 3-bed dwelling and detached garage	Application Permitted on 05.09.2008
DC/11/0682	Renewal of unimplemented permission Ref DC/08/1523 (Demolition of existing bungalow and erection of a 3-bed dwelling and detached garage)	Application Permitted on 09.06.2011
DC/13/2058	Replacement of existing bungalow with chalet dwelling and detached garage	Application Permitted on 23.12.2013
DC/14/0626	Non-Material amendment to previously approved DC/13/2058 (Replacement of existing bungalow with chalet dwelling and detached garage) comprising alterations to windows, roof and minor design changes	Application Permitted on 28.08.2014
DC/14/2285	Material amendment to planning permission DC/13/2058 comprising of alterations to the roof	Application Permitted on 06.01.2015
DC/15/0989	Variation of plans compliance condition on DC/14/2285 to amend the siting and design of the proposed garage, including the installation of 2 x air source heat pumps on south east elevation and the siting of the cycle storage	Application Permitted on 09.08.2016

DC/15/1888	shed Retrospective application for the erection of a four bed chalet bungalow together with the erection of a detached garage with accommodation above and external air source heat pumps and erection of a cycle store.	Application Permitted on 09.08.2016
DC/16/2370	Removal of condition 14 following approval of application DC/15/1888 Relating to changing an opaque window to a transparent window.	Application Refused on 13.01.2017
DC/16/2567	Retrospective application for the erection of an oak framed pergola to the southern elevation of the property, black painted metal fencing and gates to the front of the property, and formation of earth bund adjacent to stream at front of the site	To be considered elsewhere on this Agenda

3. OUTCOME OF CONSULTATIONS

- 3.1 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.

OUTSIDE AGENCIES

- 3.2 **WSCC Highways** – No objection.
- 3.3 **Itchingfield Parish Council** – Objects to the application and requests that the driveway entrance is returned to the size and shape shown in the previous and now superseded plan

MEMBERS COMMENTS

- 3.4 **Councillor Youtan** – Requests that the application is brought before Committee due to the ongoing concerns regarding the applicant's non-compliance and disregard for what he has been told he should do

PUBLIC CONSULTATIONS

- 3.5 11 representations (from 9 households) were received to the scheme as originally submitted, objecting for the following reasons:-
- The applicant does not own the land the subject of the application
 - Inappropriate development for a country lane
 - No other properties park on Bashurst Hill
 - Sufficient parking within site
 - Adverse impact on character and appearance of Bashurst Hill
 - Precedent for other residents to do the same
 - Highway safety concerns
 - No license has been granted by WSCC
 - Condition 6 attached to DC/13/2058 required all parking to be within the site
- 3.6 In response to the amended plans a further 4 representations (from 3 households) were received, objecting for the following reasons:-
- Land ownership issues
 - Highway safety concerns

- Undesirable precedent

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 The key issues for consideration in relation to this proposal are:

- Impact on the character and appearance of the surrounding area
- Highway impacts

Character and appearance

- 6.2 Policies 32 and 33 of the HDPPF seek to ensure that development is of a high quality which makes efficient use of land and ensures that the scale, massing and appearance of development relates sympathetically with the built surroundings and is locally distinctive in character and represents the character of the surrounding area.
- 6.3 The application seeks retrospective planning permission for the tarmacking of an area of land to the front of Twigs. The application as originally submitted included an area measuring approximately 50sqm; however, following discussions with the Highway Authority this has been reduced to approximately 18sqm. The proposed area of tarmac now provides a widened access into / out of the site rather than the provision of parking as was originally proposed. It is considered that the amended plan significantly lessens the impact on the character and appearance of the site and wider streetscene, with the resulting visual impact considered acceptable.

Highways

- 6.4 The Highway Authority has raised no concerns in respect of the amended proposal, and there are no highway safety or capacity concerns. The works require further consent from the Highway Authority and this is a separate, non-planning, matter which would not be a reason to oppose the planning application.

Other considerations

- 6.5 A number of local residents have advised that the approval of the hardstanding area at the front of Twigs would set a precedent for other properties on Bashurst Hill to undertake similar works. It should be noted that planning applications are considered on their own merits and if similar applications were submitted by neighbouring residents it would need to be shown that they were acceptable in terms of highway safety and the impact on the character and appearance of the area. This proposal, for the reasons outlined, is considered acceptable in respect of visual and highways impacts and as such any concerns regarding a precedent would not constitute a reason for refusal.
- 6.6 Concern has been raised by neighbours in respect of the site being on land not within the ownership of the applicant. WSCC Highways have advised that the site falls within publically maintained highway but not land within the ownership of WSCC. Notwithstanding this advice, landownership issues are not a material planning consideration and notice has been served on WSCC highways despite them advising that they are not the land owner.
- 6.7 In conclusion, subject to a condition requiring the land to be restored in accordance with details to be agreed, it is recommended that planning permission is approved.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to the following condition:
1. A list of the approved plans
 2. **Regulatory Condition:** Within one month of the date of this permission, details outlining the removal of the tarmacked area and the restoration of the affected land to grass verge, as indicated on the approved site layout plan received 3 March 2017, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out within 2 months of the date of approval of the details and retained thereafter.

Reason: In the interests of the visual amenity of the area in accordance with policies 32 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/13/2058, DC/14/0626, DC/14/2285, DC/15/0989 and DC/15/1888