



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 (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.

SITE: Micklepage Nuthurst Street Nuthurst West Sussex

WARD: Nuthurst

APPLICATION: DC/18/2076

APPLICANT: **Name:** Greenplan Designer Homes **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made a written representation, which disclose material considerations, are within the consultation period and are inconsistent with the officer's recommendation.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

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 alter the profile of the roof form over the garages to create a steeper pitch, from the previously approved 24 degrees to (the now proposed) 30 degrees. No further changes are proposed as part of the application.

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/18/1883	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	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	Application Refused on 07.03.2018. This decision is currently subject of an

	alterations to approved site layout and approved designs.	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:** Comment. On the basis of the plans, the first floor store over the garage 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 **WSCC Highways:** No objection
The variation relates to the amendment of the roof profile for all three dwellings. These alterations would not affect highway safety or parking and turning areas. Therefore the LHA would not consider that the proposal for the variation of condition 1 would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS

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

- The proposal would lengthen the roof ridge, raising the height of the ceiling in the room, creating a floor area and ceiling height suitable for an en-suite bedroom (as shown in earlier marketing details for the dwellings);
- The increased form and massing creates a scheme almost identical to what has already been built on the site, in contravention of policy 10 of the NP;
- The current planning applications, DC/18/1883 and DC/18/2076, should be considered together, not as separate applications;
- If the two applications were approved there would be nothing to prevent further minor material amendment applications being submitted to further alter the roof of the dwellings.

- 3.5 17 representations were received objecting to the proposal for the following reasons:-

- The amendment would create a habitable bedroom of equal size of other bedrooms within the dwelling;
- The submission of sequential applications would revert to the development to the as built scheme;
- The scheme contravenes the Neighbourhood Plan;
- The application is retrospective.

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 Policy 7 of the Nuthurst Parish Neighbourhood Plan (NPNP) allocates the site for residential development provided:-

- 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 under reference DC/15/2493. 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, and the provision of hipped roof dormers to the northern and southern elevations.
- Internal alterations to the layout at both ground and first floor, with additional accommodation provided within the first floor.

- 6.3 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).

- 6.4 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 (as outlined in paragraph 6.1) which requires the development to primarily comprise 2 and 3 bedroom houses or bungalows.
- 6.5 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 a rooflight seeking to overcome concerns that the 'roof room' at first floor level could be used as a fourth bedroom. The application was approved at Planning Committee North on 7 August 2018.
- 6.6 This current application proposes an increase in the pitch of the front roofslope, from the 25 degrees as approved under DC/18/1046 to 30 degrees. This amendment would increase the length of the ridge to the front projection by approximately 1.65 metres. The key considerations raised by the proposal 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

- 6.7 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.
- 6.8 This current application does not propose any window openings to the 'roof room'. In addition, the increased pitch to the front roofslope, although increasing the length of the ridge, would retain the internal dimensions and proportions of the room approved under application ref: DC/18/1046. As a result, and taking into account the continued absence of natural light, outlook and ventilation, the current proposal is not considered to create a 4th bedroom on the site which is usable from a Building Regulations perspective, with the conclusions reached under DC/18/1046 of direct relevance to the current scheme. It is therefore considered that the amendments to the front roofslopes, and the increased pitch, would not create any conflict with the provisions of the NPNP or the HDPF.

Character and appearance

- 6.9 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.
- 6.10 As part of the planning permission approved under ref: DC/18/1046 the dwellings incorporated a shallow roof pitch of approximately 25 degrees above the front garages. As part of this permission it was acknowledged that the shallow roof pitch did not relate to the principal roof of the dwellings or the local vernacular, albeit this differentiation in roof form was not considered to result in any harm to the visual amenities of the area. The amendment

to the front roof form would create a steeper pitch which would be more in keeping with the main dwelling and the wider surroundings. This would be supported by the above policies and represents an improvement over the previously approved design of the scheme.

Impact on neighbouring amenity

- 6.11 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.
- 6.12 The siting of the dwellings and the orientation of the increased pitch would not lead to an increase in mass or bulk which would lead to any significant impact on amenity for occupants of adjoining properties. The amendment would not insert any additional window openings to the scheme, and as such the resulting overlooking would remain as already permitted as part of earlier application on the site. For these reasons the proposal would accord with the above policy.

Conclusion

- 6.13 The amendments to the roof form would not increase the size, proportions or 'habitability' of the previously approved 'roof room'. On this basis, and as established as part of planning permission DC/18/1046, the proposal would not create an additional 4th bedroom. The proposal would create a roof form more in keeping with the main dwellings and the wider surroundings without detriment to neighbouring amenity. The proposed minor material amendment is therefore considered acceptable subject to conditions, including the removal of permitted development rights for the future installation of rooflights or dormer windows under Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

7. RECOMMENDATIONS

- 7.1 To approve the application subject of the following conditions.

1 List of Approved Plans

- 2 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape 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. Any plants, which within a period of 5 years, die, are removed, or become 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).

- 3 **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 Classes A, B and C of Part 1 of Schedule 2 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 due to the constraints of the site and relationship with adjoining properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** No burning of materials in conjunction with the development shall take place on the site.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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