



TO: Planning Committee North

BY: Head of Development

DATE: 08 January 2019

DEVELOPMENT: Erection of a two storey dwelling.

SITE: 2 Foxfield Cottages Southwater Horsham West Sussex RH13 9EP

WARD: Southwater

APPLICATION: DC/18/2028

APPLICANT: **Name:** Mr Tony Fan **Address:** 2 Foxfield Cottages Southwater Horsham West Sussex RH13 9EP

REASON FOR INCLUSION ON THE AGENDA: Southwater Parish Council have requested to speak on the application at Planning Committee

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 2-bed single dwellinghouse to the western side of 2 Foxfield Cottages Southwater. The proposed dwellinghouse would be located within the existing side garden of 2 Foxfield Cottages which is positioned on a corner plot. The proposed works would result in the creation of an end of terrace property.
- 1.2 The proposed dwellinghouse would have a width of approximately 5.6m when viewed from the north and would have an overall depth of approximately 9.75m at ground floor level and a depth of approximately 6.75m at first floor level. The proposed dwelling would have a maximum height of approximately 8.4m matching the existing semi-detached pair on site.
- 1.3 The proposed dwellinghouse would have a hipped roof design to match the existing dwelling at 2 Foxfield Cottages and 4 Foxfield Cottages as well as similar properties within the vicinity. An approximate gap of 7.9m would be preserved between the proposed dwelling and the western boundary of the site. The main entrance to the proposed dwellinghouse would be located to the north, matching that of the existing property at 2 Foxfield Cottages and 4 Foxfield Cottages. The gross GIA for the proposed dwellinghouse is calculated at 78.2 square metres.

- 1.4 As part of the proposals, 3no parking spaces would be created by extending the existing driveway/hardstanding area to serve both the proposed dwellinghouse as well as the existing dwellinghouse. In order to allow for improved vehicular access into the site, the access gate initially proposed has been removed and the entrance to the site widened with the removal of an area of hedging. The proposal would be accessed via the existing crossover/access point.
- 1.5 It is also noted that in order to facilitate the proposed end of terrace property, alterations to the existing dwellinghouse would be required, including the removal of secondary western side facing windows and alterations to the roof.
- 1.6 This application is resubmission of a previously refused scheme for a detached dwellinghouse under planning reference DC/17/1694, which was subsequently dismissed at appeal by the planning inspectorate. In dismissing the appeal the Inspector concluded that:
- 6. However, the siting and scale of the proposed dwelling, its proximity to the boundaries, and the requirement to provide parking for both dwellings within the front garden, would result in the development appearing out of proportion with the size of the plot. Furthermore, the permanent sub-division of the garden of No 2 to create the plot would leave the donor property with a garden that is considerably smaller than others in the vicinity. The resultant layout as a whole would be out of keeping with the more spacious pattern of development which characterises the surrounding area. I therefore consider that the proposal would result in a harmful loss of openness and a development that would appear cramped on this prominent corner plot.*
- 1.7 The Inspector did not raise any concern in respect of the impact of the development on neighbouring amenity.

DESCRIPTION OF THE SITE

- 1.8 The application site relates to a piece of garden land currently used as residential curtilage space on the western side of the property at 2 Foxfield Cottages. As 2 Foxfield Cottages occupies a corner plot this curtilage land occupies a corner aspect facing onto both Foxfield Cottages to the north and Shipley Road to the west. The area is residential in character and features predominantly two storey red brick semi-detached, detached and terraced dwellings with a mix of brick and tile hanging at first floor level. The site is located within the built up area boundary and is located within the southern-most part of Southwater.

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 3 - Strategic Policy: Development Hierarchy

Policy 15 - Strategic Policy: Housing Provision

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport
Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The draft Southwater Parish Neighbourhood Plan is at initial Regulation 14 consultation stage and as such carries limited weight in decision making.

PARISH DESIGN STATEMENT

- 2.5 Southwater Parish Design Statement

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1694	Proposed erection of 1x two storey four bedroom dwelling	Application Refused on 25.09.2017
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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

3.2 **Parish Council Consultation:** Objection

The proposed plan would bring the line forward of the established building line and would be detrimental to the character of the area and contrary to the Village Design Statement. Council would like to speak to committee if Officers recommend approval.

OUTSIDE AGENCIES

3.3 **WSCC Highways:** No Objection

No objection following submission of amended information/plans showing the access gate removed and access widened. Conditions relating to parking and cycle parking recommended.

