



**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 6 March 2018

**DEVELOPMENT:** Variation of Condition 1 to previously approved application DC/15/2493 (Erection of three two storey houses). Minor material amendments to facilitate alterations to approved site layout and approved designs.

**SITE:** Micklepage Nuthurst Street Nuthurst West Sussex

**WARD:** Nuthurst

**APPLICATION:** DC/17/2524

**APPLICANT:** **Name:** C/O Agent **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 representations received with a view contrary to the officer recommendation

**RECOMMENDATION:** To grant planning permission

**1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

- 1.1 The current application seeks a minor-material amendment to the approved plans under reference DC/15/2493, with alterations to the form and footprint of the dwellings approved as part of that previous permission. These alterations primarily relate to the overall built form of the dwellings and alterations to the internal layout of the ground and first floors.
- 1.2 There is no statutory definition of a 'minor-material amendment' but is usually considered to include amendments where nature results in a development that is not substantially different from the one that has been approved. Very minor changes are considered as part of a 'non-material amendment application'; given the extent of the changes undertaken to the approved scheme, it was considered that these were significant enough to alter the appearance and scale, and therefore not 'non-material' in nature. However, the development as built remains of the same nature as that previously approved, and can be considered under a 'minor-material amendment'.
- 1.3 These alterations have altered the footprint of the dwellings, with a slight enlargement to the north-east and south-west elevations, with an alteration to the southern elevation to encompass a projection that measures to a width of 7.1m (in lieu of the approved sunroom and porch), and an overhang provided over the front entrance to the northern elevation. The development as built has also increased the roof height of the front projection, which now

extends to a height of 6.5m (an increase of approximately 1.4m), with the addition of a hipped roof dormer to the northern elevation, and a hipped roof dormer to the southern elevation. The roof height of the main building has though stayed the same from the original permission. These alterations have also encompassed internal alterations to the layout at both ground and first floor, albeit that the dwellings are retained as 3-bed chalet bungalows, as detailed on the submitted plans. The number of bedrooms is discussed in more detail within the body of the report.

## DESCRIPTION OF THE SITE

- 1.4 The application site comprises a paddock within the countryside outside of any defined settlement. The site lies to the east of Nuthurst Street and to the south of an existing private access which serves adjoining development to the north and east.
- 1.5 The immediate surrounding area is characterised by linear residential development along Nuthurst Street, with the wider surrounding area predominantly rural in character.

## 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:

#### 2.2 **National Planning Policy Framework**

#### 2.3 **Horsham District Planning Framework (HDPF 2015)**

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

#### 2.5 **Nuthurst Parish Neighbourhood Plan 2015-2031**

- Policy 1 – A Spatial Plan
- Policy 7 – Land at Micklepage Leigh, Nuthurst
- Policy 10 – Housing Design

### PARISH DESIGN STATEMENT

- 2.6 Nuthurst Parish Statement (2017)

#### 2.7 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/15/2493

Erection of three two storey houses

Application Permitted on  
10.06.2016

## ENFORCEMENT HISTORY

- 2.8 The application was submitted to the Council following a compliance investigation (reference EN/17/0502) which alleged that the development had not been built in accordance with the approved plans.
- 2.9 A site visit was undertaken in October 2017. On this visit it was identified that the development was not being constructed in accordance with the approved plans. It was noted that the principle of the development had already been established through the approval of planning application DC/15/2493, therefore the planning breaches related to the design and scale of the building.

## 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](http://www.horsham.gov.uk)

### INTERNAL CONSULTATIONS

- 3.2 **Building Control:** The approved plan subject of DC/15/2493 shows a roof room with skylight window and an end gable window, with the room appearing to be plasterboarded. Given this, the room would not have been a standard attic loft space, but would have been capable of being used as habitable accommodation. For this reason it is considered that the previously approved roof room would have been capable of accommodating a small bedroom.

### OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection

### PUBLIC CONSULTATIONS

- 3.4 **Nuthurst Parish Council:** Objection on the following grounds:-

- Increase in massing resulting in intrusive and overbearing dwellings
- Out of character with the locality
- Significant alterations to fenestration and insertion of dormer windows
- Overlooking caused by additional dormer windows
- Increased number of bedrooms not in compliance with Neighbourhood Plan policy
- Does not correspond with local housing need
- Does not reflect the linear pattern of development
- Impact on Listed Building caused by relocation of dwellings closer to access track
- Scale, density, and mass do not reflect the surrounding properties
- Loss of car parking caused by relocation of dwellings closer to access track
- Greater massing and volume of the dwellings
- Realignment detracts from the street scene and character of the locality
- Development starting contrary to conditions

- 3.5 **Public Representations:** A total of 190 letters of objection were received by 46 separate households, and these can be summarised as follows:-

- Alterations are not “minor” in nature
- The size and type of housing provided conflicts with the Nuthurst Parish Neighbourhood Plan

- Inclusion of large dormer to southern elevation result in overlooking and loss of privacy
- Proposed development undermines the Nuthurst Parish Neighbourhood Plan
- The dwellings are too large and intrusive within the locality
- Limited off-road parking provided to each dwelling
- Accommodation provides in excess of 3-bedrooms
- The height of the dwellings have been raised to accommodate additional habitable rooms
- Out of character with the village, and has an urbanising effect on the rural character
- The straight build line detract from the rural setting
- Setting of precedent for future development

#### **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 The application seeks a minor-material amendment to the development approved under reference DC/15/2493 following alterations to the approved scheme as built.

##### **Principle of Development**

- 6.2 The application site is located within a cluster of dwellings on Nuthurst Street, south of the main village of Nuthurst. The site, and surrounding area, falls outside of a defined settlement boundary, and is considered in policy terms to be within a countryside location.
- 6.3 Policy 3 of the Horsham District Planning Framework (HDPF) identifies a settlement hierarchy. Nuthurst is not identified within this hierarchy and therefore falls within the tier “unclassified settlements”, which are described as settlements with few or no facilities, or social networks and limited accessibility that are reliant on other villages and towns to meet the needs of residents.
- 6.4 Policy 4 of the HDPF states that outside of built-up area boundaries, the expansion of settlements will be supported where amongst other criteria, the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge. The Nuthurst Parish Neighbourhood Plan allocates the application site, through Policy 7, for residential development.
- 6.5 Policy 7 of the made Nuthurst Parish Neighbourhood Plan (NPNP) states that *“the residential development of 0.3 Ha of land at Micklepape Leigh, Nuthurst Street, Nuthurst, as shown on the Policies Map, will be permitted provided that:*
- the scheme comprises primarily 2 and 3 bedroom houses or bungalows;*
  - access is made to the scheme from the existing lane serving Micklepape Leigh with the access lane widened at the entrance to Nuthurst Street to allow two cars to pass;*  
*and*

iii. *the scheme layout and access ensure the entrances to the houses from the access land bridge the drainage ditch at the side of the lane.*”

- 6.6 Paragraph 4.30 of the NPNP provides guidance in respect of Policy 7, and this states *“the site is best suited to moderately sized houses or bungalows (of no more than two storeys) rather than larger houses.”*
- 6.7 A previous planning approval under reference DC/15/2493 was approved on 10.06.2016, which sought consent for a development comprising three 3-bed detached bungalows with additional accommodation within the roofspace. This application was considered to reflect the extent of the allocation within the Neighbourhood Plan, with the proposed nature and scale of the development considered to comply with Policy 7 of the NPNP and Policy 4 of the HDPF.
- 6.8 The current application seeks minor-material amendments to the approved plans under reference DC/15/2493, with alterations to the siting, form and footprint of the dwellings approved. These alterations primarily relate to the overall built form of the dwellings with alterations to the internal layout of the ground and first floors.
- 6.9 Over the course of the application, amended plans were received which have removed the 2 no. first floor dormers to the western elevation of each dwelling, with the addition of a single roof light as previously approved. This amendment retains the ‘roof room’ as originally approved, albeit at a slightly larger floor area. Given these amendments, each dwelling would consist of a 3-bed chalet style bungalow with roof room, a similar level of accommodation to that previously approved.
- 6.10 It is noted that a number of objections have been received stating that the proposed accommodation, comprising 3 no. bedrooms and a roof room would not comply with the requirements of Policy 7 of the NPNP. Specifically, concern has been raised in respect of the use of the potential use of the roof room as a bedroom.
- 6.11 The previous planning approval under reference DC/15/2493 consisted of 3 no. 3-bed dwellings within an additional room within the roof space. In consultation with HDC Building Control it has been confirmed that this room would have been capable of being used as habitable accommodation, providing appropriate head height to allow its use as a bedroom. In particular, it was noted that the room would have been serviced by a rooflight and appears to be plasterboarded, and as such would not have been considered as standard attic space, but capable as use for habitable accommodation.
- 6.12 Notwithstanding the alterations to the design, form, footprint and siting of the dwellings, the level of accommodation proposed remains the same as that previously approved. It is acknowledged that the scheme as built provides a larger roof room than previously approved, with a greater full head height, however, given the level of accommodation provided subject of the original approval, it is not considered that the level of accommodation has materially changed.
- 6.13 In addition, it is acknowledged that the previous approval removed permitted development rights subject of Condition 2. Given the wording of Policy 7 of the NPNP and the evidence base contributing to the policy, it is considered reasonable to control future development on the site through a similarly worded condition. As such, a condition removing permitted development rights under Classes A, B and F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) is recommended.
- 6.14 Whilst the proposal has resulted in a larger built form than previously approved, following the amendments, the proposal seeks permission for three 3-bed chalet style bungalows, with a similar footprint to that previously approved. As determined by Policy 7 of the NPNP, the

