



TO: Planning Committee

BY: Head of Development

DATE: 05 September 2017

DEVELOPMENT: Erection of 2 x two storey, 1 x single storey dwellings and detached single garage with associated parking/hardstanding (involving demolition of existing bungalow).

SITE: Vivians North Heath Lane Horsham West Sussex RH12 5PQ

WARD: Holbrook East

APPLICATION: DC/17/1458

APPLICANT: **Name:** Broughtonwood Homes **Address:** c/o OSP Architecture, Broadmede House, Farnham Business Park, Weydon Lane, Farnham

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation have been received contrary to the Officer's recommendation.

RECOMMENDATION: To grant planning permission, subject to conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the erection of three new dwellings, comprising two detached four bedroom two-storey dwellings and one detached two bedroom bungalow (involving the demolition of the existing detached bungalow). Plot 1 would include an attached garage to the northern side elevation of the dwelling, and would be served by a new access from North Heath Lane. Plot 2 would include an attached garage to the southern elevation; plot 3 would include a detached hipped roof single garage to the west of the site – both sites would be served by the existing access, and access to neighbouring properties to the rear would be maintained.

DESCRIPTION OF THE SITE

- 1.2 The application relates to a generous plot on the south-eastern side of North Heath Lane, hosting a detached bungalow to the north-east of the site and a shared access to Honor Oak and Grey Walls. The site is raised slightly above street level, sloping down to the street, and up to the boundary to the north-east, and is bound by foliage to the boundary to the street, including a mix of timber fence and hedging to the sides. The surrounding area is predominantly suburban in character, composed of a mix of detached and terraced dwellings of varying ages and styles.

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:

NPPF4 - Promoting sustainable transport

NPPF7 - Requiring good design

NPPF14 - Presumption in favour of sustainable development

Horsham District Planning Framework (HDPF 2015)

HDPF1 - Strategic Policy: Sustainable Development

HDPF2 - Strategic Policy: Strategic Development

HDPF3 - Strategic Policy: Development Hierarchy

HDPF15 - Housing Provision

HDPF16 - Meeting Local Housing Needs

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF40 - Sustainable Transport

HDPF41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

2.2 North Horsham Neighbourhood Planning Document (Regulation 5 and 6)

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/12/0650	Erection of a detached dwelling	Application Refused on 31.05.2012 (DISMISSED ON APPEAL)
DC/11/2482	Erection of a detached dwelling	Application Refused on 20.01.2012 (DISMISSED ON APPEAL)
NH/175/98	Retention of fence Site: Vivians North Heath Lane Horsham	Application Permitted on 08.12.1998
HR/185/68	Garage. (From old Planning History)	Application Permitted on 29.11.1968
HR/194/65	Renewal of permission for concrete garage. (From old Planning History)	Application Permitted on 14.01.1966
HR/146/64	Attic store room, and entrance hall. (From old Planning History)	Application Permitted on 16.10.1964
HR/73/63	Proposed erection of concrete garage. (From old Planning History)	Application Permitted on 14.06.1963
HR/64/60	Erection of one bungalow. (From old Planning History)	Application Permitted on 13.06.1960

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 **Arboricultural Officer** – The proposed garage and drive way would be within the root protection area of the nearby sycamore tree (protected by TPO), in which the current level of submitted information would not make it possible to support the application.

OUTSIDE AGENCIES

- 3.3 **WSCC Highways** – No objection. The Local Highway Authority does not consider that the proposal would have a 'severe' impact on the operation of the highway network, and that there are no transport grounds to resist the proposal.
- 3.4 **Southern Water** – No objection.

