



TO: Planning Committee South

BY: Head of Development

DATE: 18 September 2018

DEVELOPMENT: Erection of two dwellings to land west of Windways.

SITE: Windways Common Hill West Chiltington Pulborough West Sussex RH20 2NL

WARD: Chanctonbury

APPLICATION: DC/18/1320

APPLICANT: **Name:** Mr and Mrs Hughes **Address:** Windways, Common Hill West Chiltington RH20 2NL

REASON FOR INCLUSION ON THE AGENDA: More than 8 different households have made written representations which is inconsistent with the Officers' recommendation

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the erection of a pair of semi-detached two-storey dwellings on the eastern side of Common Hill, West Chiltington, forward of the principle elevation of Windways. The dwellings seek to match the scale and appearance of the semi-detached pair to the north of the site, 1-2 Whales Cottages, and would be composed of a painted render front facing the street, with exposed brick facades to the sides, and a brick back feature to the first floor level. The dwellings would host open pitched roof verandahs to the principle elevation, and single storey rear extension which would be joined at the party boundary. A single detached garage is proposed at the rear of Plot 2, with access via the existing shared driveway with Windways south of Plot 1.

DESCRIPTION OF THE SITE

- 1.2 The application relates to the front garden curtilage serving Windways, a detached two-storey dwelling sited on the eastern side of Common Hill. The site slopes gently upwards from the street, incorporating a generous curtilage of approximately 0.7 acres, hosting a small pond close to the front boundary. The site is bound by tall and established hedging to the front and side boundaries, and is accessed via a shared driveway serving Windways and Spindlewood.

- 1.3 The site is subject to nine Tree Preservation Orders, five of which have been removed by way of planning application, and two died and have since been removed. Two protected trees are in situ towards the rear of the site (north-east) close to the shared boundaries with properties on Nightingales.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 – Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.2 West Chiltington Parish is a designated Neighbourhood Plan Area. The draft Plan is at initial Regulation 14 consultation stage and therefore carries very limited weight at this stage.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/0448	Single storey extension to the front of existing annexe and single storey extension to rear	Application on 30.05.2014	Permitted
DC/13/1680	Replacement of existing garages with one 3-bay garage and felling of 1 x Silver Birch tree subject of TPO	Application on 17.10.2013	Permitted
WC/92/00	Change of use from rest home to residential Site: Windways Common Hill West Chiltington	Application on 18.10.2000	Permitted
WC/117/96	Change of use to rest home and erection of single-storey extension Site: Windways Common Hill West Chiltington	Application on 22.01.1997	Permitted
WC/83/96	Change of use to rest home and erection of single-storey extension	Application on 16.10.1996	Refused

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

INTERNAL CONSULTATIONS

HDC Drainage Engineer: No Objection

HDC Arboricultural Officer: No Objection – no trees of significant value to be removed.

OUTSIDE AGENCIES

WSCC Highways: No Objection, following the submission of revised detail. Suggested conditions (attached).

Ecology Consultant: No Objection, subject to condition

Southern Water: No Objection

PUBLIC CONSULTATIONS

- 3.2 Twenty-three letters of representation from twenty addresses were received *objecting* to the proposal on the following grounds:

- Overdevelopment of small site
- Overlooking to neighbouring properties
- Insufficient parking and increase in local traffic
- Inappropriately increase density in West Chiltington
- Decrease neighbouring property value
- Poor access on to busy road
- Inadequate turning
- Increased light pollution on street
- Inappropriate character
- Increased flooding
- Inconsistent with neighbouring building line
- Unduly prominent on street
- Inappropriate housing for demographic of area
- Loss of vegetation to boundary
- Plots comparably smaller to those neighbouring the site

- 3.3 **West Chiltington Parish Council:** Objection

- Infill development would set a precedent for similar developments in the area
- Too large for the plot size
- Insufficient room for vehicle access. Increase in number of vehicles and space allowed on plan would lead to congestion. WCPC understand that Horsham District Council have referred this to Highways for investigation
- Loss of privacy to neighbouring properties
- Spoils the street scene

- 3.4 **Councillor John Blackall:** Objection

- 2x three story houses on cramped plot of land with loss of garden space
- If approved, this would establish precedent in the area

- Similar neighbouring development refused in 2007
- Neighbours and Parish Council share the same view on the proposal

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

Principle of the Development

- 6.1 Policies 2 and 3 of the Horsham District Planning Framework state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. Development within the built-up area boundaries is accepted in principle, and that appropriate development, including infilling, within the built-up areas will be prioritised. The site is located within the built-up area of West Chiltington. West Chiltington has been identified as a 'Medium Village' under Policy 3 that has a moderate range of services, facilities and social networks with some local employment provision, but with good rail/bus services. Residents are reliant on larger settlements for access most of their requirements.
- 6.2 Given the location of the site within the built-up area boundary of West Chiltington, the principle of development is considered acceptable, subject to all other detailed material planning considerations as discussed below.

