



**Horsham  
District  
Council**

# DEVELOPMENT MANAGEMENT REPORT

**TO:** Development Management Committee (South)

**BY:** Development Manager

**DATE:** 19 April 2016

**DEVELOPMENT:** Approval of reserved matters following outline application DC/14/1264 for access, appearance, layout, and scale.

**SITE:** Land To The Rear of Cornerways, Pound Lane, Upper Beeding, West Sussex.

**WARD:** Upper Beeding

**APPLICATION:** DC/15/1942

**APPLICANT:** Mr N Quincey

**REASON FOR INCLUSION ON THE AGENDA:** More than five letters of representation have been received that are contrary to the Officer recommendation.

**RECOMMENDATION:** Approve

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 This Reserved Matters application seeks permission for a detached 3/4 bedroom chalet bungalow with an integral double garage and a new vehicular access.

The ground floor comprises of a double garage, open plan living/dining room, kitchen, bathroom, en-suite bedroom and a study/bedroom.

The first floor comprises two further bedrooms and a bathroom.

### DESCRIPTION OF THE SITE

- 1.2 The application site is located partly within and partly outside of the Defined Built up Area Boundary, and is located within Flood Zones 2 and 3. A public footpath runs along the eastern boundary of the site and an SNCI is located to the north west of the site. The application site is existing overgrown land which is located to the north of Cornerways and Marston. The site itself is accessed off a single track road which serves an industrial estate and another property to the north of the site and is also a footpath. Presently the eastern boundary of the site is marked by a close boarded fence with a five bar gate which provides access to the stables located to the north of the site which is outside of the application area

and ownership of the applicants. The southern boundary of the site is marked by post and rail fencing and backs onto the gardens of the neighbouring properties. The western boundary is well screened by mature planting and to the north are open fields and a stable block.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

#### 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

National Planning Policy Framework:

NPPF6 - Delivering a wide choice of high quality homes

NPPF7 - Requiring good design

NPPF11 - Conserving and enhancing the natural environment

NPPF14 - Presumption in favour of sustainable development

### RELEVANT COUNCIL POLICY

Horsham District Planning Framework (2015):

HDPF1 - Sustainable Development

HDPF2 - Strategic Development

HDPF3 - Development Hierarchy

HDPF15 - Housing Provision

HDPF17 - Exceptions Housing Schemes

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

HDPF37 - Sustainable Construction

HDPF40 - Sustainable Transport

HDPF41 - Parking

### PLANNING HISTORY

DC/14/1264 One Bungalow (Outline Application with Some Reserved Matters)  
Application Refused on 11.08.2014

DC/13/0766 Erection of one dwelling with access (Outline) Application Refused on 19.07.2013

DC/14/1264 One Bungalow (Outline Application with Some Reserved Matters) Refused on 11.08.2014 but Allowed on appeal on the 27.01.2015

## **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](http://www.horsham.gov.uk).

### INTERNAL CONSULTATIONS

3.2 **Public Health And Licensing (Env. Health)** – No objections

OUTSIDE AGENCIES

3.3 **County Council – Highways** - West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. DC/14/1264 to which no objections were raised to the outline application of a 3 bedroom dwelling.

This application now seeks approval for the reserved matters including access, appearance, layout and scale.

It is confirmed that there would be no concerns with this application from a highway safety perspective subject to conditions securing maximum achievable visibility splays, parking and turning and construction plant and materials.

3.4 **Environment Agency** – Confirms the Environment Agency has no objection in principle to the proposal as submitted.

PUBLIC CONSULTATIONS

3.5 **Upper Beeding Parish Council** - The Council objects to the application on the grounds of overdevelopment (given that the Planning Inspector explicitly approved a bungalow, whilst this application seeks to develop a two-storey chalet), and that the artificial raising of the ground level will have an adverse effect on the neighbouring property. It is also noted that the proposed access to the property appears to encroach onto neighbouring land.

3.6 Representations from 5 neighbouring residents have been received objecting to the application proposal. The objections relate to the following:

- Overdevelopment of the site
- Site plan is inaccurate.
- The application ignores the constraints set down by the Inspector.
- Loss of general amenity
- Privacy, light and noise issues.
- Overbearing
- The dwelling is still situated outside of the permitted built up area boundary.
- Drainage issues.
- Highway safety concerns.
- Environmental issues arising from the stables would be an issue for a new dwelling in such close proximity and cannot be avoided.
- Proposal would restrict the use of the stables.
- The logistics of building the proposed dwelling would cause extreme and unacceptable disturbance to the owners of the stables and the horses.
- Lack of local infrastructure.
- No need for any more housing in this area.

3.7 At the time of writing, the public consultation period for the amended plans has not yet expired. Any additional consultation responses received will be presented at the Committee meeting.

