



TO: Planning Committee South

BY: Head of Development

DATE: 16 July 2019

DEVELOPMENT: Part demolition of existing garage and erection of a detached two storey dwelling, creation of driveway and access onto Tudor Close.

SITE: Grey Oak Tudor Close Pulborough West Sussex RH20 2EF

WARD: Pulborough and Coldwaltham

APPLICATION: DC/19/0327

APPLICANT: **Name:** Mr and Mrs N Hamilton **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks planning permission for a three-bedroom detached chalet bungalow set within the rear garden of Grey Oak. Part of the existing detached side garage to Grey Oak would be demolished to provide side access to the site from Tudor Close.
- 1.2 The proposed dwelling would be of a 'T' shape sitting centrally in the plot and at an angle to Grey Oak. It would take a traditional hipped roof form with two small dormers and two rooflights to the front elevation, and two dormers with small balconies to the rear elevation. The walls would be completed in beige/buff brickwork above a grey brick plinth, with a slate tile roof and oak finished windows. A large parking and turning area would be provided to the front.

DESCRIPTION OF THE SITE

- 1.3 The application site comprises land within the existing rear curtilage of Grey Oak, a detached two-storey dwellinghouse located on the southern side of Tudor Close, a residential cul-de-sac accessed from the northern side of West Chilmington Road. The site and surrounding area forms part of Mare Hill, an unclassified settlement approximately

400m to the east of the built-up area of Pulborough, and 500m to the north-west of the built-up area of West Chiltington Common.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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 24 - Strategic Policy: Environmental Protection

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

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 40 - Sustainable Transport

Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Pulborough Parish has been designated as a Neighbourhood Development Area as of February 2014. There is no made plan.

PARISH DESIGN STATEMENT

- 2.5 Pulborough Parish Design Statement, 2013

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 None relevant to this application.

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 Environmental Health:** No objection

OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

3.4 **Southern Water:** Comment

The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer.

3.5 Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

PUBLIC CONSULTATIONS

3.6 **Pulborough Parish Council:** Objection

The application is felt to be detrimental to the countryside and in conflict with NPPF and HDPF policies, in particular HDPF policy 33 (Development Principles).

3.7 27 representations were received objecting to the proposal for the following reasons:-

- The development is out of keeping, with Tudor Close designed to have large plots which benefit from a southerly aspect;
- The proposed materials would be out of keeping;
- The site is in an unsustainable location;
- There is no requirement for properties of this size;
- Mare Hill is not a classified settlement;
- Impact on views;
- Loss of privacy;
- Ground instability;
- Impact on traffic on West Chiltington Road;
- There are covenants in place preventing plot subdivision;
- Impact of building works;
- Potential for future applications to neighbouring sites;
- Loss of property value.

3.8 12 representations of support were received raising the following:-

- The dwelling would be suited for retirement friendly living;
- The building would not be visible from the close, with the design in keeping;
- The plot is large and would provide garden and green space to each dwelling;
- There is a bus route in proximity to the site.

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

- 6.1 The HDPF takes a strategic approach to ensuring the sustainable delivery of housing across the plan period to meet the identified needs of the District, with the broad strategy seeking to concentrate growth in and around Horsham Town and to allow growth in the rest of the District in accordance with identified settlements. The spatial portrait and strategy for the District is set out further at paragraphs 3.16-3.27, with paragraph 3.22 setting out that the *'strategy seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible, including through the re-use of previously developed land (brownfield land)'*.
- 6.2 Policies 3 and 4 of the HDPF set out the development hierarchy for the district (Policy 3) and the means by which settlement expansion will be permitted (Policy 4). The pre-text at paragraphs 4.6-4.9 sets out that *"the priority will be to locate appropriate development...within built-up area boundaries, with a focus on brownfield land"*, with settlement expansion to be delivered through a planned expansion through the Local Plan or Neighbourhood Plan in order to meet identified local needs [4.6 and 4.9].
- 6.3 Policy 3 (Strategic Policy: Development Hierarchy) defines the settlement hierarchy within the district and states that development will be permitted within towns and villages which have defined built-up areas. The policy therefore does not relate to development that falls outside of the built-up area boundaries of the settlements listed, either in part or in full, previously developed or otherwise, and does not therefore support the principle of development of the application site as it lies beyond the built-up area boundary of the identified settlements within Pulborough (within whose parish boundary the application site falls). The hierarchy relates directly to point 1 of HDPF Policy 2, which allows for *"growth in the rest of the district in accordance with the identified settlement hierarchy"*, i.e. in accordance with Policy 3. The site is not within a built-up area boundary and has not been identified as a potential 'secondary settlement' as part of the Local Plan Review process currently being undertaken.
- 6.4 Policy 4 applies to development proposals involving the growth of settlements outside of the built-up area boundaries. The pre-text to this policy at paragraph 4.9 states that *"In addition to built-up areas, it is recognised that in order for some communities to continue to be able to grow and develop it will be necessary for them to be able to expand beyond their current built form. By allocating sites in the Local Plan or in Neighbourhood Plans, it will be possible to meet the identified local needs of these settlements and provide an appropriate level of market and affordable housing, as well as maintaining the viability of the smaller villages and towns, for example supporting local schools or local shops. This policy will also ensure that the settlement function and pattern of the district is retained, retaining the rural character of the District beyond these settlements."* Policy 4 sets out five criteria by which development outside of settlement boundaries will be accepted, all of which must be met in order to ensure compliance with the policy. In this case, whilst the development could be considered compliant with criteria ii) to v), as the site does not adjoin a settlement boundary and is not allocated for development it fails to meet the requirements of criteria i). On this basis the proposal fails to accord with Policy 4.
- 6.5 As a result of the above policy context the site falls within the countryside and Policy 26 of the HDPF is engaged. This requires that any proposal at the site must be essential to its countryside location. As the proposal involves the creation of an independent dwelling with no functional connection to the working of the surrounding land it cannot be reasonably regarded as being essential to its countryside location and no justification on this basis has been submitted by the applicant.
- 6.6 For the reasons set out above, it is considered that the proposed development, which would be located outside of any defined built-up area boundary and not allocated for development in the HDPF or NPNP would be inconsistent with the overarching strategy for

development within the District and is not considered to be essential to its countryside location.