3.4 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

- 3.5 A total of 4 letters of objection were received from 3 separate households for this application. The nature of these objections can be summarised as follows -

- Highways and parking impact
- Not in keeping with surrounding development
- Break of the building line
- Impact on neighbouring amenity

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 main issues are the principle of the development in the location and the effect of the development on:

- The principle of development
- The character of the dwelling and the visual amenities of the street scene
- The amenities of the occupiers of adjoining properties
- The parking and traffic implications for the development
- The quality of the resulting residential environment for future occupiers

Principle

- 6.2 Policy 3 (Development Hierarchy) of the HDPF states that the district has a distinct settlement pattern which should be retained and enhanced. It states that development will be permitted within towns and villages which have a defined built up area boundary (BUAB) where any development will be required to demonstrate that it is of an appropriate nature and scale to maintain the characteristics and function of the settlement in accordance with the settlement hierarchy set out within the policy. The application site is located within the defined built up area of Southwater and is therefore considered to be appropriate for residential development subject to all other material considerations as set out below.

Character and appearance

- 6.3 Horsham District Planning Framework (HDPF) Policies 32 and 33 seek to promote development of high quality and inclusive design for all development in the district, ensuring that it is complementary of local distinctive character and heritage, integrating with their surroundings. Furthermore, these policies ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant, relates sympathetically with the built surroundings.
- 6.4 The design of the proposed dwellinghouse takes its cues from the existing dwellinghouse on site in terms of design, scale and detailing, as well as the adjoining property at 4 Foxfield Cottages, with matching external materials proposed. The proposed dwellinghouse would be set in line with the existing property with a matching depth at first floor level and would be appropriately positioned within the curtilage of the site. The proposed dwellinghouse would have its main entrance and principal elevation to the north and its positioning and orientation is considered to be in keeping with the properties making up the existing semi-detached pair of which the proposal would adjoin. As such the resultant building would read as a balanced terrace of three dwellings.
- 6.5 Objections have been received stating that the proposal would alter the prevailing building line along Shipley Road. This was a reason why the previous proposal for a detached dwelling within the side garden was refused and dismissed on appeal. In that case the proposed dwelling house sat forward of the building line in its entirety. The current proposal seeks to extend the existing semi-detached pair in a more modest arrangement. Although it extends the buildings further west it would read as a continuation of the existing building rather than a prominent new detached dwelling as before.
- 6.6 It is noted that the existing semi-detached pair has a building frontage on a corner plot which faces at an angle to the north-west out of alignment with the more linear pattern of

development within the vicinity. Consequently given this angled orientation on a corner plot, and the fact that there are only two other properties located to the south, it is considered that the proposal would not be visually dominant and would not have a detrimental impact on the street scene, including in terms of the building lines along Shipley Road.

- 6.7 In terms of the other concerns raised by the Inspector with the previous scheme, it is considered that the revised location of the dwelling as an extension to the semi-detached pair would retain a suitable separation to the site boundaries thereby not appearing cramped in the plot and retaining the sense of openness and spaciousness that characterises the area. Consequently it is considered that the impact of the proposal on the character of the area would be profoundly different to that considered and dismissed on appeal with the previous proposal, and now acceptable within its context.
- 6.8 It is noted that some trees have been previously removed from the site, however the remaining landscaping provides a degree of screening to the application site from various views from Shipley Road. Given that the soft landscaping around the area is a key characteristic, the removal of any further vegetation from the site would be undesirable and a landscaping condition is recommended to ensure that sufficient landscaping is provided/retained to ensure appropriate screening is maintained.
- 6.9 Therefore, and having full regard the previous submission and appeal decision, it is considered that this revised proposal now represents an appropriate form of development which would not harm the character of the surrounding area and would be suitable for the plot size, in accordance with policies 32 and 33 of the HDPF.