proposed scheme would comprise 3 no. 3-bedroom bungalows of no more than two storeys, with a roof room which would be capable of providing habitable accommodation. As such, the development as built is considered to adhere to the requirements as specified within Policy 7 of the NPNP.

- 6.15 The proposed scheme is considered to reflect the extent of the allocation within the Neighbourhood Plan, with the scale and nature of the proposal considered to accord with Policy 7 of the NPNP and Policy 4 of the HDPF.

### **Character and appearance of the dwellings**

- 6.16 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.17 Policy 10 of the NPNP states that the scale, density, massing, height, landscape design, layout and materials of all development proposals will be required to reflect the architectural and historic character and scale of surrounding buildings.
- 6.18 The proposal relates to minor-material amendments to the built form and appearance of the dwellings, as approved under reference DC/15/2493. These alterations have altered the footprint of the dwellings, with a slight enlargement to the north-east and south-west elevations, with an alteration to the southern elevation to encompass a single storey projection that measures to a width of 7.1m (in lieu of the approved sunroom and porch), and an overhang provided over the front entrance to the northern elevation. The development as built has also increased the roof height of the front projection, which now extends to a height of 6.5m, with the addition of a hipped roof dormer to the northern elevation, and a hipped roof dormer to the southern elevation. These alterations have also encompassed internal alterations to the layout at both ground and first floor, albeit that the dwellings are retained as 3-bed chalet bungalows (with roof room).
- 6.19 The locality is characterised by an eclectic built form which incorporates a mixed material palette, with the surrounding residential dwellings built at varying set-backs facing the street. These dwellings are positioned to the front of elongated plots, and consist primarily of single storey and chalet bungalows.
- 6.20 Policy 7 of the NPNP states under part *iii*. that *“the scheme layout and access ensure the entrances to the houses from the access land bridge the drainage ditch at the side of the lane”*. As stated within the Committee Report for the previous application, whilst the orientation of the proposed dwellings, set at a right angle to the street, would juxtapose the surrounding residential development which fronts the highway, it is noted that this layout is a function of utilising the existing access road, as required by the Neighbourhood Plan Policy.
- 6.21 Whilst the alterations have increased the overall massing and bulk of the dwellings, the development still incorporates accommodation within the roofspace in the manner of a chalet bungalow. This approach accords with Policy 7 of the NPNP, with the built form still considered to be reflective of similar development within the locality.
- 6.22 It is acknowledged that the increased height of the front projection over the garage has increased the massing of the proposed dwellings; however, given the orientation and siting of the dwellings, which are oriented at 90 degrees to the public highway, this element sits further back in the site. As such, this increased height and massing is not considered to result in any further harm to the visual amenities of the street scene.

