



TO: Planning Committee (North)
BY: Head of Development
DATE: 05 June 2018
DEVELOPMENT: Erection of new two storey attached dwelling
SITE: 20 Abbots Leigh Southwater Horsham West Sussex RH13 9HX
WARD: Southwater
APPLICATION: DC/17/2636
APPLICANT: **Name:** Mr D Kitson **Address:** 20 Abbots Leigh Southwater Horsham West Sussex RH13 9HX

REASON FOR INCLUSION ON THE AGENDA: More than Eight persons in different households have made a written representation, which disclose material considerations, are within the consultation period and are inconsistent with the officer's recommendation.

RECOMMENDATION: To grant Planning Permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the erection of a two storey 1-bed dwelling to the south of 20 Abbots Leigh, including associated access and parking.
- 1.2 The proposal would extend to a width of 4.1m and a depth of 8m, and would incorporate a pitched roof measuring to a total height of 7.2m to match the existing dwelling. The proposal would measure to a total footprint of 32.8sqm, and would sit within a curtilage of approximately 510sqm. The proposed dwelling would incorporate a mono-pitched roof to the front elevation, with tile hanging to the upper level, with a first floor secondary side window opening to the bedroom.
- 1.3 The proposed dwelling would incorporate a lounge, kitchen and w.c to the ground floor, with a bedroom and ensuite to the first floor.
- 1.4 The proposed development would provide 2 no. car parking spaces to the front of 20 Abbots Leigh (to be used by the existing dwelling) with 2 no. off-road car parking spaces provided to the front and rear/side of the proposed dwelling.

- 1.5 Over the course of the application, amendments were received to seek to address concerns which have been raised. These amendments include the relocation of the entrance door to the side (south) elevation; alteration to the proposed residential curtilage so that the curtilage of the new dwelling is positioned to the east of the existing detached garden building, and the Buffer Area remains within the ownership of 20 Abbots Leigh; and the relocation of the rear access path adjacent to the existing garden building (including the partial removal of the boundary hedging and brick wall/pier to the south).

DESCRIPTION OF THE SITE

- 1.5 The application site is positioned to the east of Abbots Leigh, bound by Turners Close to the south, and is located within the built-up area of Southwater.
- 1.6 The site is surrounded by a mix of detached and semi-detached two storey properties, most of which are positioned along a continuous build line set back from the public highway. A number of these properties include two storey side extensions, many of which extend up to the boundary of the property.
- 1.7 The direct neighbouring properties are positioned to the north of the application site, with detached properties positioned to the far east of the site, and the south of Turners Close which bounds the site to the south. The properties along Abbots Leigh are built in line with the application site, with the residential property of 1 Turners Close oriented at 90 degrees and positioned at a distance of approximately 28m from the rear elevation of the application dwelling.
- 1.8 The application site is bound by a brick wall and hedging to the southern elevation, with closeboarded fencing and hedging separating the neighbouring properties to the north and east.

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 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 41 - Parking

Supplementary Planning Guidance:

2.4 Southwater Design Statement 2011

RELEVANT NEIGHBOURHOOD PLAN

2.5 Southwater Parish Neighbourhood Development Plan was designated in June 2016.

PLANNING HISTORY AND RELEVANT APPLICATIONS

HR/205/83	Two storey extension comprising extension to third bedroom and lobby. (From old Planning History)	Application Permitted on 05.12.1983
DC/15/1934	Erection of a two storey side extension and replacement detached garage	Application Permitted on 12.10.2015

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 Landscape Architect:** No Objection: Improvements to reinstate the landscape buffer (to include planting and trees within the buffer area) could offset the visual impact of the development. This planting should be reflective of similar soft landscaping within the locality, with the proposed species reflective of similar elsewhere within the buffer area. Details of this planting should be submitted to the Council for agreement.

OUTSIDE AGENCIES

3.3 **WSCC Highways:** No Objection: Whilst the local concerns regarding additional on street parking is acknowledged, the number of off-road parking spaces proposed for the small scale development would provide sufficient parking for the scale and location of the development. It was noted that the existing vehicle crossover to the rear off Turners Close will provide access to a garage and space fronting this for the new dwelling; however, the garage does not appear to meet the required dimensions of 3m x 6m to be counted toward parking provision, and it is acknowledged that garaging is not always used for the storage of vehicles. The scheme has therefore been assessed on the basis of two spaces for the new dwelling and two spaces for the existing. It is not considered that the proposed development would result in a detrimental impact to the safe operation of the nearby road network, and the proposal could therefore not be substantiated as 'severe' with regards to highway safety and capacity.