Character and Appearance:

- 6.7 The application site is located within the rear garden of Grey Oak, a detached dwelling which is reflective of properties in the immediate surroundings. The properties in this locality do not follow a singular building line, with the general pattern of development being dwellings located in individual and relatively large plots. The rear of the site features extensive vegetation which provides thick screening along the boundary with West Chilton Road.
- 6.8 The proposal would subdivide the rear garden to create an additional plot for a detached dwelling. The dwelling would comprise accommodation at ground and first floor levels in the manner of a chalet bungalow with an area of front hardstanding and a new access road along the western boundary with Conifers. The siting of the development would contrast with the pattern of surrounding development and would introduce built form in a previously undeveloped backland garden location where none is currently present. The dwelling would not therefore be characteristic of the area and would not assimilate with the immediate surroundings.
- 6.9 It is therefore considered that the proposed dwelling would be harmful to the semi-rural character and appearance of the area. This would conflict with policies 32 and 33 of the HDPF which seek, amongst other things, seek to ensure development integrates with its surroundings and takes account of the existing character of the area by means of scale and layout.

Impact on neighbouring amenity

- 6.10 The scale of the development and separation from shared boundaries would limit the impact on light and outlook to adjoining properties, such that no significant harm would result. The location of rooflights and dormers at first floor level would minimise the potential for intrusive downward views into adjoining properties, with this sufficient to ensure no harmful loss of privacy would result from the scheme.
- 6.11 While the proposed access would be in close proximity to Conifers, which adjoins to the west of the site, the provision of an acoustic fence, in respect of noise attenuation, could be secured through planning condition, and the potential for noise or disturbance from the scheme would not amount to such an issue as to warrant refusal of the scheme. The same is true of potential disruption from construction activities, which could be mitigated through the use of conditions restricting working hours and to secure the implementation of a Construction Management Plan.

Highways Impacts:

- 6.12 The proposed level of parking (which would be in excess of 3 car parking spaces for the existing and proposed dwelling) is considered acceptable in this location and there is potential for informal visitor parking without the need to park on the street. The proposal would not be expected to result in displaced vehicles creating additional demand with sufficient visibility available at the point of access to the highway. The Highway Authority has raised no objections to the proposal, noting that the proposal would not have a 'severe' impact on the highway network, and that there are no transport grounds to resist the proposal. For the reasons outlined above there are no reasons to take a different view in this instance and the proposal is considered acceptable on highway grounds.

Other considerations

- 6.13 It is noted that representations have been received relating to the presence of covenants on the site, and, the impact of the proposal on property values. These are not though material considerations in the determination of this planning application. Whilst details of foul and surface water disposal have not been provided, it is considered that this matter can be suitably addressed by condition in the event permission is granted, with alternative means of surface water drainage to avoid using the public foul sewer as per the drainage hierarchy set out in the Planning Practice Guidance.
- 6.14 It is acknowledged that the proposal is intended to meet the future housing needs of the applicant, and this is set out in the Design & Access Statement and a number of representations supporting the application. While these needs are noted it is considered that the personal circumstances would not outweigh the policy conflict set out in this report, with the impact of a dwelling in this location resulting in a long-term impact which could not be justified by a temporal need. In any case, there would appear to be considerable scope to improve and adapt the existing dwelling at Grey Oak without the need to erect a new dwelling on the site.

Conclusion

- 6.15 The proposal would provide a windfall unit which would make a modest contribution toward the delivery of housing within the District, albeit this contribution carries less weight given the Council can demonstrate a five year housing land supply. The site is though located in an unclassified semi-rural settlement where the provision of an additional dwelling would be contrary to the strategic approach to housing set out within the HDPF. The dwelling would undermine this approach and is not essential to the countryside location, with the proposal therefore contrary to policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015). In addition, the subdivision of the plot would contrast with the pattern of surrounding development and would introduce built form in a previously undeveloped backland garden location where none is currently present; the dwelling would not therefore be characteristic of the area and would not assimilate with the immediate surroundings, contrary to policies 32 and 33 of the HDPF. While the proposal would not result in harm to neighbouring amenity or highway safety these are neutral considerations which would not outweigh the policy conflict set out above.

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	291	0	291
		Total Gain	291
		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

7.1.1 That planning permission be refused for the following reasons:-

1. The development would be located outside of a built-up area boundary, on a site not allocated for development within the Horsham District Planning Framework or in an adopted Neighbourhood Development Plan. The proposed development would not be essential to the countryside location and is therefore be inconsistent with the overarching strategy for development within the District, and is therefore contrary to policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015).
2. The proposed backland development on previously undeveloped garden land would compromise the layout and semi-rural character of the application site and surrounding area, distorting the existing arrangement of properties on the southern side of Tudor Close. The resulting impact would not be sympathetic or appropriate to the existing character and appearance of the locality, resulting in harm to the established semi-rural character of the area. The proposed development is therefore contrary to policies 25, 32 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/19/0327