- 6.23 It is noted that a number of objections have been raised in respect of the altered orientation of the dwellings, which no longer consist of a staggered layout, with the dwellings as built, oriented to face the access drive, and built along a continuous build line.
- 6.24 The continuous build line of the dwellings, coupled with the orientation of the dwellings, is considered to correspond with the access drive, and is considered to sit appropriately within the context of the site and the wider development pattern. Given the relationship between the site and the public highway, it is not considered that the proposed orientation and layout would result in any further intrusion on the visual amenities of the street scene than accepted by the previous scheme, with only limited and oblique views of the development possible from the public highway.
- 6.25 The proposed dwellings, at the slightly enlarged footprint, are considered to sit comfortably within the site, with the proposed amenity space considered appropriate. The dwellings are considered comparable in size to surrounding residential development, and are considered to be of a scale, massing, and design that reflects and relates sympathetically to the wider locality.
- 6.26 The development is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015) and Policies 7 and 10 of the Nuthurst Parish Neighbourhood Plan.

#### **Amenities of neighbouring properties and occupiers of land**

- 6.27 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.28 The principle of residential development on the site was approved under planning reference DC/15/2493. It was considered that the proposed dwellings would be of a sufficient distance from neighbouring properties to prevent any harmful loss of light or outlook to adjoining window openings and outdoor amenity space. It was noted that the orientation of the proposed dwellings would create additional overlooking toward the adjoining property to the south, primarily from the central dwelling (House 2). However, it was recognised that there would be approximately 32m between the proposed first floor window opening and the northern boundary of this southern property, with the separation marked by an access to an adjoining paddock and an intermittent line of trees. It was considered that this arrangement would be sufficient to ensure that the resulting views would not be unduly harmful or intrusive.
- 6.29 The development as built has re-sited the proposed dwellings further toward the access drive, with the built form incorporating an additional opening to the southern elevation, in the form of a first floor dormer window. The first floor dormer window to Plot 1 is proposed to be obscure-glazed in order to address potential overlooking and loss of privacy to the neighbouring property of Winthrift.
- 6.30 A number of objections have been raised in respect of potential overlooking and loss of privacy caused by the alterations to the approved dwellings. These concerns primarily relate to the introduction of an additional first floor dormer to the southern elevation. Whilst it is acknowledged that this would result in further overlooking to the neighbouring property to the south, the use of obscure glazing to this window of Plot 1 is considered to mitigate the potential for overlooking and the resulting harm. Therefore, subject to the imposition of an appropriately worded condition requiring this obscure-glazing to be retained in perpetuity, the introduction of such window is considered acceptable.
- 6.31 The conditions of the site have not changed since the previous approval, with the approximate 32m distance between the boundary and the neighbouring property of Winthrift and the site, and the intermittent tree line, considered to mitigate potential outlook. As such,

the alterations subject of this application are not considered to result in any further harm to the amenities of neighbouring properties than that originally approved.

- 6.32 As such, the proposed development is not considered to result in harm to the amenities of sensitivities of the neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

### **Existing Parking and Traffic Conditions**

- 6.33 Policy 41 states that development should provide safe and adequate access and parking, suitable for all users.
- 6.34 The development would be accessed from the existing road which serves adjoining dwellings to the east of the site. This arrangement accords with the provisions within Policy 7 of the NPNP.
- 6.35 The principle of the access arrangements, as well as parking provision, was approved under planning reference DC/15/2493, where it was considered that sufficient on-site parking for vehicles and cycles was available for each dwelling.
- 6.36 The conditions of the application and public highway have not changed since the previous application, with no alterations proposed to the access arrangements. As such, it is considered that the access and parking provision is acceptable, subject to the imposition of conditions relating to visibility splays.

### **Conclusion**

- 6.37 The development as proposed is considered acceptable in principle, and is considered to accord with relevant national and local planning policies, including Policy 7 and 10 of the Nuthurst Parish Neighbourhood Plan.

## **7. RECOMMENDATIONS**

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

1 **A list of the approved plans**

- 2 **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).

- 3 **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 A B and F 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 amenity and due to the constraints of the site and relationship with adjoining properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The first floor dormer window to the eastern elevation of Plot 1 hereby permitted shall be obscure-glazed and non-opening. The obscured glazing and non-openable parts of this window shall be retained permanently thereafter.

Reason: To protect the privacy of the adjoining property of Winthrift, and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** No work for the implementation of the development hereby permitted shall be undertaken on the site except between 08.00 hours and 18.00 hours on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work shall be undertaken on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** No burning of materials in conjunction with the development shall take place on the site.

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