



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 8 January 2019

DEVELOPMENT: Variation of Condition 1 to previously approved application DC/18/1046 (Minor-Material Amendment to DC/15/2493 to facilitate alterations to approved site layout and approved designs) to insert 1no. roof light to the western elevation of each plot

SITE: Micklepage Nuthurst Street Nuthurst West Sussex

WARD: Nuthurst

APPLICATION: DC/18/1883

APPLICANT: **Name:** Green Plan Designer Homes **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: At the discretion of the Head of Development

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 This application seeks permission for amendments to the roof form of the three dwellings approved under planning permissions DC/15/2493 and DC/18/1046. The amendment would allow the insertion of a rooflight to the western elevation of each plot above the front garages.

DESCRIPTION OF THE SITE

1.3 The application site comprises a former paddock within the countryside outside of any defined settlement. The site lies to the east of Nuthurst Street and to the south of an existing private access which serves adjoining development to the north and east.

1.4 The application site consists of 3 no. largely completed dwellings. The site has been partially landscaped, with boundary hedging retained to the eastern boundary, and closeboarded fencing erected along the southern and eastern boundaries.

1.5 The immediate surrounding area is characterised by linear residential development along Nuthurst Street, with the wider surrounding area predominantly rural in character.

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:

2.2 National Planning Policy Framework

2.3 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 4 - Strategic Policy: Settlement Expansion
- 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 26 - Strategic Policy: Countryside Protection
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 41 - Parking

2.4 Nuthurst Parish Neighbourhood Plan 2015-2031

- Policy 1 – A Spatial Plan
- Policy 7 – Land at Micklepage Leigh, Nuthurst
- Policy 10 – Housing Design

2.5 Parish Design Statement

Nuthurst Parish Statement (2017)

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

| | | |
|------------|---|---|
| DC/18/2076 | Variation of Condition 1 to previously approved Application: DC/18/1046 (Variation of Condition 1 of previously approved application DC/15/2493 (Erection of three two storey houses). Minor material amendments to facilitate alterations to approved site layout and approved designs.) Relating to minor material amendments to the roof design. | Under Consideration |
| DC/18/1046 | Variation of Condition 1 of previously approved application DC/15/2493 (Erection of three two storey houses). Minor material amendments to facilitate alterations to approved site layout and approved designs. | Application Permitted on 09.08.2018 |
| DC/17/2524 | Variation of Condition 1 to previously approved application DC/15/2493 (Erection of three two storey houses). Minor material amendments to facilitate alterations to approved site layout and approved designs. | Application Refused on 07.03.2018. This decision is currently subject of an appeal lodged with the Planning Inspectorate. |
| DC/15/2493 | Erection of three two storey houses | Application Permitted on 10.06.2016 |

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

- 3.2 **HDC Building Control:** No comment specific to this application. As part of a separate application on the site (ref: DC/18/2076) it was advised that a first floor room over the garage with no window / rooflight openings would not be considered a habitable room for the purposes of the building regulations. To be considered a habitable space it would require some means of ventilation (natural or mechanical) and suitable means of escape arrangements. The previous reference to DC/17/2524 showed a larger space with a roof window which would have the potential to be considered habitable.

OUTSIDE AGENCIES

- 3.3 None

PUBLIC CONSULTATIONS

- 3.4 **Nuthurst Parish Council:** Object:-

- The window would make the room above the garage a habitable bedroom resulting in 4-bedroom dwellings and a contravention of the Neighbourhood Plan;
- The window would be three times larger than that permitted in the original permission (ref: DC/15/2493), with the intention that the related room become a bedroom and not a store room as per the original permission.

- 3.5 31 representations have been received objecting to the proposal for the following reasons:-

- The provision of a rooflight would allow an additional bedroom to the dwellings, contrary to the neighbourhood plan and unsuitable for young families;
- The rooflight would be larger than the window in the originally approved store room;
- The proposal would result in incremental amendments to achieve the previously desired outcome;
- The developer has been allowed to build houses which are too large, in the wrong place and to the wrong specifications and no action has been taken to carry out the works approved under the last application.

- 3.6 1 representation was received supporting the proposal, as the development still covers the same footprint and height as the originally approved scheme.

