



**TO:** Planning Committee (North)

**BY:** Head of Development

**DATE:** 5 June 2018

**DEVELOPMENT:** Proposed demolition of existing timber garage and shed. Erection of two storey 3 bedroomed dwelling, 2 single garages and creation of new shared access

**SITE:** Coombe Cottage Church Road Mannings Heath Horsham West Sussex RH13 6JE

**WARD:** Nuthurst

**APPLICATION:** DC/17/1195

**APPLICANT:** **Name:** Mr Andrew Tomalin **Address:** The Old Fleece Stanley  
Downtown Stonehouse Gloucestershire GL10 3QS United Kingdom

**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 planning permission for a detached 3 bed dwelling. The application involves the subdivision of the existing garden area associated with Coombe Cottage (the donor dwelling), a shared driveway with Coombe Cottage and a new access onto the highway is proposed (9.5m to the south). The proposed footprint of the new dwelling is 65sqm, (compared to Coombe Cottage with equated to 67.5sqm). The subdivision of the garden area associated with Coombe Cottage would result in two plots with a resulting plot area of approximately 738sqm.
- 1.2 The application includes the demolition of the timber structure facing Church Road and the erection of a pair of single semi detached garages set behind the principle building line of the existing and new cottages to serve the application premises and Coombe Cottage. The garages and off street parking would accommodate 1 garage space and 1 off street parking space per property. It is proposed that the existing vehicle access be retained as a pedestrian access.

## DESCRIPTION OF THE SITE

- 1.3 The site is located within the Built up Area Boundary of Mannings Heath. The application site comprises amenity area associated with the donor property Coombe Cottage. The application site is surrounded by residential properties and their associated amenity areas. Coombe Cottage to the south of the proposed dwelling is located approximately 6.4m away, Ingleside the neighbouring dwelling to the north is located approximately 8.6m away. The rear garden areas 39 and 41 Ryecroft Meadow share a common boundary with the rear of the application site. Dwellings along Church Road are located in a linear pattern of development with long relatively narrow gardens.

## 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**

#### **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 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

Supplementary Planning Guidance:

### RELEVANT NEIGHBOURHOOD PLAN

Nuthurst Neighbourhood Development Plan 'Made' - (Regulation 19) 22<sup>nd</sup> October 2015, and was modified on the 20<sup>th</sup> January 2017.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

N/9/48	Proposed additional room. Comment: Formerly know as 'triscoombe' (From old Planning History)	Application Permitted on 02.11.1948
N/6/51	Proposed additions. Comment: Cancelled 06/09/51 (From old Planning History)	Application Permitted on 11.04.1951
DC/06/0666	Erection of 1 dwelling (Outline)	Application Refused on 15.05.2006

### 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 None

#### OUTSIDE AGENCIES

- 3.3 **Parish Council:** Strongly Object on the following grounds:

- NPPF - paragraphs 48 (windfall sites) and 53 (Inappropriate development of residential gardens)
- Nuthurst Neighbourhood Plan
- Plot size
- Loss of trees and hedges
- Hardstanding and access
- Design of south west elevation
- Inadequate fenestration

- 3.4 **WSCC Highways:** No Objection subject to conditions and informative

- 3.5 **Southern Water:** No Objection

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)"

#### PUBLIC CONSULTATIONS

- 3.6 8 letters of representation were received objecting to the proposals

- Contravention of the Neighbouring Plan
- Residential Garden Development
- Access arrangements
- Pedestrian and highway safety
- Visual impact on street scene
- Loss of light to neighbouring property
- Unsympathetic and bulky appearance
- Loss of outlook
- Loss of hedgerow
- Visibility splays

#### **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 main issues are the principle of the development in the location and the effect of the development on:

- The principal of development
- The character of the dwelling and the visual amenities of the street scene
- The amenities of the occupiers of adjoining properties
- The existing parking and traffic conditions in the area
- The existing trees
- The quality of the resulting residential environment for future occupiers

- 6.2 The application seeks planning permission for the erection of 1 x 3 bed dwelling with a pair of single semi detached garages and a new access and the demolition if the existing timber structure on site.

- 6.3 Planning permission has previously been refused under DC/06/0666 for a new dwelling on the application site and more recently under planning ref: DC/17/0302. In terms of the details, the following reason for refusal was cited on the decision notice dated 7 April 2017 is as follows:

*The proposal, by reason of its scale, siting, design and relationship with surrounding development, would result in a cramped form of development which would appear an incongruous addition to the site and wider surroundings. The proposal would not relate sympathetically with the existing pattern of development, and would result in significant harm to the prevailing character and appearance of the area. The proposal would therefore be contrary to policies 32 and 33 of the Horsham District Planning Framework (2015).*

##### Principle

- 6.4 The application site falls within the defined Built up Area of Mannings Heath. The principle of development within the built up area is supported by Policy 3 Development Hierarchy subject to assessment against all other relevant policies and related criteria and to satisfactory details, and provided that the development would be of an appropriate nature and scale to maintain the characteristics and function of the settlement and would contribute towards the delivery of windfall housing within the District. In regards to development within residential gardens, historically the Government amended Planning Policy Statement 3: Housing (PPS3) to exclude private residential gardens from the definition of previously developed land. However, current guidance contained within the NPPF 2012, paragraph 53, states that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Paragraph 71 of the revised draft NPPF states the same. The

NPPF states that there is a presumption in favour of sustainable development where it meets with adopted policies. In this case it is considered that the principle of development is acceptable within the Mannings Heath BUAB and the consideration of any harm is set out within the remainder of this report.