PUBLIC CONSULTATIONS

- 3.5 **North Horsham Parish Council** - Objection on the grounds of unsafe access with insufficient sight lines which could lead to other highways issues. The Committee considers that there is insufficient detail on the levels surrounding the property and the effect they will have on the site and neighbouring properties.
- 3.6 Eleven letters of representation have been received objecting to the proposal on the following grounds:
- Inappropriate design
 - Unsafe (new) access to Plot 1
 - Increased traffic following completion of the development
 - Overdevelopment on site
 - Loss of privacy
 - Loss of light
 - Adverse impact on trees and vegetation on the site
 - Increased noise and smells from neighbours

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

- 6.1 It is considered that the principle issues in the determination of the application are:
- a) Principle of the Development
 - b) Visual Impact and Appearance
 - c) Impact on Neighbouring Amenity
 - d) Highways and Parking

Principle of the Development

- 6.2 Policies 3 and 4 of the Horsham District Planning Framework state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. Development within the build-up area boundaries is accepted in principle, and that appropriate development, including infilling, within the built-up areas will be prioritised. Horsham, as the main town within the district, has a large range of services and facilities, strong community networks including local employment provision, and good rail/bus services. The scale of the development is appropriate to the scale and character of the settlement and is therefore acceptable in principle, subject to detailed considerations.
- 6.3 It is noted that the site has a history of failed attempts for the erection of a new dwelling to the southern boundary of the site, both applications of which were subsequently dismissed at appeal. The refused schemes included the erection of a four bedroom two-storey detached dwelling in a similar location to the proposed bungalow, and were dismissed for a tightly confined site on backland, which was poorly located, cramped, un-coordinated, and would have had a detrimental impact on neighbouring amenity. Whilst the applications were both dismissed for the above reasons, the principle of the proposal was not resisted, in which the visual impact and impact on neighbouring amenity will be assessed for the current proposal. The current scheme proposes to demolish the existing dwelling on site and redevelop a larger area, thus accommodating the additional two dwellings and providing a more suitable arrangement. In addition to this, the siting of the previously proposed two-storey dwelling (referenced under DC/12/0650 and DC/11/2482) has been significantly reduced in scale to a bungalow, thus reducing any perceived bulk to the site on the boundary, and overcoming and previous impact of overlooking from first floor accommodation.

Visual Impact and Appearance

- 6.4 Policy 32 of the Horsham District Planning Framework states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the Horsham District Planning Framework states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.5 The application proposes the erection of three new dwellings on the site in place of a detached bungalow on a generous plot. The dwellings would be formed of two detached four bedroom two-storey dwellings, and one detached two bedroom bungalow. The existing access to the site would be maintained as the access to plot 2 and 3, and for the neighbouring dwellings to the rear of the site, and a new access would be created for plot 1, which would open on to North Heath Lane. The proposed dwellings would be sited 6-16m from the boundary to the highway, and would be separated adequately between each other, and at least 14m from the nearest existing residential dwellings.
- 6.6 The proposed built form would be noticeably increased from the existing arrangement on the site, in which the proposed dwellings would feature a contemporary Sussex design with a mix of pitched and half-hipped roofs, with tile hanging and open gables. The surrounding area is composed of detached and terraced dwellings of varying design and styling of a mid-twentieth century vernacular – whilst the proposal does not attempt to directly replicate this style, the submitted design detail cohabit with the variation within the wider surrounding area. The layout of the scheme attempts to reflect the neighbouring built pattern, which would be sufficiently set back from the road with soft landscaping, and the retention of the green boundary along the frontage. Overall, this approach is considered broadly acceptable and would not conflict with policies 32 and 33 of the Horsham District Planning Framework.