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

Background

- 6.1 The Nuthurst Housing Needs Survey Report (2014) indicated a clear preference that 2/3 bedroom housing should be pursued as part of the then emerging Neighbourhood Plan. This preference was reflected in the eventual allocation for the application site, with Policy 7 of the Nuthurst Parish Neighbourhood Plan (NPNP) stating that residential development will be permitted provided that:-

- i. the scheme comprises primarily 2 and 3 bedroom houses or bungalows;
- ii. access is made to the scheme from the existing lane serving Micklepage Leigh with the access lane widened at the entrance to Nuthurst Street to allow two cars to pass; and
- iii. the scheme layout and access ensure the entrances to the houses from the access lane bridge the drainage ditch at the side of the lane.

- 6.2 Planning permission for three two-storey dwellings on the site was subsequently approved in 2016 under reference DC/15/2493. This development was considered to reflect the above allocation, comprising three dwellings with 3-bedrooms annotated at first floor level and a further 'roof room' provided within the projecting roofspace over the ground floor garages. The supporting documents for this application advised that this roof space (over the garage) offered 'a multipurpose area, albeit with reduced headroom'. The supporting documents also advised that the ground floor layout provided a flexible space capable of either being an open plan layout or subdivided.

- 6.3 While this permission was commenced during the course of construction it emerged that development was not taking place in accordance with the approved plans. Accordingly, a minor material amendment application, ref: DC/17/2524, was submitted which encompassed a number of variations from the original permission:-

- Re-siting of the dwelling so that they sit along a continuous build line fronting the access track, rather than the staggered build line as previously approved. This also encompassed alteration of the orientation so that the dwellings now face north-west.
- Alterations to the footprint of the dwellings, including a slight enlargement to the north-east and south-west elevations, and an alteration to the southern elevation to encompass a projection measuring to a width of 7.1m (in lieu of the approved sunroom and porch) and an overhang added to the front entrance on the northern elevation.
- An increase to the roof height of the front projection, which extended to a height of 6.5m (an increase of approximately 1.4m), with the addition of a hipped roof dormers to the western roof slope to the front projection (later removed from the application), and the provision of hipped roof dormers to the northern (front) and southern (rear) elevations.
- Internal alterations to the layout at both ground and first floor, with additional accommodation provided within the first floor.

- 6.4 This application was refused for the following reason:-

The layout and increased form and massing of the amendments, creating four bedroom houses, represents an overdevelopment of the site that is harmful to the character of the

area and fails to meet its housing needs, contrary to policies 7 & 10 of the Nuthurst Neighbourhood Plan and policies 33 and 42 of the Horsham District Planning Framework (2015).

- 6.5 This reason for refusal reflected concerns that the enlarged roof form created a 'roof room' at first floor level, served by rooflights, which would be reasonable capable of being used as a fourth bedroom, thereby contravening part (i) of Policy 7 of the Nuthurst Neighbourhood Plan, which (as outlined in paragraph 6.1) requires the development to primarily comprise 2 and 3 bedroom houses or bungalows. Evidence to support the intended use of the 'roof room' was supplied by the Parish Council in the form of marketing particulars which detailed the roof room as containing a fourth bedroom with ensuite bathroom, and the houses for sale as 5-bedroom dwellings.
- 6.6 A further application was then submitted under ref: DC/18/1046. This application sought to address the above reason for refusal by reducing the scale of the roofs over the front garages by altering their front hip form and removing the rooflight to the first floor front 'roof room'. This amendment reduced the massing and form of the dwellings, with the omission of the rooflight seeking to overcome concerns that the 'roof room' at first floor level could be used as a fourth bedroom. On the basis that the omission of the rooflight rendered the roof room unlikely to useable as a bedroom given its absence of natural light, outlook or ventilation, the application was approved at Planning Committee North on 7 August 2018.
- 6.7 This current application would retain the siting and external form of the previous approval (DC/18/1046), with the amendment seeking solely to insert a rooflight to the western roofslope of each plot to serve the 'roof room'. The key considerations raised by the proposal therefore relate to:-
- Whether the amendment would accord with the site allocation within the Nuthurst Neighbourhood Plan;
 - The impact of the amendment on the character and appearance of the dwellings and wider surroundings;
 - The impact on neighbouring amenity.

