



**TO:** Planning Committee South

**BY:** Head of Development and Building Control

**DATE:** 27 April 2021

**DEVELOPMENT:** Variation of Condition 1 of previously approved application DC/20/0548 (Variation of condition 1 to previously approved application DC/17/1499 (Erection of a two storey four bedroom dwelling with detached garage) Relating to the replacement of a front dormer window with roof light, extension to the front porch with an open oak frame structure and the erection of a ground floor rear extension with parapet flat roofs) Relating to the garage plan.

**SITE:** Land Adjoining Firtops Grove Lane West Chiltington Pulborough West Sussex RH20 2RD

**WARD:** West Chiltington, Thakeham and Ashington

**APPLICATION:** DC/20/2494

**APPLICANT:** **Name:** Mr Peter Sculley **Address:** 10 Birchwood Close Langshott Horley RH6 9TX

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

**RECOMMENDATION:** To Grant Planning Permission

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

1.2 The application seeks a minor material amendment to an existing planning permission for the erection of a two storey four bedroom dwelling with detached garage, through a variation of the approved plans. The amendments subject of this application comprises the change in form and design of the approved garage roof with the installation of two rear velux rooflights, with all other external materials remaining the same. The proposed alterations will vary the design, height and massing of the existing pitched roof garage, replacing it with a half hip barn style roof with the inclusion of two rear rooflights on its south west elevation.

## DESCRIPTION OF THE SITE

- 1.3 The Land adjoining Firtops was granted planning permission under DC/17/1499 for the erection of a two storey four-bedroom dwelling with detached garage, subsequently subdividing the front garden of Firtops to accommodate the new dwelling. The dwelling occupies a modest sized plot bounded by neighbours Firwood Cottage to the west, Yew Tree House to the south west, Malindi and Jarrah to the north and north west and Firtops to the east and south east respectively.
- 1.4 The site is located on the southern side of Grove lane and to the east of Roundabout Lane. The new build is set close to its driveway with a slight setback from the lane with a rear garden which features a change in level, with the dwelling set lower than the rear garden. The site is located within the built-up area of West Chiltington Common. The area comprises a mixture of residential properties located within plots of mostly medium to large size.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

#### 2.3 **National Planning Policy Framework**

#### 2.4 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Under Regulation 7, the West Chiltington Neighbourhood Plan Area was designated in February 2014. The West Chiltington Neighbourhood Plan is in progress.

#### 2.6 **PLANNING HISTORY AND RELEVANT APPLICATIONS**

DC/20/0548	Variation of condition 1 to previously approved application DC/17/1499 (Erection of a two storey four bedroom dwelling with detached garage) Relating to the replacement of a front dormer window with roof light, extension to the front porch with an open oak frame structure and the erection of a ground floor rear extension with parapet flat roofs	Application Permitted on 20.05.2020
DC/17/1499	Erection of a two-storey four bedroom dwelling with detached garage, associated hardstanding and alterations to access	Application Permitted on 23.02.2018

## 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)

#### OUTSIDE AGENCIES

- 3.2 **WSCC Highways:** The variation seeks a minor material amendment to the garage plan. This appears to relate to the roof shape and would not alter the space available within the garage and existing permitted parking layout. There are therefore no highways comments to provide on this variation of condition application.
- 3.3 **Southern Water:** No Objection
- 3.4 **West Chiltington Parish Council** objects to this application. It considers that this proposed development is too large and would constitute an overdevelopment of the site. It would also restrict neighbours' light and enjoyment of their property. Furthermore, the Parish Council wishes to remind the Case Officer that a lot of work went into the original application to protect neighbours' amenity and mitigate neighbour impacts. It feels that to allow this 'variation of condition' would undo all of that effort. The Parish Council also noted that it is seeing an increasing number of applications relating to 'Variations of Conditions' and, certainly in this instance, questions their validity.

#### PUBLIC CONSULTATIONS

- 3.3 15 Letters of Objections from 12 Householders were received for the application. The nature of these objections can be summarised as follows:
- The proposal would create a detrimental precedent which is not in keeping with the local vernacular and wider character.
  - Overshadowing and loss of amenity to Firwood Cottage rear garden courtyard.
  - The proposal is overbearing, restricts light and would increase the overbearing nature of the development.
  - The amended gabled roof structure, with its increase in height and added roof windows changes the scale, nature and potential uses of the garage block in that it converts the building into a double storey garage block.
  - These amendments constitute a fundamental change to the plans and changes the 'use' of the garage block.
  - The half-gabled design is atypical of the new build garage in Wells Cottage properties, which have low roofline, no office space above, of smaller dimensions than the expansive design proposed and not overbearing on neighbouring properties.
  - There is no need for the velux windows (which will cause a light nuisance to my property) if this floor is to be used solely for storage.