#### **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 principal issues are whether the proposal complies with all the relevant LDF policies and the effect of the development on:

- (i) The visual amenities and character of the area
- (ii) The residential amenities of neighbouring properties

##### Principle

- 6.2 This is an application for approval of reserved matters pursuant to outline planning permission DC/14/1264. As such, the principle of development has already been considered acceptable by the Inspector determining the appeal of DC/14/1264 and the Local Planning Authority can only consider the reserved matters of layout, scale, appearance and landscaping at this stage.

##### Design and Character

- 6.3 Policies 32 and 33 also requires that new development is of a high standard and layout, having regard to its built surroundings in terms of scale, height, massing, siting, orientation, views, character and space between buildings. In addition, Policy 25 states that the landscape character of the District will be protected against inappropriate development.
- 6.4 While the proposed dwelling would be larger than the indicative bungalow shown within the outline proposal, this was an indicative drawing only, as the scale, siting and appearance were reserved matters. Therefore, these aspects need to be considered within this reserved matters application.
- 6.5 The proposed design and siting of the dwelling has been amended from the proposal originally submitted within this application. The proposed dwelling has a similar visual appearance to the indicative drawings submitted within outline application DC/14/1264. The originally submitted plans within this application showed a ridge height of 7m. The amended scheme now shows the ridge height of 5.7m as opposed to 5.3m shown within the indicative outline plans. The main roof element has half-hips rather than a full hip and the dwelling has been sited further from the boundary with the properties to the south. The eaves height of the proposed dwelling is the same as that shown within the indicative drawings within the outline application. In addition, the attached garage has moved from the southern side of the dwelling to the northern side within this reserved matters application. The floor plan of the dwelling has also been slightly increased from the indicative drawings included within the outline application.
- 6.6 The application has included a plan showing the existing land levels on the site. This shows the land varies from around 2.4m AOD at the western side of the site to 3.5AOD at the

south eastern corner of the application site. Condition 5 of the outline approval seeks to ensure that the finished floor level (FFL) of the dwelling would be no lower than 3.58AOD in accordance with the submitted Flood Risk Assessment in order to mitigate the risk of flooding. Due to the ground levels, the dwelling would have to be built up above the current land level to ensure that the proposal had a FFL of 3.58AOD. The submitted plans state that the FFL would be 3.6AOD and thus would be in accordance with Condition 5 of outline consent DC/14/1264. While this raising up of the dwelling would result in the property having more visibility, this was considered as acceptable by the appeal Inspector in the determination of the outline appeal. As such, it would not be reasonable to refuse the application on the grounds of complying with a condition attached to that outline permission.

- 6.7 While the proposed dwelling has a slightly larger footprint, would have a ridge height 400mm higher and have a half-hipped roof on the southern elevation than that shown with the indicative drawing included within the outline permission, it is not considered that these amendments would have any significantly greater impact on the character and appearance of the application site. It is considered that the proposal's design, massing and bulk would be in keeping with the character of the surrounding area.
- 6.8 Overall, the amended scheme is considered to be satisfactory in design terms and would not have a detrimental impact on the character and appearance of the area, above what was considered to be acceptable by the appeal Inspector. As such, the proposal is in accordance with policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

#### Residential Amenity

- 6.9 Policy 33 of the HDPF requires new development to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.10 The indicative drawings within the appeal proposal showed a single storey dwelling with no accommodation within the roof space. The proposed dwelling within this reserved matters application, with its increased height and size, contains two bedrooms and a bathroom within the roofspace. The proposal contains five rooflights within the rear elevation. Two rooflights serve the bedroom located at the southern end of the building, with two more serving the landing within its centre. The fifth rooflight serves the bedroom at the northern end of the dwelling. This bedroom also includes two windows within the northern gable wall, which look out toward the stables located to the north of the application site.
- 6.11 Due to the siting of the bungalow and its relationship and distance to neighbours to the south, it is considered that there would be an acceptable impact on the amenity of neighbouring properties. Furthermore, the proposal does not contain any windows in the flank elevation that faces Cornerway's and Marston, located to the south of the application site. Therefore, it is considered that the proposed development is acceptable in amenity terms and is policy compliant.
- 6.12 The indicative drawings included within the outline application showed a modest single storey dwelling, it is not considered that this proposal would have a detrimentally greater impact on neighbouring properties or appear visually overbearing than that shown within the outline application.
- 6.13 The increase in height of 400mm, and the corresponding increase in the massing of the flank walls due to the dwelling having a half-hipped roof would not result in in overbearing impact on the properties to the south. This is because the increase in the ridge height and

the gable walls are modest, and the amended siting has moved the dwelling some 1.4m further to the north away from the southern boundary. In addition, the moving of the integral garage from the southern side of the property as shown within the outline application to the northern side of the dwelling has substantially reduced the built form of the dwelling at its closest point to neighbouring properties.

