

Report to	<b>Planning Committee</b>
Date	<b>20 June 2023</b>
By	<b>Director of Planning</b>
Application Number	<b>SDNP/21/06423/HOUS</b>
Applicant	<b>c/o Whaleback Planning &amp; Design Mr and Mrs Morey</b>
Application	<b>Erection of part single and part two storey extension, reinstatement of front porch and construction of a detached carport and store.</b>
Address	<b>9 Rackham Street Rackham RH20 2EX</b>

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**Recommendation:** That the application be **Approved** subject to the conditions set out in paragraph 10.1 of this report.

## Executive Summary

The main issues for consideration in respect of the application are:

- The principle of development
- The impact of the proposed development on landscape character
- The impact of the proposed development on the amenities of neighbouring occupiers

The application is placed before the Planning Committee due to the number of letters of representation received.

### 1. Site Description

- 1.1 The application site is located on the western side of Rackham Street. The site comprises a detached dwelling situated on a generous plot within a rural location.
- 1.2 The application site is located in the countryside. The site does not fall within a Conservation Area and is not a Listed Building.

### 2. Relevant Planning History

SDNP/14/04858/HOUS	Proposed two storey side extension with balcony	Application Permitted on 07.11.2014
PR/05/03	Single and 2-storey extensions and porch	Application Permitted on 22.07.2003

### 3. Proposal

- 3.1 The proposal seeks planning permission for the erection of part single and part two storey extension, reinstatement of a front porch and construction of a detached carport and store. Amended plans to alter the scheme have been received following the initial consultation and feedback, changes have been made to the single storey timber clad element, to be replaced with a more traditional extension, sporting a pitch roof as opposed to a flat roof extension.

### 4. Consultations

- 4.1 Parish Council Consultee
- 4.2 Parham Parish Council raised no objection to this application.

### 5. Representations

- 5.1 There was 7 no. registered objection received during the neighbour consultation process. The following concerns were raised:
  - Out of character
  - Oversized in street scene
  - Large expanse of glass
  - Carport located out of alignment with existing dwelling
  - Already existing garage on site new car port unnecessary
  - No planning permission for the conversion garage store area to habitation / office area
  - Strong possibility of light pollution
  - Dominate and overbearing to the surrounding
  - Carport overbearing to road
  - Flat roofed extensions are alien
  - Balconies intrusive to neighbouring properties
  - Traditional clay tiles unable to be laid on low pitched roof
  - Carport located on prominent position
  - Existing garage rarely used
  - Timber cladding and glass are inappropriate to the rural setting

- Change the character and appearance of the local settlement
- Fail to preserve original character
- Does not conserve and enhance the natural landscape
- No justification for carport
- Size and material not in keeping with the characteristic of the hamlet
- Balconies would be visible on the public footpath
- Carport detract from the street view
- Result in doubling the size of existing dwelling
- Scale and bulk not preserve overall character
- Exceed 30% allowance set out in policy SD31
- Visually distracting and unsatisfactory building which does not sit well in the surrounding
- Design's incongruous, lacks symmetry and the geometry of the gable ends, flat balconies and hotchpotch of fenestration sizes and styles creates a muddled appearance
- Inappropriate use of materials
- Timber cladding appears unattractive and exacerbates the cluttered and confused impression created by the variation in ridge lines and window types
- Adverse effect on local landscape
- Incongruous bulky design and the materials proposed

5.2 A re-consultation on amended plans was sent out on the 4<sup>th</sup> of September 2023, the re-consultation received 6 letters of objection and the following comments were made:

- Insignificant changes made as such objection still stands
- Development still exceeds 30% allowance
- Overdevelopment of the site
- Scale and massing will result in bulky building
- Design and proposed materials will be prominent addition
- Adversely affect views of neighbouring properties
- Dark skies
- The buildings will appear incongruous in the village
- Building will be highly visible
- Development will affect residential amenity of neighbouring properties

5.3 There was 1 no. support received during the neighbour consultation process. The following comments were made:

- Suggested changes have no negative impact on the surrounding area
- Will be a massive improvement to the current house
- Would improve local housing for young people

## 6. **Planning Policy**

6.1 Relevant Sections of National Planning Policy Framework:

- NPPF02 - Achieving sustainable development
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

6.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1)

- SD5: Design
- SD31: Extensions to Existing Dwellings and Provisions of Annexes and Outbuildings

## Planning Assessment

### Principle of development

- 6.3 Policy SD1 of the Submission South Downs Local Plan (2019) provides a presumption in favour of sustainable development. The Local Planning Authority will consider the cumulative impacts of development, and refuse permission where development adversely influences the landscape, natural beauty, biodiversity and cultural heritage of the National Park. Exceptions are identified, however, where development results in demonstrable benefit that significantly outweighs relevant harm, and there is substantial compliance with other policies of the emerging local plan.
- 7.2 It is considered that the existing policy basis would provide no restriction on the principle of residential extension within a countryside location, subject to other material considerations relating to design, scale and appearance, landscape character, relationship with neighbouring occupiers and parking provision.

