



TO: Planning Committee South
BY: Head of Development and Building Control
DATE: 19th September 2023
DEVELOPMENT: Erection of a new wooden summer house.
SITE: Cedars Byre, Parbrook, Billingshurst, West Sussex, RH14 9ES
WARD: Billingshurst
APPLICATION: DC/23/0651
APPLICANT: **Name:** Mr Richard Bateman **Address:** Cedars Byre Parbrook
Billingshurst West Sussex RH14 9ES

REASON FOR INCLUSION ON THE AGENDA: The application has been made by a Council Member or an officer or a member of their immediate family.

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 The application is for the erection of a new wooden summer house within the rear garden of the property, for purposes incidental to the main dwellinghouse. The proposed summerhouse would be located close to the northern boundary of the property.

DESCRIPTION OF THE SITE

- 1.2 Cedars Byre is a detached two-storey dwelling located within the built-up area of Billingshurst. The dwelling is a recent construction having been granted planning permission in 2012. The property sits within the original front/side garden to the adjacent Grade II listed dwelling known as The Cedars. Access to both The Cedars and the application site is via a shared driveway off Stane Street. A Yew tree subject to a Tree Preservation Order sits in the northwest corner of the site. Permitted development rights for extensions and outbuildings to Cedars Byre were removed by condition when the dwelling was granted planning permission.

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:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

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

Billingshurst Parish Neighbourhood Plan (2021)

Policy BILL 2: Housing Design and Character

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/12/0521	Detached 3-bed dwelling together with detached double garage on land to the east of Cedars Farmhouse (Full Planning)	Application Permitted on 13.11.2012
DC/12/0522	Detached 3-bed dwelling together with detached double garage on land to the east of Cedars Farmhouse (Listed Building Consent)	Application Permitted on 13.11.2012
DC/20/0469	Partial conversion of an existing detached double garage with first floor store room to form a single garage, ground floor office/study space and first floor snug/bedroom and bathroom.	Application Permitted on 01.05.2020

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

HDC Arboriculture: Comment

There are no significant concerns with how the existing structure will be removed or the possible removal of the Poplar tree. However, according to the site notes from when the Yew tree was protected in 2018, it had a stem diameter of 1088cm, which gives it a Root Protection Area (RPA) of 13.5m in all directions. If the block plan is accurate, the new summerhouse would be sited 10.75m from the Yew, within its RPA. Development within the RPA is undesirable, and I would recommend that the summer house be moved 2.5m to the east to avoid the RPA of the Yew. Alternatively, a condition is recommended requiring details of the foundations of the summer to protect the root system of the tree.

- 3.2 **Billingshurst Parish Council:** No objection

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

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

- The visual amenities of the area
- The setting of the adjacent Grade II listed building
- The amenities of the occupiers of adjacent properties
- Trees and landscaping

Design and Character

- 6.2 Policy 32 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building and adjoining neighbouring properties.
- 6.3 Policy 33 states amongst other criteria that extensions should have regard to their natural and built surroundings in terms of their design, scale, and character.
- 6.4 Policy 34 requires development to, amongst others, reinforce the special character of the district's historic environment through the appropriate siting, scale, form and design; including the use of traditional materials and techniques; and retain and improve the setting of heritage assets. This policy reflects the statutory requirement to have special regard to preserving listed buildings and their settings. This is reflected in Chapter 16 of the NPPF which requires that great weight be given to conservation of designated heritage assets.
- 6.5 Planning permission is sought for the erection of a new wooden summer house, for purposes incidental to the main dwellinghouse. The summer house would measure approximately 4m x 3m internally, with a maximum height of approximately 2.67m. Along the northern boundary of the site is an existing 3m wall which would mitigate views of the summerhouse from neighbouring amenities at the rear.
- 6.6 The summerhouse would be made of timber cladding, with a single ply membrane roof. These materials are considered appropriate for the surroundings. The proposal would be a clearly subservient addition, considered of a design, form and scale which is appropriate to the character and appearance of the existing dwelling, and which would not harm the character or appearance of the wider area or the setting of the adjacent listed building.

- 6.7 The application states that the existing shed on the site, which is located immediately west of the proposed summerhouse, is to be removed. Given the size of the garden and the location of both structures close to the tall north boundary wall, it is not considered that the removal of this shed is necessary to be able to support the proposal for the summerhouse, therefore no conditions requiring the removal of the shed are recommended.
- 6.8 It is therefore considered that the visual impact of the proposal is acceptable and would accord with Policies 32, 33 and 34 of the HDPF (2015).

Impact on Amenity

- 6.9 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.
- 6.10 It is not considered that the location of the summer house would have detrimental harm on neighbouring amenity. There remains significant distance between the summerhouse and the rear of the neighbours closest to the north. Furthermore, an existing 3m wall sits on the boundary between neighbours so 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.

Impact on Trees and Landscaping

- 6.11 There is a Tree Preservation Order for a Yew tree on the site, which has been in place since 2018. This tree has a Root Protection Area (RPA) of 13.5m. The proposed summerhouse would be erected some 10.75m away from the Yew, which is towards the edge of its RPA. The comments from the HDC Arboriculture Officer are acknowledged, and while it is noted that the positioning of the summerhouse partially within the RPA is stated to be undesirable, the applicant comments that it would not be practical to move the summerhouse further away as there is a change in level with a retaining wall. Having regard to the comments of the HDC Arboriculture officer, in this instance given the modest scale of the summerhouse at the outer edge of a small part of the tree's otherwise large RPA, it is not considered that the position of the summer house would give rise to a detrimental impact on the integrity or longevity of the protected Yew tree.
- 6.12 The existing shed which sits considerably closer to the protected tree will be taken down by hand to ensure the protection of the tree. As the applicant is unwilling to move the proposed summer house outside the RPA, the Council's Arboriculturist has commented that a condition should be imposed requiring details of the foundations of the summer house. The Arboriculturist has commented that the applicant has two options. The most cost effective option would be to build a low raised wooden deck and place the summer house on this or they would need to use a screw pile foundation system where the development falls within the RPA of the TPO Yew tree. These details can be secured by condition.

Water Neutrality

- 6.13 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 Overall, the proposed wooden summerhouse is appropriately designed and scaled, would not harm the setting of the adjacent listed building or the nearby protected Yew tree, and would be used for purposes incidental to the main dwellinghouse. The proposal is considered acceptable on amenity grounds and as such, the application is considered to be in accordance with Policies 32, 33 and 34 of the Horsham District Planning Framework (2015).

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below.

Conditions:

- 1 **Approved Plans**
- 2 **Standard Time Condition:** The development hereby permitted shall begin 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 Condition:** Notwithstanding previously submitted information, no development shall commence including ground clearance, or bringing equipment, machinery or materials onto the site, until the following information and preliminaries have been completed in the sequence set out below:
 - Details submitted to and approved in writing by the Local Planning Authority of the proposed above ground foundation to be used for the development
The development shall take place in accordance with the approved details and in the manner set out above.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 4 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 5 **Regulatory Condition:** The outbuilding hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of the residential property at Cedars Byre, Parbrook, Billingshurst, RH14 9SE (as identified on the approved plans) and shall not be used as a separate unit of accommodation and/or for any commercial purpose.

Reason: The establishment of an additional independent unit of accommodation and/or commercial use or any other use(s) would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).