



TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 20th June 2023

DEVELOPMENT: Erection of a detached carport and log store and the creation of new access to the highway (Part Retrospective).

SITE: Ebbsworth Cottage The Street Nutbourne West Sussex RH20 2HE

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/23/0339

APPLICANT: **Name:** Mr Tristin Lambeth **Address:** Ebbsworth Cottage The Street Nutbourne West Sussex RH20 2HE

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 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 The application seeks planning permission for the erection of a detached carport and log store together with the creation of a new access to the highway. The frontage of the site originally had elevated vegetation lining right up against the narrow rural road with a brick wall, this has since been removed and access / enabling works have taken place to create an area of hardstanding on the site. The application is therefore part-retrospective. The new proposed car port building is a single storey, two car parking bay construction with an approximate depth of 6.4m, an approximate length of 6.5m and an overall height of 6m.

DESCRIPTION OF THE SITE

1.3 The application site relates to a grade II listed two-storey building located to the north of The Street, Nutbourne. The application site is located within a conservation area and is on a narrow section of the highway with no through route. The site is outside of a Built-Up Area Boundary and as such is a countryside location. The dwelling benefits from a garden curtilage extending to the west, north and east of the dwelling and the dwelling sits on the southern boundary with the highway.

- 1.4 Ebbsworth Cottage is a Grade II Listed Building that sits immediately adjacent to the road but at right angles to it. The building is described in the listing as a; 'Restored Grade II C17 or earlier timber-framed building with plaster infilling, ground floor and north end of the first floor rebuilt in stone rubble with red brick dressings and quoins. Thatched roof. Casement windows. One blocked original window with wooden mullions behind. Two storeys. Four windows. The building is located to the north of The Street within Nutbourne, an unclassified settlement which is described in the Village Design Statement (VDS) as being a small linear rural hamlet dominated by surrounding farmland.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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 25- Strategic Policy: The Natural Environment and Landscape Character

Policy 26- Strategic Policy: Countryside Protection

Policy 28- Replacement Dwellings and House Extensions in the Countryside

Policy 31- Green Infrastructure and Biodiversity

Policy 32- Strategic Policy: The Quality of New Development

Policy 33- Development Principles

Policy 34- Cultural and Heritage Assets

2.5 RELEVANT NEIGHBOURHOOD PLAN

- 2.6 The Pulborough Neighbourhood Plan is currently in progress but has not yet been Made.

2.7 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/2802	Erection of a two-bed annexe building providing ancillary residential accommodation in place of a previously demolished annexe building (Retrospective).	Under consideration
DC/20/1972	Erection of a detached double garage and a bin and log store.	Application Permitted on 27.01.2021
DC/19/2532	Erection of a single storey rear extension, external and internal alterations and replacement of roof covering with plain hand made clay tiles (Householder)	Application Permitted on 27.02.2020
DC/19/2533	Erection of a single storey rear extension, external and internal alterations and replacement of roof covering with plain hand made clay tiles (Listed Building Consent)	Application Permitted on 27.02.2020
PL/33/72	Complete internal modernisation, small addition, re-roofing and other refurbishing of structure and erection of garage	Application Permitted on 25.04.1972

