



TO: Planning Committee

BY: Head of Development and Building Control

DATE: 01 August 2023

DEVELOPMENT: Conversion of existing garage into habitable space and removal of fence along part of West boundary (Part-Retrospective).

SITE: 13 Nelson Road Horsham West Sussex RH12 2JE

WARD: Trafalgar

APPLICATION: DC/23/0324

APPLICANT: **Name:** Mrs P Bhuvanandran **Address:** 13 Nelson Road Horsham West Sussex RH12 2JE

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

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application is for the part-retrospective conversion of the integral garage into habitable space, and the removal of the fence along part of the west boundary. The application is part-retrospective, as the garage was converted in January 2023.

DESCRIPTION OF THE SITE

- 1.3 13 Nelson Road comprises a two-storey end of terrace dwelling located within the north part of Horsham and situated on the corner of Nelson Road and Milton Road. The dwelling is located within the built-up area of Horsham.

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 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

2.5 **Horsham Blueprint Business Neighbourhood Plan (2019-2036):**

Policy HB3: Character of Development

Policy HB3: Design of Development

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.6 None relevant.

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 Arboriculture (Initial Response dated 03.05.2023):** Comment

The car parking proposal requires the removal of two small ornamental trees and associated shrubs that are planted in a row, immediately inside the existing close board fence boundary with Milton Road. The vegetation provides a buffer that is currently of positive benefit to both the home owners and the surrounding landscape.

The trees are visible above the fencing providing good public amenity value due to their visual significance within a comparatively harsh, hard urban environment that has no planned space for soft landscaping in the road itself. The loss of the trees will have a negative impact on the visual amenity of the street-scene.

The trees have historically been pruned to maintain a reduced crown form appropriate to the relatively limited space between built form and associated infrastructure that they occupy. Due to their species, size and form they are of domestic scale only with a relatively short, safe useful life expectancy. Regrettably, the trees are not of a species, form or condition that warrants their longer-term statutory protection.

3.3 **HDC Arboriculture (Subsequent Response dated 17.05.2023):** No further comments

OUTSIDE AGENCIES

3.4 **WSCC Highways (Initial Response dated 30.03.2023):** Comment

The site is accessed from Milton Road, an unclassified road subject to speed restriction of 30mph. This application is retrospective, with the works having commenced on 10.01.2023.

The applicant proposes to convert an existing garage to home office. The proposed works are not anticipated to give rise to a material intensification of movements to or from the site.

Replacement parking provision is proposed to the rear of the site, accessed via an existing dropped kerb. From inspection of WSCC mapping, there are no apparent visibility issues with the proposed point of access on to Milton Road. The applicant proposes one car parking space, which from inspection of the plans appears suitably sized

On-site turning does not appear achievable, so a car may have to exit the site in a reverse gear. However, this is not anticipated to lead to an adverse highway safety impact in this location. Nearby property on Milton Road operates similar across arrangements with no known highway safety concerns.

In summary, the Local Highways Authority 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.

3.5 **WSCC Highways (Subsequent Response dated 19.05.2023):** Comment

Following an inspection of the amended plans, the changes appear very minor and as such, the Local Highway Authority's previous comments remain valid. The LPA are advised to refer to the LHAs previous consultation response, dated 30/03/2023, for relevant comments.

3.6 **Natural England: (Standing Advice)**

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.

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.

3.7 **Trafalgar Neighbourhood Council:** No response received

PUBLIC CONSULTATIONS

3.8 A total of 24 letters of objection were received from 14 separate householders during two separate consultations periods. These representations can be summarised as follows:

- Impact on access and parking on Milton Road
- Loss of roadside parking spaces on Milton Road
- Cause hazards to other vehicle road users and pedestrians
- Unpleasant for the residents whose back gardens border the proposed car space
- Negative impact on the environment with the loss of trees
- Difficult parking arrangement that would be worsened
- Should have retained original garage
- Difficult turning and manoeuvring

- Loss of general amenity and impact on pleasantness and attractiveness
- Insufficient parking and turning space down Milton Lane

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 application relates to the conversion of the garage into habitable space and the removal of a fence to the rear of the property to accommodate an off-street parking space. The works to convert the garage were undertaken in January 2023 and the development is therefore part-retrospective.

- 6.2 The application dwelling is subject of condition 4 of planning approval reference HU/223/81 which states the following:

"Notwithstanding the provisions of the Town and Country Planning General Development Orders 1977-81 the garages and car spaces shown on the submitted plan shall be reserved solely for parking purposes and no work shall be undertaken for their conversion to habitable accommodation."

- 6.3 The conversion of the garage to habitable space therefore requires the benefit of planning permission, which this part-retrospective application seeks.

Design and Appearance

- 6.4 Policies 32 and 33 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.

- 6.5 Policy HB3, Character of Development of the Horsham Blueprint Business Neighbourhood plan states that – *"Development is expected to preserve and enhance the Character Area in which it is located. The design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the Plan area."*

Innovation in design will be supported, however, where this demonstrably enhances the quality of the built form in a character area”.