### Scale, Design and Appearance:

- 7.3 Policy SD5 of the Submission South Downs Local Plan (2019), stipulates that development will only be permitted that respects the local landscape character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area.
- 7.4 Policy SD31 of the Submission South Downs Local Plan (2019) states that householder extensions, and the provision of annexes and outbuildings will be permitted where:
- The proposal does not increase the floorspace of the existing dwelling by more than approximately<sup>1</sup> 30% unless there are exceptional circumstances;
  - The proposal respects the established character of the local area; and
  - The proposal is not overbearing or of a form which would be detrimental to the amenity of nearby residents by virtue of a loss of light and/or privacy
- 7.5 The application relates to a detached dwelling with 3 bedrooms which would be considered a small to medium dwelling. The application relates to extensions to the main dwelling which would result in the creation of an additional bedroom. The proposal would represent an increase in floorspace of approximately 32% in comparison to the dwelling as currently existing on the site.
- 7.6 The dwelling as currently existing has though been previously extended under application ref: PR/05/03. The above policy applies to the cumulative increase in a dwelling since 2002 and therefore the floorspace created PR/05/03 must also be taken into account. The combined total of all post-2002 extensions (i.e. taking into account PR/05/03 and the extensions proposed by this current application) would represent an increase in the floorspace of the original dwelling of approximately 90%. This level of increase would be contrary to the above policy.
- 7.7 The Planning Act states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application site previously benefited from an extant planning permission for a two-storey side extension granted under application ref: SDNP/14/04858/HOUS. This permission was granted prior to the adoption of the current South Downs Local Plan, at a time when the development plan did not include the above policy. There is a building control application Ref SBC/17/2347, which confirms that works were commenced on this permission, with footings for the extension undertaken on *the 9<sup>th</sup>/10<sup>th</sup> November 2017 (the planning permission would otherwise have lapsed on 14<sup>th</sup> November 2017)*. This means that the previous permission can still be implemented given works have commenced, and this is a material consideration in the assessment of this application.
- 7.8 This extant permission represents a more than theoretical fallback position for the applicant were this current application to be refused, and the permission represents a material consideration in the determination of this application. The extant permission represents an increase in the

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<sup>1</sup> Existing dwelling is defined as the residential unit that existed on 18<sup>th</sup> December 2002 for the purposes of policy SD31.

floorspace of the dwelling (as existing in 2002) of approximately 88%, i.e. 2% smaller than the current proposal.

- 7.9 On the basis that the site benefits from an extant planning permission of a comparable scale to that now proposed, it is considered that refusal of the current application would not be warranted, as this would likely result in implementation of the extant permission, and therefore the same outcome. It is considered that the difference in scale between the extant permission and current proposal is negligible, and there are no reasons why it would be preferable for the extant permission to be implemented in place of the current proposal. For the above reasons it is considered the material considerations identified would outweigh the policy conflict set out above.
- 7.10 Policy SD5 of the SDLP (2019) aims to maintain a landscape led approach to design, through sensitive and high-quality design that makes a positive contribution to the overall character and appearance of an area. Development *inter alia*, will be required to complement landscape character, contribute to local distinctiveness and incorporate architectural design appropriate to its setting in terms of height, massing, density, roof form and relevant detailing.
- 7.11 The proposed extensions would re-configure the main dwelling and enlarge the existing formation to create a full height two storey dwelling. The hipped roof of the proposed side extension against the gable face of the main roof would create a unified relationship with the host dwelling. The use of the mono-pitch roof on the first-floor side extensions whilst modern to the original dwelling does not display a disjointed addition as to warrant a refusal. Similarly, the mono-pitched roof above the proposed single storey side extension would integrate the existing dwelling and would maintain the traditional look from the front of the property overlooking the public realm. The modern addition will be contained to the rear allowing for subtle changes to the overall aesthetics out of the wider public view.
- 7.12 The use of timber cladding against the brick and stone façade combined with the expanse of glazing whilst divergent to the original structure does not appear incongruous and detrimental to the character of the main dwelling. It is not considered that the proposal would result in an adverse visual impact created by the size, design or introduction of new external materials.
- 7.13 It is acknowledged that the application site already benefits from an existing detached garage with the provision to accommodate 2 no. vehicles. Whilst the carport would be situated on a prominent location adjacent to the street scene, it is considered that the overall size of the development plot it is not unusual nor out of character for the erection of an additional carport. The proposed carport would not appear a dominant feature detrimental to character of the street scene.