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 Compliance:** In December 2022, a complaint was received stating that the garage that formed part of application DC/20/1972, was in the process of being built but not in accordance with the agreed plans. Contact was made with the property owner and no further work continued after making them aware of the investigation.
- 3.3 An unannounced site visit was conducted on Wednesday 4th January 2023, confirming the structure was approximately 5 metres too close to cottage itself and too large both in width and length. A further site visit was conducted on Thursday 9th February 2023, with the site engineer, architect and structural engineer. Advice was given around the garage structure, and they were again informed that the structure in its current form was not acceptable nor would be supported. A retrospective application was invited but changes needed and the structure to differ from that of DC/20/1972.
- 3.4 **HDC Conservation:** Comment. This property has been subject to several enforcement visits regarding work being undertaken that has gone beyond those alterations granted consent. The background to this application is that a garage was permitted in 1972 as part of a number of alterations. This garage was not built but the permission was deemed to be extant. Rather than build the permitted garage, which was a flat roofed, utilitarian design, the owners sought permission for an alternative which would respect the setting of the listed building. This was granted under DC/20/1972.
- 3.5 The current proposal for a car port follows partial construction of a garage which is positioned several metres closer to the listed building than previously permitted under DC/20/1972. The impact of the structure, to the setting of the listed building, when moved closer to the listed building will be greater than the impact if the structure was built where it has been permitted. This impact will be harmful, albeit less than substantial, and at the lower end of that scale. This is due to the visual impact of the car port partially concealing the listed building when viewed from The Street and beginning to crowd the cottage in its setting. Paragraph 202 of the NPPF states that any harm should be weighed against the public benefits of the proposal. The applicant has not made a case for any public benefit but the Council may take into consideration the fact that if the garage were to be built in the location it was permitted, this would have consequences for the stability of the steeply sloping ground to the west of the car port location, potentially undermining the garden of the neighbouring property and destabilising the north side of The Street.
- 3.6 It should be pointed out that the applicant should have sought advice before building the structure in a different location and closer to the listed building. Simply using the fact that the ground levels would not permit the building of the garage in the permitted location is not justification for moving the structure closer to the listed building. In seeking to minimise the harm of the car port in this closer location the structure has a more open form to allow views through the building towards the cottage. Although it is not unusual for a village dwelling to have an ancillary building in close proximity (Long Platt is one such example in the village) in this case it will be a conspicuous change in the street scene which will result in less than substantial harm to the setting of the listed building. Satisfied that the scale, design and detailing are acceptable in principle with the harm arising from the location and proximity to the listed building. The impact to the character of the conservation area will be neutral as the car port will not fail to preserve the character of the conservation area.

3.7 **Natural England:** Standing Advice:-

3.8 It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

3.9 To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

3.10 **West Sussex Highway Authority:** No Objection. The applicant proposes a new vehicular access from The Street, to serve the proposed car port. The principle of the use of an access in this location was permitted for application DC/20/1972 and as such, some weight is given in respect of this. However, the LHA would request that maximum achievable visibility splays be demonstrated, taken from a 2m setback distance, and drawn to the nearside carriageway in both directions, within as much land as is under control from the applicant. This is to ensure that adequate visibility can be maintained in perpetuity for the proposed access.

3.11 The applicant proposes a carport, which from inspection of the plans appears suitably sized to accommodate two cars. On-site turning does not appear achievable, so vehicles may have to exit the site in a reverse gear. However, this is not anticipated to lead to an adverse highway safety impact, owing to the low speed and lightly trafficked nature of The Street in this location.

3.12 The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

OUTSIDE AGENCIES

3.13 **Pulborough Parish Council Comments:** No objection as long as the hard standing is of a permeable nature.

PUBLIC CONSULTATIONS

3.14 16 letters of representation have been received objecting to the application for the following reasons:

- The outbuilding is incorrectly sited to the wrong position
- The scale and mass of the carport is too large
- The development has not sympathised with the Listed Building or the Conservation Area
- Destruction of the original front wall
- Negative impact on the surrounding area
- Carport sited too close to the Listed Building
- Removal of vegetation
- The retrospective location for the carport dominates the frontage of the site

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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 Planning permission was granted in 2021 for the erection of a detached double garage and a bin and log store, ref: DC/20/1972. As part of a subsequent investigation by the Council's Compliance Team, it emerged that the garage had been sited closer to the related dwelling and was larger than the approved scheme. As part of this investigation it was advised (to the Council) that the permission could not be implemented in accordance with the agreed plans due to issues relating to ground levels and the stability of steeply sloping ground to the west of the site.
- 6.2 This current application is seeking consent to regularise the access and enabling works which have taken place and for the erection of a garage / log store which would differ in design and siting from that previously approved and that commenced on the site.

Character and Appearance

- 6.3 Policy 28 of the Horsham District Planning Framework (HDPF) relates to house extensions and garaging in the countryside and seeks to ensure they can be accommodated appropriately within the curtilage of the existing dwelling and are not disproportionate in relation to the existing.
- 6.4 Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development 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. Policy 34 of the HDPF relates to cultural and heritage assets, and requires, inter alia, that development reinforce the special character of the historic environment, through appropriate siting, scale, form and design.