### Character and appearance

- 6.6 The application site comprises an existing amenity area which is located immediately north of and associated with the donor property Coombe Cottage which is itself located to the south of the site tight up to the common boundary with Hollands. The application site is surrounded by residential properties and their associated amenity areas. Coombe Cottage (the donor dwelling) to the south of the proposed dwelling is located approximately 6.4m away, Ingleside the neighbouring dwelling to the north is located approximately 8.6m away. The rear garden areas 39 and 41 Ryecroft Meadow share a common boundary with the rear of the application site. Dwellings along Church Road are located in a linear pattern of development with long relatively narrow gardens.
- 6.7 The proposed footprint of the new dwelling is 65sqm, (compared to Coombe Cottage with equated to 67.5sqm). The width and length on the proposed dwelling is 6.1m (w) x 11.5m (D) and the ridge height is 8.38m (H) with a 40 degree pitch. (The donor dwelling 'Coombe Cottage' is 7.18m (W) x 11.5m (D) and 8.4m (H) in comparison). The application includes the demolition of the timber structure facing Church Road and the erection of a pair of single semi detached garages (25sqm gross) set behind the rear building line of the existing and new cottages to serve the application premises and Coombe Cottage. The siting of the development comprising the detached 3 bed dwelling would be set back behind the building line of Ingleside. The proposed dwelling is located approximately 3.4m from the common shared boundary with the neighbouring dwelling 'Ingleside' to the north and is separated by the semi detached pair of garages from Coombe Cottage (the donor dwelling) to the south of the application site approx. 6.6 m between the proposed dwelling and Coombe Cottage.
- 6.8 The topography of the site slopes across the site by 1m along the south to north axis and 2m along the east - west axis (front to back), and the ridge height of the proposed new dwelling would therefore sit approx. 275mm lower than Coombe Cottage and the floor level 500mm lower than the ground level, but equal to that of the neighbouring dwelling Ingleside.
- 6.9 No windows are proposed to the north elevation, the proposed south facing windows at ground and first floor levels are high level windows and face onto the shared drive. The subdivision of the garden area associated with Coombe Cottage would result in two plots with a resulting plot area of approx. 738sqm.
- 6.10 Overall, the proposed dwelling is considered appropriate in terms of its design, layout and scale and would form a sympathetic addition in relation to the adjacent properties and the surrounding area. The proposed dwelling is set within the site, behind the building line of the adjacent properties, with ample areas of garden to the front and rear. The subdivision of the plot to form two houses is therefore considered appropriate in terms of design and appearance in accordance with the requirements of Policies 32 and 33 of the Horsham District Planning Framework (2015). The current application (DC/17/1195) seeks permission for a three bed dwelling as opposed to the four bed dwelling as previously sought. The current proposals differ from the previous application in that the dwelling has been reduced in scale, specifically width and depth and overall footprint and the height which respects that of the neighbouring dwellings, and is set further away from the northern and southern boundaries of the site, thereby increasing the separation distance between the existing and proposed dwellings and improving their relationship and visual appearance within the street scene. The current proposals are considered to satisfactorily respect the character of the area and relate more sympathetically with the existing pattern of development. It is considered that these amendments result in a less cramped appearance compared to the previous proposals that were refused under DC/170302. The current proposals for this three

bed dwelling are considered to overcome the previous concerns and the previous reason for refusal relating to the detail of the scheme and as such is now considered to be acceptable.

#### Impact on neighbouring amenity

- 6.11 The application has been assessed against policies 32 and 33 Horsham District Planning Framework (2015).
- 6.12 The separation distance between the proposed dwelling and the donor dwelling and the neighbouring property 'Ingleside' to the north is considered to be acceptable. Although the semi detached pair of garages and access cut between the donor property and the new dwelling, it is considered that being single storey and set well back into the site, the relationship with existing and new development is not considered to appear cramped or tight to the boundaries or to have any detrimental visual impact on the street scene. It is considered therefore that previous concerns relating to scale, siting and design and the visual impact of the proposed dwelling on the locality have therefore been addressed.
- 6.13 There are no windows to the north elevation of Coombe Cottage and all windows to the south elevation in the proposed dwelling are high level, therefore it is not considered that the proposed garages with parking to the rear or the associated passing vehicles would result in poor residential amenity for either the existing or future occupiers.
- 6.14 Concerns have been raised regarding loss of light to the southern window to the drawing room at the neighbouring property Ingleside. Whilst this is the only window to the southern elevation, the primary windows to this room are to the rear of the dwelling facing the garden. Furthermore, whilst there may be some impact mid-morning as the sun rises from the east by midday the sun would be at its highest point and it is considered that there would be no significant impact on the level of light. Given the juxtaposition of the proposed dwelling and existing dwelling an Ingleside and the orientation of the two dwellings, it is not considered that the proposed dwelling would result in any substantial loss of light or significant harm that would warrant a refusal of this application.
- 6.15 It is also noted that there is an existing mature beech and laurel hedge immediately opposite the opposite the south facing window (albeit that is it recognised that no soft landscaping is permanent), it does already provide separation from the application site and given the relationship of the hedge with the window there would also be a degree of overshadowing.

