



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Development Manager

DATE: 4 April 2017

DEVELOPMENT: 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

SITE: Twigs Bashurst Hill Itchingfield Horsham

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: DC/16/2567

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 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.

1.3 The proposal was amended as part of the application process to reduce the extent of fencing to the south and north of the existing access and to omit an earth bund previously proposed to the front of the site.

1.4 The proposal requires planning permission as permitted development rights for outbuildings and fencing were removed by condition (nos. 3 and 4) of an earlier planning permission on the site.

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 the bungalow that

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.

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	Application Permitted

	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 shed	on 09.08.2016
DC/15/1888	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/16/2568	Retrospective application for the tarmacking of existing hardstanding area between stream and highway to front of 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 bund is removed and 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 9 representations (from 7 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
 - Adverse impact on character and appearance of Bashurst Hill
 - Precedent for other residents to do the same
 - Highway safety concerns
 - 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 3 representations (from 2 households) were received, objecting for the following reasons:-
- Land ownership issues

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
- Impact on the privacy and amenity of occupiers of neighbouring properties

Character and appearance

- 6.2 Policies 32 and 33 of the HDPF 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 As part of the application process amended plans were received. The plans reduce the extent of fencing proposed to the south of the access by 4.5 metres, with a reduction of 2 metres to the northern side of the access, and omit the earth bund to the frontage of the site. While concerns have been received the proposed style of fencing is commonly seen in rural locations and is often used to define country estates and parkland boundaries. The fencing represents a lightweight structure, is visually unobtrusive, and has been reduced in its extent from that originally proposed and installed. For these reasons the fencing is considered to be appropriate in this location and does not result in harm to the character or appearance of the site or surroundings.
- 6.4 The pergola to the south of the dwelling is of oak framed construction with a footprint measuring approximately 3 metres by 5 metres rising to a height of approximately 2.4 metres. The pergola is of simple form and design, appears clearly secondary in scale to the main dwelling and is not unduly prominent in views from the public realm. As such the pergola has no detrimental impact on the character or appearance of the site or surroundings.

Impact on neighbouring amenity

- 6.5 The siting and nature of the proposed pergola and fencing would not result in any adverse impact by way of loss of light, privacy or outlook for neighbouring residents.

Other considerations

- 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, land ownership 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. Following the submission of the amended plan, WSCC Highways are satisfied that the railings no longer enclose land considered to be publically maintained highway and that the position of the fence does not interfere with visibility at the access point and therefore there would be no highways ground to resist this aspect of the proposal.

- 6.7 A previously proposed bund has been omitted from the plans and no longer forms part of the application. Any concerns relating to this element of the scheme have therefore been overcome.
- 6.7 A number of local residents have advised that the approval of fencing 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 and as such any concerns regarding a precedent would not constitute a reason for refusal.

Conclusion

- 6.6 In conclusion, subject to conditions requiring the bund and sections of the fencing shown to be removed being removed and the land being restored to its previous condition, 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 and informative:
1. A list of the approved plans

NOTE TO APPLICANT

It is noted that works have been undertaken on the site over and above that forming part of this application, namely the earth bund and additional length of railings either side of the access. The applicant is advised that the Compliance Team will be investigating these works and are likely to require their removal within 2 months of the date of this permission.

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