- 6.5 The development would be contained within the existing curtilage and while re-sited in comparison to the preceding permission, ref: DC/20/1972, would be reflective of the scale of outbuildings found in the surrounding area. It is not unusual for village dwellings to feature ancillary buildings in close proximity, and the wider visual impact on the character and appearance of the Conservation Area would be neutral. It is therefore considered that the key impact of the proposal derives from the relationship between the proposed car port and the listed cottage.
- 6.6 Paragraph 199 of the NPPF (2021) states that 'when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'. Paragraph 200 continues to state that 'any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or from development within its setting), should require clear and convincing justification'.
- 6.7 The NPPF also states (at paragraph 201) that 'where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent', and that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' (paragraph 202). The National Planning Practice Guidance states that, in general terms, substantial harm is a high test and may not arise in many cases.
- 6.8 The scale and siting of the car port does not prevent an appreciation or understanding of the principal listed building. Its siting, and the resulting close proximity between buildings, would though create a sense of 'crowding' the cottage and would therefore impact on its setting. It is considered that this relationship between the car port and cottage would result in less than substantial harm on the setting of the listed building, with this harm at the lower end of the scale. While the impact of the proposed car port on the setting of the listed building is greater (than the impact which would have resulted had the structure been built where it was originally approved) it does not though follow as a matter of course that the resulting impact is such that planning permission must be refused for the current scheme. It must therefore be considered, as set out in 6.7 (above), whether the identified less than substantial harm is outweighed by any public benefit of the proposal.
- 6.9 The Council's Conservation Officer has advised that consideration of public benefit could derive from the *'fact that if the garage were to be built in the location it was permitted, this would have consequences for the stability of the steeply sloping ground to the west of the car port location.....potentially undermining the garden of the neighbouring property and destabilising the north side of The Street'*. It is also acknowledged that in response to concerns arising from the proximity of the car port to the listed cottage, the proposed design comprises a more open structure than was previously approved, with this approach retaining some semblance of views towards the cottage and considered to be an improvement over the previous planning permission on the site. In this regard it is also noted that a historic permission on the site entailed a flat roofed garage and this permission could still be implemented (ref: PL/33/72), with the current application representing an improved form and design from which some public benefit would derive.
- 6.10 It is considered that the degree of harm which would result from the scheme, being less than substantial and at the lower end of this scale, is such that the public benefit identified above would outweigh the identified impact on the setting of the listed cottage. The design of the car port is appropriate to the locality and would preserve the character and appearance of the wider Conservation Area. For the reasons set out it is considered that the proposal would accord with relevant local and national planning policies.

Impact on Neighbouring Amenity

- 6.11 Policy 33 of the HDPF 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.
- 6.12 It is considered that the siting and layout of the proposed extension and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways

- 6.13 The siting of the proposed carport would allow parked vehicles to pull off the highway and there would be no obstruction to vehicular movements along The Street. The Highway Authority has advised that it does not anticipate the development to lead to an adverse highway safety impact, owing to the low speed and lightly trafficked nature of The Street in this location. In these circumstances it is considered that access and egress associated with the proposal would not be expected to create highway safety issues or have a severe impact on the highway network.

Water Neutrality

- 6.14 There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

- 6.15 The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following conditions:

1 A List of the Approved Plans

- 2 **Pre-Commencement Condition:** No further development above ground floor slab level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority. The development shall not be executed other than in complete accordance with these approved details:

- a) Specification of brickwork, including material, colour, texture, face bond, components of the mortar, and jointing/pointing profile.
- b) Samples or specifications of external materials and surface finishes.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance, and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 3 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development 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 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 all 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).

- 4 **Regulatory Condition:** The new roof junctions at ridge, hips, eaves and verges shall be built to reflect traditional detailing including exposed rafter feet, cut verges, bonnet hip tiles and hogs back or half round ridge tiles.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** All new and replacement rainwater goods shall be cast iron or cast aluminium.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).