Design and Appearance

- 6.3 Policy 33 of the Horsham District Planning Framework states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.4 The proposed dwellings would be sited within the front garden curtilage currently serving Windways, on the eastern side of Common Hill. The pair of dwellings would be sited approximately 15m south of an existing pair of semi-detached dwellings, Nos. 1 and 2 Whales Cottages, reflecting their building line. The dwellings would be set approximately 5m from the boundary to the street, and some 26.5m from the principle elevation of the host dwelling at Windways. The dwellings would be served by the existing access, which is also shared with the neighbouring dwelling to the south, Spindlewood.
- 6.5 The pair of dwellings would comprise a ground floor area and height comparable to that of Whales Cottages to the north, and each dwelling would include a modest 4m rear ground floor projection. The pair of dwellings would be reasonably spaced from their boundaries, from the street, and from the neighbouring dwellings, thus allowing a reasonable curtilage surrounding to each plot. Whilst it is appreciated that the size of the plots at 330sqm-400sqm would be smaller than their immediate neighbours, properties on Common Hill and the immediate surrounding area vary considerably in size. Whilst the majority are appreciably larger than the two proposed, there are some examples of smaller plots towards the crossroads to the north at circa 150-200sqm. Critically, whilst the plot sizes are small when placed in this immediate context, given the significant levels of tree and hedge planting along

Common Hill the size of the plots would not be readily appreciable other than by occupiers of the site, Windways and Spindlewood. Given their alignment and similar scale and finish to Whales Cottages, coupled with their positioning on the street in relation to its neighbours, it is not considered that proposed dwellings would have a jarring impact on the character of the area.

- 6.6 In terms of the size of the dwellings, the area is characterised by substantial two storey detached family homes interspersed by smaller scale semi-detached and detached dwellings. Given the presence of Whales Cottages and Bettys-Y-Coed and Oaklyn to the north of the site, the inclusion of an additional pair of three-bedroom semi-detached dwellings of the scale proposed would not be out of character with the mix of dwelling types on Common Hill.
- 6.7 Concerns raised by neighbours regarding the resultant 'back land development' are acknowledged. However, whilst the proposed dwellings would be sited forward of an existing large detached dwelling utilising its front garden curtilage, the separation (28m at first floor level), layout, scale and form of the proposal would facilitate an appropriate relationship between the two sites with limited visibility in the wider area. Further still, nearby similar neighbouring development, Oakvale to the north (developed under WC/48/99) and Chestnut Ridge to the south (developed under WC/28/95), have been developed with front and backland development without detrimentally affecting the overall character of the area.
- 6.8 The proposed dwellings would be composed of rendered front facing the street, with exposed red brick to the sides and a red brick banding feature. Initially, the design included two dormers to the front roofslope however in response to concerns raised revised plans have been received which omit this feature. This omission has helped reduce the scale of the proposal to two storeys common to the area, thereby creating a more sympathetic character in relation to its neighbours. The revised design and detail of the pair of semi-detached dwellings is considered sympathetically relate to the immediate neighbour to the north, Whales Cottage, thus would not appear out of keeping within the wider surrounding area.
- 6.9 Overall, whilst it is accepted that the plot sizes are smaller in comparison to surrounding curtilages, they are not considered to be small, and the proposed design and scale of the development is considered acceptable with regards to it siting on the street and its relationship to the surrounding neighbouring dwellings, and would be reasonably sited within the provided plots. The character of the area, which is largely defined by the extensive vegetation which disguises views of most properties from the street, would remain and the proximity of the dwellings to Windways would not be readily apparent or unacceptably jarring as a result. The proposed materials seeks to replicate the adjacent dwellings at Whales Cottages, as to avoid disturbing the character of the surrounding area. For these reasons the proposal is considered in accordance with Policy 33 of the HDPF.

Impact on Neighbouring Amenity

- 6.10 Policy 33 of the Horsham District Planning Framework 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.
- 6.11 The proposed dwelling would be sited broadly level to the building line of Whales Cottages to the north, set some 15m from its side elevation, and 23.5m from the principle elevation of the host dwelling at Windways. Spindlewood is set approximately 44m to the south east of the rear elevation of Plot 1. The proposed dwellings would not host any windows at first floor level to the side elevations, with first floor windows to the rear and front elevation of each dwelling serving as the primary windows to the bedrooms, bathrooms, and landings. Given the position of the windows to each property, which would not directly look into neighbouring windows, the proposal would not enable any direct overlooking detrimental to the occupants of neighbouring dwellings.

- 6.12 Any overlooking impact from the first floor to the rear gardens and the adjacent front garden to the rear of the site would be mutual, and would not be out of character with arrangements elsewhere in the area. Further still, the separation distance at first floor level is approximately 28m, suitable enough reduce any perceived harm of direct overlooking. In addition to this, the location of the dwellings in relations to the neighbours would not result in any appreciable loss of light, outlook or overbearing impact.
- 6.13 Given the separation distances to neighbouring dwellings, it is not considered that the development would result in any appreciable loss of amenity. No amenity harm would arise to the properties on the western side of Common Hill, Nos. 2 and 3 Morris Way (set 39m from the site) by way of overlooking or overbearing, given the satisfactory separation distance.
- 6.14 With this above in mind, the proposed dwelling is not considered to result in any adverse harm to neighbouring amenity with regards to overlooking, overshadowing, or overbearing impact, in accordance with Policy 33 of the HDPF.