Impact on Neighbouring Amenity

- 6.7 Policy 33 of the Horsham District Planning Framework 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.
- 6.8 The proposed dwellings would be sited in a parallel fashion perpendicular to North Heath Lane, in which plots 1 and 2 would be separated at a distance of 2.5m from each other, and plots 2 and 3 separated at 7m. The proposed window arrangement to each dwelling would be sympathetic with this arrangement, in which windows to the side elevations of the dwellings serve a first floor bathroom (plot 1), which would likely be obscurely glazed, and a window serving a garage at ground floor level (plot 2). Given the proposed building line, there would be a degree of mutual overlooking, mainly to plots 1 and 2, which would be expected for residential development within the built up area. Each plot would also have reasonable grounds to the front and rear curtilage to serve as private amenity space.
- 6.9 In regards to the impact on existing neighbouring dwellings; plot 1 would be sited approximately 1m further to the north than the existing arrangement, set at a distance of 14m to the nearest neighbours at Nos. 6 and 7 Wain End. The northern elevation of the proposed dwelling would not include any windows at first or ground floor level, with the exception of one window serving the dining room of a rear projection, set further from the neighbour. To the rear, facing Honor Oak, windows serving the living areas and bedrooms would face the neighbouring property at 17.5m at ground floor level and 20.5m at first floor. Given the absence of windows to the northern elevation, coupled with the separation distance to the neighbour to the rear, the proposed arrangement would not adversely impact on neighbours by way of overlooking. Further to this, given the separation distance to the existing neighbouring dwellings, and despite the increase in height compared to the existing bungalow, the proposed dwelling would not adversely impact on neighbours by way of overshadowing.
- 6.10 Plot 2 would be set some 2.1m from the side elevation of the nearest neighbouring dwelling, Honor Oak, in which the rear elevation facing the neighbour would host two bedroom windows and a window serving the landing. Given the separation distance to the neighbour to the rear, the proposed arrangement would not adversely impact on neighbours by way of overlooking. Further to this, given the separation distance to the existing neighbouring dwellings, the proposed dwelling would not adversely impact on neighbours by way of overshadowing.
- 6.11 Plot 3 would be sited in a similar location of the previously refused scheme. The dwelling would be set some 14.5m from the rear elevation of No. 1 Allcard Close, 19m from No. 2, and 19m from No. 8. Whilst the location of the proposed dwelling is similar to previous proposals, the proposed dwelling will comprise a bungalow, thus lacking any outlook from first floor windows. Any outlook from the proposed ground floor windows would be obscured by the shared boundary to the neighbours, and outlook to the garden curtilage would be mutual. Whilst there is currently no built form to this part of the site already, in which views from the neighbours are limited to Vivians, the presence of the views to the bungalow roof from the neighbours would not be considered detrimental to neighbouring visual amenities. Further to this, given the separation distance to the existing neighbouring dwellings, the proposed dwelling would not adversely impact on neighbours by way of overshadowing.
- 6.12 No impact by way of overshadowing or overlooking is expected from the proposed dwellings in relation to the neighbouring terrace (Nos. 1-17 North Heath Lane) given the generous separation distance in excess of 27.5m.
- 6.13 Notwithstanding the above considerations, a condition is proposed to be attached to any grant of planning permission; removing the dwellings' permitted development rights relating

to Classes B and C (roof alterations). This will control any potential future development of the proposed dwellings, as any further development without the Local Planning Authority's Control may lead to an adverse impact on neighbouring amenity. With this and the above in mind, the proposed dwellings are not considered to adversely impact on neighbouring amenity, and is therefore considered in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6.14 It is noted that one neighbour objected on the grounds of smells omitting from the kitchen of the proposed bungalow (plot 3). Given the setting of the existing and proposed dwellings within an established residential area, the siting of the bungalow in relation to its neighbours is not considered to adversely impact on neighbouring residential amenity on these grounds.