#### Highways

- 6.16 West Sussex County Council have confirmed that the applicant has demonstrated the access will be afforded visibility splays of 2.0 x 45 metres to the north and 2.0 x 36 metres to the south, although it is noted that the southern splay is below Manual for Streets guidance, which states splays of 2.0 x 43 metres would be considered appropriate for a 30 mph approach speed. However consideration has been given to the formation of an access point in this location which was considered acceptable when considering DC/06/0666. The application has also provided the opportunity to secure visibility splays in perpetuity via planning condition and secures a turn on site provision for both Coombe House and the proposed dwelling, an improvement over the existing situation. On balance therefore, while the Local Highways Authority accepts that the access point will not be provided with a 2.4 x 43 metre visibility splays to the south, the improvements of securing a turn on site and maintaining available visibility in perpetuity would outweigh this concern.
- 6.17 It is advised by the Local Highways Authority that the access width of 4.1 metres would allow the passing of opposing vehicles at slow speed; and that this would mitigate any need for a vehicle to reverse out onto Church Road.

- 6.18 Both Coombe House and the proposed dwelling would be provided a garage and additional hardstanding parking area large enough to park a total of up to 3 cars per dwelling stacked. The garages as proposed would be considered large enough to park both a vehicle and a cycle (3 x 6 metres). The parking and turning provision would be considered adequate to meet the needs of the development.
- 6.19 The LHA does not consider that the proposal for a dwelling would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

#### Trees

- 6.20 There are four trees to the east of the proposed dwelling (fronting Church Road) which will be removed to facilitate the siting of the proposed new dwelling. These trees (T1 Indian Bean Tree; T3 Cherry Tree; T4 Maple; T6 Apple) are not subject to any Tree Protection and therefore are not considered to be of any significant amenity value. It is proposed to trim the existing Yew and Magnolia.

#### Other issues

- 6.20 The objections of the Parish Council are noted, however, the NPPF para 48 does not preclude development in residential gardens, however, they must be considered on their individual merits and in respect of para 55 of the NPPF and the relevant Local Plan policies specifically Policy 3. Furthermore the development is in accordance with the Councils strategy which allows development in principal within defined Built Up Area Boundaries. It is not considered that the proposed development results in significant or appreciable harm to the amenity of the local area and previous concerns are considered to have been addressed through the amendments to the scheme when compared to the previous refusal. Furthermore there are no trees that are subject to any tree preservation orders on the site and therefore the loss of trees of limited amenity value is not considered to be of concern. As such there are no justifiable or overriding reasons to refuse the application. If considered necessary further landscaping can be conditions to soften the frontage and provide further screening along the boundary with Ingleside.

#### Conclusion

- 6.21 The proposed dwelling represents a satisfactory form of development in terms of its size and scale and relationship with neighbouring properties and is considered to accord to policies 28, 32 and 33 of the HDPF.

## **7. RECOMMENDATIONS**

- 7.1 Grant Planning permission 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 adjacent 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 precise details of the existing and proposed finished floor levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **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).

- 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 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).

- 7 **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.

- 8 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).

- 9 **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).

- 10 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that dwelling (or use) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. 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).

- 11 **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).

- 12 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied until the south west elevation central window at first floor level on Plan ATMN/17/04 has been fitted with obscured glazing and shall be in opening. All other windows at first floor level in the south west elevation shall be no less than 1.7 metres above the floor of the room in which it is installed. Once installed the obscured glazing and non-openable parts of those windows and the high level windows shall be retained permanently thereafter.

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

- 13 **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 ATMN/17/03A 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).

- 14 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the existing vehicular access onto Church Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 15 **Pre-Occupation Condition:** The garage buildings shall be used only as private domestic garages for the parking of vehicles & cycles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity, highway safety and to provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 16 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, visibility splays for the access serving the development shall be provided in accordance with the approved planning drawings (TMN/17/03A) which show splays with 2.0 x 43 metres north and 2.0 x 36 metres south at the proposed site vehicular access onto Church Road. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08.00 hours to 18.00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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

- 18 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the South West (side) and North East (side) Elevations; of the development without express planning consent from the Local Planning Authority first being obtained.

Reason: To protect the amenities of adjoining residential properties at Coombe Cottage and Ingleside from loss of privacy and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Note to applicant:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Background Papers: DC/17/1195