- 6.6 The existing garage was not a key element of the buildings character or appearance with the proposed materials and proportions of new brickwork, window, and door, designed to integrate and reflect the existing building. It is considered that this approach ensures an appropriate appearance in keeping with the existing building and wider surrounds. The conversion creates habitable space for use as an office. There is evidence of other garage conversions within the immediate surroundings and so the visual impact of the proposal is considered acceptable and would accord with the above policies.
- 6.7 The proposal also seeks to remove a fence panel (approximately 2.8m in length) on the west boundary in order to accommodate access to a proposed off-street parking space. The fence is not considered to be of great visual amenity and so its removal is not considered harmful. It is proposed to erect fencing around the perimeter of the proposed off-street parking space, where this would match the existing.
- 6.8 Overall, the proposed garage conversion is appropriately designed in relation to the main dwellinghouse and surroundings, with evidence of similar conversions within the immediate vicinity. The proposed removal of the fence would not have a harmful impact on the appearance of the street scene. It is therefore considered that the works would not have a detrimental impact on the appearance of the house or wider area. With the above in mind, the proposal is considered to accord with Policies 32 and 33 of the HDPF in terms of its design, layout, and appearance.

Impact on Neighbouring 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 There are a number of examples of garage conversions within the locality, with the conversion to habitable space and the installation of a window and door not considered to result in harm through overlooking, loss of privacy or loss of natural light.
- 6.11 It is recognised that concerns have been raised within the objections to the impact the parking space would have on the neighbouring properties to the rear, specifically regarding noise and disturbance generated by vehicle movements. The proposed arrangement of the site, with the incorporation of parking to the rear, would not be unusual within a residential context, with the associated movements and activity anticipated to be no greater than what would be expected within a residential area. It is not therefore considered that the resulting off-street parking space would result in harm to justify a reason for refusal.
- 6.12 The conversion of the garage, would have little impact on amenity, as there are many examples of similar conversions in Nelson Road. Furthermore, the removal of the fence panel and resulting provision of an off-street parking space would not have a detrimental impact on the amenities of neighbouring properties. The proposal is therefore considered to accord with Policy 33 of the HDPF.

Impact on Parking Provision

- 6.13 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. The proposed development would be served by a new access point.
- 6.14 Nelson Road is a 'D' classified road which is subject of no parking restrictions. It is recognised that on-street parking takes place on both sides of the road and this is the case

for a number of nearby streets within the locality. The properties within the locality rely upon on-street parking, where the area suffers from parking pressure.

- 6.15 Condition 4 of planning approval HU/223/81 sought to retain the integral garage for parking purposes only, where the conversion of the garage has resulted in a loss of this single parking space. It is however noted that this parking space is insufficiently sized to accommodate a modern sized car.
- 6.15 The proposal seeks to overcome the loss of the parking space through the provision of an off-street parking space to the rear. This would be adequately sized to accommodate a vehicle, where no concerns have been raised by WSCC Highways. While recognised that on-site turning would not be achievable, the Local Highways Authority does not anticipate that this would lead to an adverse highway safety impact. It is noted that nearby properties on Milton Road operate with similar access arrangements with no known highway safety concerns.
- 6.16 It is recognised that a number of objections have been received concerning the loss of on-street parking resulting from the provision of an off-street parking space at the property. Concerns have also been raised regarding potential highway safety impacts and hazards to road users and pedestrians. However, the Local Planning Authority do not consider that the proposal would give rise to a material intensification of movements to or from the site, nor consider that the proposal would adversely impact highway safety. It is not therefore considered that a reason for refusal on highway safety grounds could be substantiated.
- 6.17 The application site benefits from an existing dropped kerb to the rear of the site, with permitted development rights remaining intact for the provision of hardstanding within the curtilage of the dwelling. The creation of the off-road parking space itself does not therefore require planning permission. The provision of the off-street parking space would however offset the loss of the parking space resulting from the conversion of the garage, and the proposed development would not therefore further exacerbate parking pressure within the locality. For these reasons, it is not considered that a refusal on the grounds of loss of parking could be substantiated.
- 6.16 The proposed development is not anticipated to lead to an adverse highway safety impact in the location. The development would therefore accord with Policies 40 and 41 of the HDPF.

Impact on Trees and Landscaping

- 6.17 The HDC Arboriculture Officer noted that the proposal would require the removal of two small ornamental trees which sit close to the boundary fence with Milton Road and have positive benefit to the surrounding landscape. While it is noted that the removal of these trees may have a negative impact on the visual amenities of the street scene, they are of a domestic scale with only a relatively short, safe useful life expectancy and therefore are not of a species, form or condition that would warrant their longer-term statutory protection.
- 6.18 While the loss of these trees is unfortunate, these trees are not protected and could be removed without the need for formal consent. The benefit of providing an off-street parking space considered to result in benefits that would outweigh the loss of the trees. It is therefore considered on balance that the loss of the trees would be acceptable in this circumstance.

Water Neutrality

- 6.19 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

- 6.20 Overall, the conversion of the integral garage and removal of fence panel on west boundary, given the nature of the development and limited impact on the existing dwelling and wider surroundings, is not anticipated to result in a level of harm that is considered unacceptable. The application is therefore considered to be in accordance with Policy 32, 33 and 41 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

- 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 **Regulatory Condition:** The materials and finishes of fencing hereby permitted shall match in type, colour and texture that of the existing fencing.

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

Background Papers:
DC/23/0324