#### 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 of development:**

- 6.1 Planning permission was granted in July 2017 for the erection of a two storey four-bedroom dwelling with detached garage (ref: DC/17/1499). A subsequent minor material amendment (through a variation of condition) was approved in March 2020 relating to the replacement of a front dormer window with roof light, extension to the front porch with an open oak frame structure and the erection of a ground floor rear extension with parapet flat roofs (ref: DC/20/0548).
- 6.2 The minor material amendment sought by this current application would essentially increase the ridge height and change the roof form of the previously approved garage. The amendment would not alter the description or character of the originally approved development, which was described as 'erection of a two storey four bedroom dwelling with detached garage', and a minor material amendment is therefore the correct application for the changes proposed.
- 6.3 The principle of development has been established by the existing planning permission(s) on the site and does not need to be revisited as part of this application, the key issues raised by which relate to the impact on the character and appearance of the locality and on neighbouring amenity.

### **Character and Appearance**

- 6.4 Policy 32 of the HDPF requires high quality design that complements the locally distinctive character of the district and contributes a sense of place in the way they integrate with their surroundings. Policy 33 of the HDPF sets out the Council's development principles in order to conserve and enhance the natural and built environment. The policy, amongst other criteria, requires proposals to 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, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views and be locally distinctive in character and respect the character of the surrounding area.
- 6.5 The prevailing character of the area surrounding the application site is residential in nature; as mainly comprised of detached dwellings divided by traditional hedgerows and fencing. Nearby dwellings in proximity to the application site on Grove Lane are mostly Wells cottages with a few more recent dwellings featuring a differing style and design, but are generally set within generous plots that maintain appropriate gaps between the site in keeping with the wider character of the area.
- 6.6 The proposed amendments to the approved garage would increase the bulk and massing of the previously approved roof and alter its appearance. As part of the application process amended plans have been received which reduce the extent of the increase in height being proposed. The resulting plans have reduced the extent of the increase to approximately 0.6m above that previously approved on the site (this is a reduction from the 1.1m height increase originally proposed). This increase in height is considered modest and acceptable in this location.

- 6.7 The proposed roof form, with barn-ends in place of hips, does increase the bulk and massing from that previously approved on the site. The resulting roof form would not though appear disproportionate or out of proportion with the footprint of the garage, with the siting unaltered from the existing permission. The presence of barn-ends would not create a structure which appears unduly dominant or visually intrusive, and the scale of the garage would remain clearly subservient to the main dwelling and surrounding development. The proposed rooflights are modestly sized and well contained within the roofslope are of little consequence to the prevailing character and appearance of the site and wider surrounding area.
- 6.8 The proposed amendments would not create an overdeveloped or cramped appearance to the site, and there would be no adverse impact on the character of the site or wider surrounding area. As such, the proposed amendments would be in accordance with policies 32 and 33 of the Horsham District Planning Framework.

### **Impact on neighbouring amenity**

- 6.9 Policy 33 of the HDPF states that development should, amongst other things, respect amenities of neighbouring properties and the locality.
- 6.10 The garage is set away from shared site boundaries and while there would be an increase in height and bulk at roof level taking into account the considerable separation from neighbouring dwellings and the layout of adjoining sites no unacceptable harm would result from the proposal.
- 6.11 The rear rooflights would be at a height and angle which would not lend themselves to intrusive views over neighbouring properties, with views primarily created over the rear of the application site. The resulting relationship with neighbouring properties would not be unusual or unexpected in an established residential location such as this, and no harmful loss of privacy would result for occupants of adjoining properties and land.
- 6.12 The use of the garage for purposes connected with the main dwelling would not lead to significant potential for harmful levels of noise or disturbance and the proposal does not raise any further highway considerations.
- 6.13 The amenity impacts of the proposal are therefore considered acceptable and would accord with the above policy.

### **Conclusion:**

- 6.6 The proposed amendments are considered to be acceptable and would not result in any adverse impact to visual or neighbouring amenity. The application is therefore recommended for approval. As this application would create a new planning permission for the development as a whole it is necessary to re-impose all relevant conditions from the original consent, and these form part of the recommendation.

## **7. RECOMMENDATIONS**

- 1 A list of the approved plans
- 2 **Regulatory Condition:** The development, including any works of demolition, shall take place in strict accordance with the Construction Management Plan approved under application ref: DISC/20/0047.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of neighbouring occupants during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 3 **Regulatory Condition:** The development hereby permitted shall take place in strict accordance with the details of existing and proposed finished floor levels approved under application ref: DISC/20/0047.

Reason: To control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The development hereby permitted shall take place in strict accordance with the drainage strategy approved under application ref: DISC/20/0047.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The development hereby permitted shall take place in strict accordance with the tree protection details approved under application ref: DISC/20/0047. Furthermore, the following preliminaries shall be completed in the sequence set out below:

- All trees on the site shown for retention on drawings to be submitted, as well as those offsite whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Reason: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** The development hereby permitted shall take place in strict accordance with the schedule of materials approved under application ref: DISC/20/0047 on 19.05.2020.

Reason: In the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** The landscape scheme approved under application ref: DISC/20/0047 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).

- 8 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the parking turning and access facilities shall be implemented in accordance with the approved details as shown on plan 2840/700A and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted the screening for the new dwelling shall be implemented place in strict accordance with the relevant details approved under application ref: DISC/20/0047.

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).

- 10 **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 north-eastern flank wall or roof-slope of the garage of the development without express planning consent from the Local Planning Authority first being obtained.

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

- 11 **Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).