Highways Impacts

- 6.15 Plot 1 would be served by two parking spaces immediately to the southern elevation of the dwelling. Plot 2 would be served by a garage to the rear of the site (adjacent to the existing garage serving Windways) in addition to drive space that would be utilised for car parking. The existing access to the host dwelling, shared also with Spindlewood, would be utilised and extended to facilitate the access and parking to each dwelling. Initially, the LHA raised concerns regarding vehicles existing the site, as insufficient space was provided to ensure that cars do not reverse off of the site on to Common Hill. A revised site layout and tracking plan (received 13.08.2018) demonstrates that all vehicles for both plots can exit the site in a forward gear.
- 6.16 No alterations are proposed to the existing access on to Common Hill. As an established access, opening on to a 30mph road from a 4.5m wide access, exiting the site on to the street considered by WSCC Highways officers as appropriate. Safe visibility from the access has been demonstrated, thus the proposal is not considered to result in harm to the safety of the highway network.
- 6.17 Overall, the LHA are satisfied that previous concerns have been addressed and that the highway safety merits of the scheme have been suitably demonstrated. Therefore there are no transport grounds to resist the application as the residual impacts to the safe operation of the road network are not considered 'severe', in line with Policy 40 of the HDPF and paragraph 109 of the National Planning Policy Framework, subject to the attached conditions.

Other Matters

- 6.18 Neighbouring representation regarding flooding is noted. The site is not within designated floodzone area, and the development is not considered to adversely increase the risk of flooding. Notwithstanding this the Council's drainage engineer has raised no objection to the proposals and a suitable condition is attached to ensure that details of surface water drainage are submitted prior to the commencement of the development.
- 6.19 The site currently includes a small domestic pond to the front of the site. A preliminary ecological assessment was undertaken on the site, which revealed that the pond sustains poor suitability as a habitat for protected species. The appraisal also revealed that no habitats for protected species were identified on site. As such, the proposal would not likely result in significant harm to the ecology of the site or the wider surrounding area. Recommendations

and enhancements are suggested in section 5-7 of the appraisal and a condition is attached to ensure that these works are undertaken in strict accordance with this detail.

- 6.20 The site is subject to nine Tree Preservation Orders, five of which have been removed by way of planning application, and two died and have since been removed. Two protected trees are in situ towards the rear of the site (north-east) close to the shared boundaries with properties on Nightingales.
- 6.21 Two existing young willow trees sited to the front of the curtilage would be removed however these hold little amenity value. The hedge to the front boundary facing the street would be maintained. No other trees surrounding the site would be affected by the development. Conditions are attached to secure appropriate protection of existing trees and hedgerows during construction works, and to secure appropriate landscaping within the development. This would be sufficient to ensure the vegetated character of the site and wider streetscene is retained.

Conclusion

- 6.22 The proposed dwellings would be of an acceptable scale and design having regard to the character of the site and the variety of the character of the wider surrounding area, including their limited visibility in relation to the existing property at Windways in views from Common Hill and surrounding properties. The dwellings would not result in any adverse impact on neighbouring amenity and would not cause any material harm to highway safety. As such, the proposal is considered in accordance with the Horsham District Planning Framework, subject to the attached conditions and informatives.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	243.2	0	243.2
	Total Gain		243.2
	Total Demolition		0

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

Conditions:

1 A LIST OF THE APPROVED PLANS

- 2 **Standard Time Condition:** The development hereby permitted shall be begun 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 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse and recycling has been made for that dwelling or use in accordance with drawing number C 0618/367/02b. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the car parking spaces (including garages where applicable) necessary to serve it have been constructed and made available for use in accordance with approved drawing number C 0618/367/02b. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 82 metres to the north and 2.4 metres by 105 metres to the south have been provided at the site vehicular access onto Common Hill in accordance with the approved planning drawing C 0818/367/14. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety, and in accordance with Policy 40 of the Horsham District Planning Framework.

- 11 **Pre-Occupation Condition:** No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved planning drawing C 0818/367/13a. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety, and in accordance with Policy 40 of the Horsham District Planning Framework.

- 12 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments
- Details of all external lighting

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Class B of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed

within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenity of the neighbouring properties to the east of the dwellings hereby approved, in accordance with Policy 33 of the Horsham District Planning Framework (2015)

- 14 **Regulatory Condition:** Works including site clearance, pond drainage and enhancements to take place in accordance with the recommendations made in Sections 5, 6 and 7 of the Preliminary Ecological Appraisal by Lizard Landscape Design and Ecology, dated 17th July 2018; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide ecological protection and enhancement in accordance with NPPF and Policy 31 of the Horsham District Planning Framework.

- 15 **Regulatory Condition:** The existing hedge to the western boundary of the site adjacent to the highway shown on plan C 0618/367/02b (received on 13.08.2018) shall be retained in perpetuity as such. If the hedge dies, is removed, or becomes seriously damaged or diseased as a result of the development (or associated works) hereby approved, the hedge shall be replaced in the next planting season with another of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/1320