3.4 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

3.6 **Southwater Parish Council:** Objection on the following grounds:

- Cramped and not in keeping with surroundings
- Overlooking to rear garden amenity space of adjacent properties
- Car parking to 20 Abbots Leigh is of an undesirable form
- Rear garage cannot be constructed due to ground levels

- Loss of amenity space to the front of 20 Abbots Leigh
- One bedroom property is undesirable and out of keeping with property types on the estate
- Location Plan does not accord with Land Registry details

3.7 111 letters of objection were received from 44 individual households. These raised the following concerns:

- Overdevelopment of site
- Out of character with the surrounding semi-detached properties
- Detract from pattern of development
- Overintensification of traffic and impact on parking issues
- Safety issues related to parking
- Represent a precedent for similar development
- Impact of restrictive covenant
- Level of hardstanding
- Location of bin storage
- Impact on rural nature of the immediate area
- Short and long-term impacts on neighbouring properties
- Impact on grass verge to south of application site
- Detrimental effect on the value of properties
- Increase in noise nuisance
- Impact on buffer area between Abbots Leigh and Turners Close
- Loss of landscaping and impact on biodiversity

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 full planning permission for the erection of a two storey 1-bed dwelling positioned to the south of 20 Abbots Leigh.

Principle of Development

6.2 Policy 3 of the HDPF states that "development will be permitted within towns and villages which have defined built-up areas. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement in accordance with the settlement hierarchy."

6.3 The application site is located within the defined built-up area of Southwater, and would result in a small infill to the south of the existing dwelling of 20 Abbots Leigh. Given the location of the site within the defined built-up area, the proposed development is considered acceptable in principle, subject to all other material considerations.

- 6.4 A previous planning approval under reference DC/15/1934 gave permission for the erection of a two storey side extension and replacement garage to the property. The current proposal is similar in bulk, scale and mass to the approved extension, with slight alterations to the southern elevation to facilitate a separate access for the new dwelling. Given the previous approval, the scale, form and mass of the addition is acceptable in principle; with the main issues concerning the use of the addition as a separate and independent dwelling.
- 6.5 It is acknowledged that a number of objections have been raised in respect of the provision of an end of terrace 1-bed dwelling. Policy 16 of the HDPF states that development should provide a mix of housing sizes, types and tenures to meet the needs of the district's communities. The proposed development is considered to result in an acceptable housing mix to meet the needs of the District, and is not considered to impact upon the established character of the locality.

Design and Appearance

- 6.6 Policies 32 and 33 promote development which is of high quality and design, and is sympathetic to the distinctiveness of the dwelling and surroundings. Development should protect, conserve and enhance the landscape character, taking account of the natural environment, landscape and landform pattern to which it forms a part.
- 6.7 The proposal would extend to a width of 4.1m and a depth of 8m, and would incorporate a pitched roof measuring to a total height of 7.2m to match the existing dwelling. The proposal would measure to a total footprint of 32.8sqm, and would sit within a curtilage of approximately 510sqm. The proposed dwelling would incorporate a mono-pitched roof to the front elevation, with tile hanging to the upper level, with a first floor secondary side window opening to the bedroom.
- 6.8 A number of properties within the locality include two storey side extensions which have extended the built form up to the boundary of the respective site. Examples of such development include 5, 9, 11, 17, and 18 Abbots Leigh, which incorporate first floor and two storey side extensions. In some instances, the proximity of the built form to the boundary has reduced the physical gaps and open views through the site, resulting in a terracing effect. The scale of these buildings, coupled with the proximity to one another has broadly eroded the physical and visual separation that defines the character of detached and semi-detached dwellings within the area.
- 6.9 The application site is positioned on a corner plot, and in contrast to many of the neighbouring properties, remains predominantly as originally built. The proposed addition is considered to be of a scale, size, and massing that would reflect similar extensions to dwellings in the street scene, albeit that it would be used as an independent residential dwelling. No alterations are proposed to the verge along the southern boundary of the application site, with slight alteration proposed to the frontage onto Abbots Leigh in order to accommodate additional hardstanding for parking. This hardstanding and parking provision is a recognised characteristic of the locality, so that the proposed alterations are considered appropriately reflective of the wider street scene.
- 6.10 It is acknowledged that there is an extant permission on the application site for a two storey side extension of similar form and appearance to that proposed, albeit with differences to the fenestration. The presence of this extant permission is a material consideration in the assessment of this scheme. Given this, the built form of the proposed development, within the context of the street, has been accepted by this previous approval.
- 6.11 It is noted that a number of objections have been received regarding the creation of a row of terraces should the application be permitted, which would not relate to the detached and semi-detached nature of the street. Whilst the proposal would result in the addition of a