#### Amenity

- 7.14 Policy SD31 of the SDLP (2019) requires proposals to not be overbearing or of a form which would be detrimental to the amenity of nearby residents by virtue of loss of light and/or privacy.
- 7.15 The proposed two storey side extensions would include balconies on the north and south elevations. It is considered that these balconies would have not have an impact to the northern and southern neighbouring properties as the neighbouring properties are set at a decent distance and are projected forward to their individual plots as such there is no loss of privacy envisaged.

#### Dark Skies

- 7.16 Policy SD8 of the SDLP (2019) provides that development will be permitted that conserves and enhances the intrinsic quality of dark night skies and the integrity of the Dark Sky Core. Development must demonstrate that all opportunities to reduce light pollution have been taken, including the avoidance of unnecessary lighting and appropriate mitigation where unavoidable.
- 7.17 The application site is located within Dark Skies Zone E0 where large areas of the skies can be classified as intrinsically dark.
- 7.18 The proposal would include additional glazing at ground floor level and introduce a series of

fenestrations at first floor level. In reviewing these additions it is not considered that the proposed side extension would create any more significant additional light spillage that already exists within the property and as such would not be in contrary to policy SD8 of the SDLP (2019).

#### Water Neutrality

- 7.19 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 holiday unit 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.

#### Biodiversity and Ecosystem Services;

- 7.20 Policy SD9 of the SDLP provides that development will be permitted which conserves and enhances biodiversity and geodiversity with particular regard to ecological networks and areas with high potential for habitat restoration and/or creation. Policy SD10 relates to International Sites, stating that development on greenfield sites (within specified conservation area distances) will require an appraisal as to its impact on protected species.
- 7.21 The proposal would not result in the loss of any linked habitat, being contained within the established residential curtilage. It is considered that the nature and siting of the proposal is such that there would be no adverse impact on protected species or habitat.
- 7.22 Policy SD2 of the SDLP provides that development will be permitted that secures an overall positive impact on the ability of natural environment to contribute goods and services. Development should incorporate high quality design and deliver opportunities to sustainably manage the use of resources, mitigate/increase resilience to the impacts of climate change, improve public health and improve habitats and biodiversity.
- 7.23 The submission sets out that the proposal would include the installation of bat and bird boxes, planting of native pollinator friendly planting and use of rainwater harvesting (for outdoor use). These measures are considered proportionate to the scale of the development and are sufficient to ensure compliance with the above policy.

## **8 Conclusion**

- 8.1 The presence of a realistic fallback permission for an extension of a comparable size to that proposed by this current application represents a material consideration in the determination of this current application, and is considered to outweigh the policy conflict identified in respect of SD31. The proposed extensions are considered to be of an acceptable scale, form, design and appearance that would be appropriate to the host dwelling and the character of its wider built surroundings. The proposal would not be considered to result in any adverse impact on the local landscape character, or the amenities of neighbouring occupiers. Sufficient off-street parking would be provided to satisfy the calculated parking demand for the application property, with no wider impact on highway operation anticipated. The proposal is, therefore, considered compliant with the relevant policies of the current local development plan, emerging local development plan and emerging neighbourhood plan and is recommended for approval, subject to the conditions listed below.

## **Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area.

4. The carport hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 9 Rackham Street, Rackham (as identified on the approved plans), and shall not be used for any other purpose(s) without the prior express consent of the Local Planning Authority.

Reason: The use for any other purpose may result in a more intensive occupation necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, and in the interest of neighbouring amenity.

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Appendices Appendix I - Information concerning consideration of applications before committee

SDNPA Consultees

Background Documents

## **Appendix I – Information concerning consideration of applications before committee**

Officers can confirm that the following have been taken into consideration when assessing the application:-

### **National Park Purposes**

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster

the economic and social wellbeing of the local community in pursuit of these purposes.

### **National Planning Policy Framework and the Vision & Circular 2010**

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

### **Major Development**

Paragraph 177 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 177 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 177 is undertaken in the Assessment Section of the main report.

### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

### **The Conservation of Habitats and Species Regulations 2017**

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

### **Relationship of the Development Plan to the NPPF and Circular 2010**

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered to be compliant with it.

### **The South Downs National Park Partnership Management Plan 2019-2025**

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.



## **South Downs Local Plan**

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

### **All policies of the South Downs Local Plan which are of relevance to this application**

- Policy SD1 - Sustainable Development
- Policy SD2 - Ecosystem Services
- Policy SD4 - Landscape Character
- Policy SD5 - Design
- Policy SD8 - Dark Night Skies
- Policy SD9 – International Sites
- Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

## **Human Rights Implications**

These planning applications have been considered in light of statute and case law and any interference with an individual’s human rights is considered to be proportionate to the aims sought to be realised.

## **Equality Act 2010**

Due regard has been taken within this application of the South Downs National Park Authority’s equality duty as contained within the Equality Act 2010.

## **Crime and Disorder Implication**

It is considered that the proposal does not raise any crime and disorder implications

## **Community Infrastructure Levy**

**IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.**