- 6.14 Due to the increased size of the proposed dwelling, it is considered that permitted development rights for extensions and outbuildings should be removed in order to ensure that further extensions and outbuildings do not have a detrimental impact on the residential amenities of neighbouring properties and the character and appearance of the area.
- 6.15 In conclusion therefore, the proposal is acceptable in terms of the amenity of existing neighbouring residents and complies with Policy 33 of the Horsham District Planning Framework (2015).

#### Other Considerations

- 6.16 Design considerations and the proposal's impact on neighbouring amenity have already been addressed. However, the letters of representation raised further concerns, including:
- Site plan is inaccurate.
  - The application ignores the constraints set down by the Inspector.
  - The dwelling is still situated outside of the permitted built up area boundary.
  - Drainage issues.
  - Highway safety concerns.
  - Environmental issues arising from the stables would be an issue for a new dwelling in such close proximity and cannot be avoided.
  - Proposal would restrict the use of the stables.
  - The logistics of building the proposed dwelling would cause extreme and unacceptable disturbance to the owners of the stables and the horses.
  - Lack of local infrastructure.
  - No need for any more housing in this area.
  - Proposal should be carried out in accordance with the FRA and incorporate floodable voids under the dwelling and a route to safety.
- 6.17 An amended site plan was submitted in order to correct the initial inaccuracy to the originally submitted site location plan. This application is a reserved matters application and the issues of need, infrastructure, highways and the fact the site is located outside the built up area boundary have already been considered at the outline stage and therefore cannot be substantiated as reasons for refusal.
- 6.18 Environmental concerns for the occupiers of the proposed dwelling were considered at the outline stage and it would be unreasonable to refuse this reserved matters application on such grounds, when the appeal Inspector considered that this impact was acceptable. In regard to drainage, it is recommended that a condition is attached to secure details of the proposed drainage for the site.
- 6.19 While there would be some disturbance to neighbouring properties during the construction phase, this would only be for a limited amount of time and in any event is not a material planning consideration.
- 6.20 Representations have also stated that the proposal should be carried out in full accordance with the FRA and incorporate floodable voids under the dwelling and a route to safety. However, within condition 5 of the appeal decision, the planning Inspector only itemised that the finished floor levels shall be set no lower than 3.58 metres above Ordnance

Datum. This proposal shows that the finished floor level would be 3.6 metres and so would be in accordance with Condition 5 of outline consent DC/14/1264. Due to the wording of condition 5, it is not considered that further measures such as floodable voids could be insisted upon as these would go beyond the requirements of this condition. In addition, the Environment Agency has raised no objections to the proposal.

### Conclusion

- 6.21 The principle of development has been permitted by outline application DC/13/1265. The details of development put forward in this reserved matters submission are considered to be acceptable and would not have a detrimental impact on the character and appearance of the area or on neighbouring residential amenity. As such, the proposal is in accordance with development plan policies and the principles established at outline stage.

## **7. RECOMMENDATIONS**

- 7.1 Approval of Reserved Matters be granted subject to the following conditions:-

- 1 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, B, C, E and F of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilage of the dwelling hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: In the interest of visual amenity of the streetscene and in order to protect the privacy and amenity of the occupiers of neighbouring residential properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 2 No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 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).

- 3 No burning of materials in connection with the development shall take place on the site.

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

- 4 Full details of means of surface water drainage to serve the development shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development. The scheme agreed shall be implemented strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

Reason: To ensure that the development is properly drained.

- 5 The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework (2015).

- 6 No part of the development shall be first occupied unless and until full details of all hard and soft landscaping works, including the grading of the land surrounding the dwelling have been submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting 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 otherwise agreed in writing by the Local Planning Authority.

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

- 7 No work shall be carried out on site unless there is available within the site provision for the storage of materials and equipment associated with the building works; all in accordance with precise details to be approved by the Local Planning Authority in writing before development commences. The approved facilities shall be retained and available for use throughout the period of work required to implement the development hereby permitted unless alternative details are agreed in writing by the Local Planning Authority.

Reason: In the interests of road safety and/or in the interests of amenity and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide cycle storage facilities for the dwellings and promote cycling as a sustainable mode of travel in accordance with policies 40 and 41 of the Horsham District Planning Framework (2015).

9. The dwelling(s) hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling bins has been made within the site in accordance with details to be submitted to and approved in writing by the local planning authority.

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

#### NOTE TO APPLICANT

Please be advised that there are conditions on this notice that will require formal discharge. In order to secure the discharge you will need to submit an "Application for approval of details reserved by condition" application form and pay the appropriate fee, guidance and the forms can be found at [www.planningportal.gov.uk/planning/applications/paperforms](http://www.planningportal.gov.uk/planning/applications/paperforms)

#### NOTE TO APPLICANT

The conditions applicable to the outline planning permission ref. DC/14/1264 are applicable to this development.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Background Papers: DC/15/1895