dwelling to the south of the existing pair of semi-detached properties, following revisions to the front elevation, which has relocated the entrance door to the side, it is considered that the proposal would appear similar in scale and massing to surrounding properties, and would therefore visually appear as an extension to 20 Abbots Leigh. There can be no objection in principle to the creation of a row of terraced dwellings and in the absence of identified planning harm this cannot substantiate a reason for refusal.

- 6.12 A number of objections have also been received concerning the precedent the proposed development would create within the locality. Whilst recognised that other planning decisions are capable of being material considerations (on the basis that like cases should be decided in a consistent and like manner), it is not enough to have a general anxiety that the decision may be used in the future to justify other proposals. In order to support an objection on the grounds of precedent, there has to be sufficient evidence that there is a real likelihood that similar applications would be submitted, and that such applications would be harmful. Notwithstanding this, each proposal needs to be considered on its own individual merits, taking account of the particular circumstances of each site and proposal. At this stage, there is no evidence to suggest that similar developments are to come forward, and it is not considered that the proposed development would result in harm to the characteristics or function of the locality.
- 6.13 It is therefore considered that the proposed development reflects the scale, massing, and appearance of similar built form within the locality, and that of the approved extension, and is considered to relate sympathetically to the character and appearance of the site and surroundings, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts

- 6.14 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.15 The proposed dwelling would be built in line with the existing dwelling, and would extend to a width of 4.1m, set back from Turners Close by approximately 3.6m. The proposal would incorporate front and rear facing ground and first floor windows, with a first floor window facing south, serving as a secondary bedroom window.
- 6.16 The proposed dwelling would be positioned between approximately 20m and 25m from the neighbouring properties to the south and east respectively.
- 6.17 Given urban nature and character of the locality, a degree of mutual overlooking is usually anticipated and accepted. The proposed development is considered to provide acceptable spacing between the site and the neighbouring properties, and as such is not considered to result in harm to the amenities or sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.18 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.19 The existing front garden to 20 Abbots Leigh consists of hardstanding, with a single car parking space positioned at 90 degrees to the drive, and a detached single garage. The proposed development would incorporate hardstanding to the front of 20 Abbots Leigh to provide 2 no. car parking spaces to be used by the existing dwelling, with 2 no. off-road car parking spaces provided to the front of the proposed dwelling. An additional parking space is proposed to the front of the rear garden building, accessed from Turners Close.

- 6.20 Following consultation with WSCC Highways, it is considered that the number of off-road parking spaces proposed for the small scale development would provide sufficient parking for the scale and location of the development. Therefore, no objection to the proposed development is raised on highway safety grounds.
- 6.21 It is noted that a number of objections have been raised in respect to the level of parking being provided, and how the proposed development would exacerbate the existing parking pressure in the street. From a site visit, it is noted that the majority of dwellings in the street incorporate off-road driveway parking, with limited instances of cars being parked on the road.
- 6.22 Notwithstanding the above, the proposed development would provide an appropriate number of parking spaces, as required by West Sussex Parking Standards. A 1-bed dwelling generates the need for 1 no. space, with 2 no. spaces required for a 2/3 bedroom dwelling. The proposal would provide a total of 2 off-road parking spaces for the existing 3-bed dwelling of 20 Abbots Leigh, with 2 no. off-road parking spaces provided to the 1-bed dwelling proposed. As such, an over provision of parking would be provided and a refusal could not be justified on these grounds.
- 6.23 The proposed 1-bed unit would result in limited additional traffic activity, with the number of off-road parking spaces provided on site considered sufficient to meet WSCC Parking Standards. It is therefore considered that the addition of a 1-bed dwelling would not result in harm to the characteristics and function of the highway network, and as such would accord with Policy 41 of the Horsham District Planning Framework (2015).