Principle

- 6.8 Planning permission DC/18/1046 was granted on the basis that the presence of a 'roof room' with no window openings (i.e. rooflights) would not be contrary to the site allocation within the NPNP, since the absence of natural light, outlook or ventilation would limit its use as primary accommodation and it would not therefore constitute a 4th bedroom. This reflected the supporting statements which accompanied this application, and which stated that, *'the proposal removes any ambiguity over the use of the room as it now cannot be classified as liveable space under Building Regulations due to both its size and lack of natural light. The space provided will allow some level of storage only. As such all three properties will have three bedrooms.'*
- 6.9 This current application seeks to insert a rooflight into the previously approved 'roof rooms' to each plot. The rooflight would provide natural light, ventilation and outlook which would change the way in which the room could be put to use, with representations raising concerns that the resulting room would be capable of use as a fourth bedroom, which would therefore be contrary to the NPNP. This concern reflects the reason for refusal of application ref: DC/17/2524 (as set out in paragraph 6.2), which was refused partly as the previously proposed rooflight would facilitate use of a 'roof room' as a fourth bedroom with the resulting development therefore failing to meet housing needs (as set out in the NPNP).
- 6.10 The original planning permission included accommodation within the roofspace above the garages, as set out in paragraph 6.2; this accommodation was within the pitched roof form which created a long and narrow room served by a modest window opening. The Committee

Report for application ref: DC/17/2524 considered that since the level of accommodation resulting from the proposed rooflight was similar to the original permission the level and nature of the accommodation had not materially changed, and as a result there was no conflict with relevant planning policies.

- 6.11 It is though apparent that the changes to the roof form permitted under DC/18/1046 incorporate a higher ridge than that approved under DC/15/2493, with the resulting roof form no longer contained within a pitched roof form and therefore benefiting from a consistent internal headroom and more conventional proportions. The allocation for the site reflected the Parish's Housing Needs Assessment which identified a clear preference from the community for 2 and 3 bedroom dwellings. While the Committee Report for DC/17/2524 is noted, the related reason for refusal is considered to be of significant weight in the determination of this application.
- 6.12 The proposal would create a room which, by reason of its proportions and provision of natural light, outlook and ventilation, would be capable of being used as a fourth bedroom. The nature of this room is materially different from that approved under the original planning permission for the site and the more recently approved minor material amendment application. It is not therefore considered that previous applications on the site have created a binding precedent for the consideration of future applications on the site, which accordingly fall to be considered on their own merits.
- 6.13 The creation of three 4-bed dwellings on the site would clearly not fulfil the intentions of the site allocation, as set out in the NPNP, and would run counter to the statements made as part of both the initial planning permission and the subsequently approved minor material amendment application. This is considered contrary to the NPNP and would fail to overcome the reason for refusal associated with DC/17/2524, which considered that four bedroom houses would fail to meet the housing needs of the Parish. The current submission does not demonstrate why four bedroom houses would meet the local housing needs, which for this site are established through the site allocation.

Character and appearance

- 6.14 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance. Policy 10 of the NPNP states that the scale, density, massing, height, landscape design, layout and materials of all development proposals will be required to reflect the architectural and historic character and scale of surrounding buildings.
- 6.15 The proposed rooflight would not alter the perceived scale or mass of the dwellings beyond that approved under DC/18/1046. The rooflights would be well contained within the roof form and as a result would not appear unduly prominent in views from the wider surroundings, with rooflights an expected and prevalent feature of established residential areas. The proposed insertion of a rooflight would not therefore be contrary to the above policies and no visual harm would result to the prevailing character or appearance of the site and wider surrounds.

Impact on neighbouring amenity

- 6.16 Policy 33 of the HDPF requires that development be designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land.
- 6.17 The proposed roof light would be positioned on the western elevation, set away from the surrounding residential dwellings. Given the context of the site and its relationship with the surrounding dwellings, it is not considered that the proposed roof light would result in harm

to the amenities or sensitivities of neighbouring properties, in accordance with the above policy.

Conclusion

- 6.18 The proposal to insert a rooflight to the western elevation of each plot does not address or overcome the harm identified in the refusal of application ref: DC/17/2524, as considered in paragraphs 6.8 through 6.13 of this report. The proposal would therefore create four bedroom houses on the site which would fail to meet the housing needs of the Parish and which would be contrary to Policy 7 of the Nuthurst Neighbourhood Plan (2015) and Policy 42 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

7.1 That planning permission be refused for the following reason:-

1. The proposal would create four bedroom houses on the site which would fail to meet the housing needs of the Parish and which would be contrary to Policy 7 of the Nuthurst Neighbourhood Plan (2015) and Policy 42 of the Horsham District Planning Framework (2015).

Background Papers: DC/18/2076
DC/18/1883
DC/18/1046
DC/17/2524
DC/15/2493