The amenities of the occupiers of adjoining properties

- 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 positioning of the proposed dwellinghouse and distance preserved to neighbouring development would ensure that there is no harmful impact on neighbouring amenity. It is noted that there are side windows to the existing property at 2 Foxfield Cottages facing west across the application site. These windows would be removed in order to facilitate the proposed dwellinghouse, however as they are secondary windows, it is considered that there would not be a detrimental impact on light and outlook to the existing property. As such, this, together the positioning of the proposed dwellinghouse in relation to the existing property on site, is considered to be acceptable.
- 6.12 A minimum distance of approximately 8.6m at ground floor level and approximately 11.2m at first floor level would be preserved between the proposed dwellinghouse and the closest neighbouring property to the south at Reksley House, Shipley Road, with the rear and side elevations to these properties sitting at a shallow angle to each other. The proposed dwellinghouse would not have any rear/southern facing windows at first floor level which would serve habitable rooms therefore there would be no direct or perceived sense of overlooking from the rear/south elevation over the new garden to 2 Foxfield Cottages or towards the side elevation of Reksley House (which contains a principal window at first floor level). Given that there is currently a distance of approximately 13.3m preserved between the existing dwellinghouse on site and Reksley House, it is considered that the proposal would not cause harm to neighbouring amenity in terms of light, outlook and privacy beyond and above that of the existing situation on site.
- 6.13 Overall, given the siting, scale and proximity of the proposed dwelling, no issues of overlooking, overshadowing, or overbearing is envisaged to the adjoining and neighbouring properties. The proposal is therefore considered to be acceptable on amenity grounds.

The quality of the resulting residential environment for future occupiers

- 6.14 It is considered that the proposed development provides adequate indoor and outdoor living space for occupants. Suitable distances would be preserved to neighbouring development to ensure that there would not be any harmful overlooking and other properties would not appear as overbearing on the proposed dwelling. As such, it is considered that the proposal would not be dissimilar to the existing situation on site and there would be an appropriate quality level of environment for the future occupiers of the proposed dwellinghouse.
- 6.15 It is noted that the proposal would result in the loss of outdoor amenity space for the existing dwellinghouse on site. Whilst the existing dwellinghouse would have a reduced rear garden space that would extend in an 'L' shape arrangement along the rear elevation of the new dwelling, this is still considered to be adequate to serve the dwelling and would not be subject to overlooking harm given the absence of rear facing windows to the new dwelling. The garden space would be larger than that previously proposed given its extension in an 'L' shape arrangement alongside the rear elevation of the proposed new dwelling. Consequently it is considered the quality of the resulting internal and external living environment at No.2 Foxfield Cottages would now be acceptable.

The existing parking and traffic conditions in the area

- 6.16 The Highways Authority has stated no objections to the development in terms of its effect on highway safety or parking. Plans show the proposed development would have three parking spaces created to the front which would serve the proposed to-bedroom dwellinghouse as well as the existing dwellinghouse on site. The Highway Authority considers this to be adequate to serve the two dwellings, whilst the Inspector previously raised no objection to this quantum of parking for a four-bedroom house. Concern was though raised at the extent of parking in the front garden however this submission has reduced the extent to a degree that is considered proportionate to the building frontage and character of the area. Amendments received show that the access into the site would be at a width of 6m which is considered to be acceptable and would provide appropriate access for entering and exiting the site. Overall, the proposal is considered to be acceptable on highway and transport grounds, subject to appropriate conditions to be attached, in accordance with policies 40 and 41 of the HDPF.

Conclusion

- 6.17 Overall, the proposed dwelling would represent an appropriate form of development, positioned appropriately within the curtilage of the site and, on balance, would not have a detrimental impact on the surrounding area or the prevailing character of the street scene, or the amenities of adjacent occupiers.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.18 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	78.2		78.2
		Total Gain	
		Total Demolition	

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

7.1 It is recommended that planning permission is granted subject to the following conditions -

1 Plans list

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 (Slab Level) Condition:** No development above ground floor slab level of the new dwelling 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 for the dwelling. The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage 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).

4 **Pre-occupation Condition:** Prior to the first occupation of new dwellinghouse hereby permitted, 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).

5 **Pre-occupation Condition:** No part of the new dwellinghouse hereby permitted shall be first occupied until the car parking has been constructed in accordance with the approved site plan, drawing number 05 REV D received 26 November 2018. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

6 **Pre-occupation Condition:** No part of the new dwellinghouse hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan, drawing number 05 REV D received 26 November 2018. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

7 **Pre-occupation Condition:** Prior to the first occupation of the new dwellinghouse 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 any 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).

- 8 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building on site.

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

- 9 **{b Regulatory Condition:}** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the ground or first floor rear elevation of the new dwelling without express planning consent from the Local Planning Authority first being obtained.

Reason: To protect the amenities of adjoining residential properties from loss of privacy in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **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).