Landscaping and Trees

- 6.24 Policy 33 of the HDPF states that development should relate sympathetically with the built surroundings and landscape, and should presume in favour of the retention of existing important landscape and nature features, and use high standards of landscaping where appropriate.
- 6.25 The application site lies within an urban residential area where the street scene is characterised by a mix of open frontages laid to lawn or hardstanding, with examples of boundary hedging or low-lying walls. The planting forming the buffer to the application site and its neighbouring property to the north has been removed, with no evidence of a tree line.
- 6.26 The proposed development seeks to retain the existing hedging, with the partial removal of hedging to the southern boundary to facilitate the entrance to the rear access path, and the partial removal of hedging along the western boundary to provide the additional parking spaces for both the existing and proposed dwellings. Given the urban character of the locality, the loss of this hedging and the laying of additional hardstanding is not considered to detract from the character of the area.
- 6.27 Following consultation with the Landscape Architect, it is considered that improvements to reinstate the landscape buffer (to include planting and trees within the buffer area) could offset the visual impact of the development and provide a benefit to the proposed scheme. This planting should be reflective of similar soft landscaping within the locality, with the proposed species reflective of similar elsewhere within the buffer area. It is therefore considered that subject to an appropriately worded landscaping condition, the proposed development is acceptable in landscape terms.

Other Matters

- 6.28 A number of objections have been raised in respect of the impact the proposed development would have on the buffer area to the far east of the application site.

- 6.29 Provisions relating to this Buffer Area (separating the existing development of Abbots Leigh from Turners Close) were contained with the Section 106 Agreement relating to Planning Application SQ/4/99, which was completed on 19th October 2000.
- 6.30 The proposed development which comprises a 1-bed end of terrace dwelling with associated residential curtilage lies entirely outside of the 10m Buffer Area. The strip of land forming the Buffer Area will be retained by 20 Abbots Leigh, with the residential curtilage of the new dwelling terminating at the existing garden building.
- 6.31 It is noted that a number of objections have been received which raise concern with the access path running along the east of the existing garden building, and its location within the Buffer Area. Following measurement on site, this path would lie outside of the 10m Buffer Area, and as such no built form or hardsurfacing would be present within the Buffer Area.
- 6.32 It is also noted that a number of representations have stated that the existing garden building is to be relocated as part of the proposal, with the submitted drawings inaccurate. Following a site visit, measurements have confirmed that the drawings are correct and the building located as drawn.

Conclusion

- 6.33 The proposed development for a 1-bed dwelling is considered to be acceptable in principle, and is considered to be of a scale, mass, and appearance that would relate sympathetically to the character of the locality. In addition, the proposed development is not considered to result in identified harm to the amenities of sensitivities of neighbouring properties or the safety and function of the public highway network.
- 6.34 The proposal is therefore considered to accord with Policies 1, 2, 3, 16, 32, 33, and 41 of the Horsham District Planning Framework (2015).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	51.72	0	51.72
	Total Gain		
	Total Demolition		23.2

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

- 7.1 The application is recommended for approval, subject to the following conditions.

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 take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of the neighbouring properties during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the measures to facilitate the provision of high speed broadband internet connections to the development have been submitted to and approved in writing by the local planning authority, details shall include a timetable and method of delivery for high speed broadband of each dwelling/unit. The delivery of high speed broadband infrastructure shall be implemented in accordance with the approved details.

Reason: As this matter is fundamental to ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 7 **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).

- 8 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse and recycling has been made for that dwelling or use in accordance with drawing number 17171-002 rev. D received on 15.03.2018. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the parking turning and access facilities shall be implemented in accordance with the approved details as shown on plan 17171-002 rev. D received 15.03.2018 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 17171-002 rev. D received 15.03.2018. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing dwelling known as 20 Abbots Leigh.

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