Highways and Parking

- 6.15 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.
- 6.16 Visibility from both accesses appears sufficient to serve the proposed dwellings. Consideration is given to the low vehicular speeds in this location, the presence of a school safety zone to the north of the accesses lowers the speed limit to 20mph during school peak hours. This, along with the road layout, seeks to ensure vehicular speeds are low at times when there is a higher pedestrian presence along this road. Once implemented, both accesses are required to be kept free of obstructions within the visibility splays which exceed 0.6m in height, this is in order to maximise visibility for both cars and pedestrians.
- 6.17 The existing access to the site will be widened to 4.1m in order to allow two vehicles to pass into/out of the site without causing traffic to queue on the street. The parking allocation is in accordance with the demand from the West Sussex County Council PDC (Parking Demand Calculator) in which the car parking provision is anticipated to satisfy the likely demands. The proposed parking layout for this development is considered acceptable, and would suitably cater for an average size vehicle. The proposed garage spaces allows space for cycle parking to be incorporated within the garage and promotes a more sustainable method of transportation for shorter journeys. Space is available within the site for vehicles to turn and egress the site in a forward gear. There are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective, proposal for an additional two dwellings will not have a severe residual impact.
- 6.18 The proposed dwellings are situated within walking distance of a regular bus service which calls along North Heath Road; these allow travel to Gatwick Airport and into Horsham. Horsham railway station is situated an 18 minute walk from the development and provides connections to London and Brighton for commuters. Cycle parking can be accommodated for within the garage spaces provided and offer an alternative method of transportation for commuters. Shops and Amenities are situated within Horsham centre and are reachable by the above modes of transportation. With this and the above in mind, the proposal is considered to accord with Policies 40 and 41 of the Horsham District Planning Framework.

Other Issues

- 6.19 It is noted that the proposed garage and driveway serving the proposed bungalow (plot 3) would be within the root protection area of the adjacent sycamore tree close to the boundary of the site, which is protected by TPO (TPO/1438). The Arboricultural Officer's

comments are acknowledged; however, the construction of the bungalow itself is not considered to result in any detrimental harm to the tree. With regards to the garage and drive, it is considered that further detail relating to their construction would likely overcome in material issues regarding any perceived harm to the protected trees – as such, a condition is attached to ensure that further information is submitted prior to the commencement of development.

Conclusion

- 6.20 The proposed dwellings are considered acceptable in principle, which would be of an adequate scale and design for the proposal site and the wider surrounding area. The dwellings would not amount to any adverse impact on neighbouring amenity, detrimental to the enjoyment of the existing arrangement, and would not cause any material harm to the highway. As such, the proposal is considered in accordance with the Horsham District Planning Framework, subject to the attached conditions and informative.

7. RECOMMENDATIONS

- 7.1 That the application be approved, subject to the following conditions:

- 2 **Standard Time Condition:** The development hereby permitted shall be begun 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:** No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

- 4 **Pre-Commencement Condition:** No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety.

- 5 **Pre-Commencement Condition:** No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

- 6 **Pre-Commencement Condition:** No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

- 7 **Pre-Commencement Condition:** Within six months of the implementation of the development, maximum achievable visibility splays shall be provided at both of the site accesses onto North Heath Lane in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety.

- 8 **Pre-Commencement Condition:** Notwithstanding previously submitted drawings, prior to the commencement of the construction of the proposed bungalow and the associated drive and detached garage (plot 3), detailed drawings of their foundations and footings below ground level shall be submitted to and approved in writing by the Local Planning Authority, and shall be undertaken in accordance with the approved details.

Reason: to protect the future health and amenity of the adjoining trees.

- 9 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail 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).

- 10 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape 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. 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).

- 11 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied until the windows at first floor level serving the bathrooms/WC and En Suite(s) to the south and east elevations on Plan P103 have been fitted with obscured glazing. No part of the windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

Reason: To protect the privacy of the neighbouring dwellings in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied until the windows at first floor level serving the bathrooms/WC and En Suite(s) to the west elevation on Plan P106 have been fitted with obscured glazing. No part of the windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

Reason: To protect the privacy of the neighbouring dwellings in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied until the windows at ground floor level serving the bathrooms/WC and En Suite(s) to the west and east elevations on Plan P109 have been fitted with obscured glazing. No part of the windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

Reason: To protect the privacy of the neighbouring dwellings in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 15 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes B and C of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

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

INFORMATIVES:

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.co.uk/planning/applications/paperforms

Positive and Proactive Statement

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Minor Highway Works

The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

Southern Water

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Background Papers: DC/17/1458