



**TO:** Planning Committee South

**BY:** Head of Development

**DATE:** 19 June 2018

**DEVELOPMENT:** Erection of a two storey detached dwelling with associated landscaping and access onto Smock Alley. Amendments to the design of plot 2 as previously approved under application DC/14/1054 (Appeal Ref APP/Z3825/W/14/3000825).

**SITE:** Land East of Burrows Birch Tree Lane West Chiltington Pulborough West Sussex RH20 2RG

**WARD:** Chanctonbury

**APPLICATION:** DC/18/0795

**APPLICANT:** **Name:** Sussex Design and Development Ltd **Address:** C/O Agent

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

**RECOMMENDATION:** To approve planning permission, subject to appropriate conditions.

## 1. THE PURPOSE OF THIS REPORT

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 Full planning permission is sought for a detached dwelling, a backland site that already has consent for two dwellings under planning permission DC/14/1054. The proposal is a re-design of the dwelling approved on Plot 2 and would retain two dwellings on the wider site as already approved. The dwelling and its garage would remain in their approved position, and would continue to share the access with Plot 1. The amendments include: the addition of a centrally sited half dormer to the front elevation of the dwelling, which would be slightly larger than the existing; the relocation of the chimney stack on the western side elevation; new door to the western side elevation; catslide dormer additions in place of the half dormers to the rear elevation; and the erection of a part single- / part two-storey rear extension, which would project 3.4m from the rear elevation, spanning 6.8m in width, and would be set below the ridge of the main roof of the dwelling.

### DESCRIPTION OF THE SITE

- 1.2 The site is located within the built up area of West Chiltington and lies to the south of Roundabout Lane. The site is surrounded on all sides by neighbouring dwellings, which comprise properties of varying size and design. The site itself was formerly part of the

residential property of Burrows, a small Wells style Cottage. The site is surrounded by high level trees around the site boundary, in particular along the southern boundary. The site is accessed via a gravel track off Roundabout Lane, which serves the dwellings of Carousel, Threeways and Burrows.

## 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 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 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 35 - Strategic Policy: Climate Change  
Policy 36 - Strategic Policy: Appropriate Energy Use  
Policy 37 - Sustainable Construction  
Policy 40 - Sustainable Transport  
Policy 41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.2 West Chiltington Parish is a designated Neighbourhood Plan Area. The draft Plan is at initial Regulation 14 consultation stage.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/1054	Construction of two detached dwellings together with access and associated landscaping on land adjacent to Burrows	Application Refused on 22.10.2014 (ALLOWED ON APPEAL)
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## 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 **HDC Landscape Architect:** No Objection

### OUTSIDE AGENCIES

- 3.3 **WSSC Highways:** No Objection

- 3.4 **WSSC PROW Team:** No Objection

3.5 **Southern Water:** No Objection

PUBLIC CONSULTATIONS

3.6 **West Chiltington Parish Council:** The Parish *strongly objects* to the proposal on the following grounds:

- The development has been commenced outside of the approved time condition period
- The proposal is contrary to the Appeal Inspector's decision that only three bedroom houses could be built
- Contrary to the draft Neighbourhood Planning Document, which focuses on 2/3 bedroom properties
- Incorrect plot numbered
- Access is from Roundabout Lane not Smock Alley as stated
- Concern over utilities access

3.7 Fifteen letters of representation from fourteen households have been received *objecting* to the proposal on the following grounds:

- The proposal is contrary to the Appeal Inspector's decision that only three bedroom houses could be built
- Contrary to the draft Neighbourhood Planning Document, which focuses on 2/3 bedroom properties
- Plans do not show route of services
- The development has been commenced outside of the approved time condition period
- Incorrect address stated
- Resultant dominant addition over what was previously approved
- Impact on neighbouring amenity by way of overshadowing
- Additional occupants to dwelling would result in additional noise
- Development would set a precedent for Plot 1 to be extended.

**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 main issues in the determination of this application are:

- Principle of the Development
- Design and Appearance
- Impact on Amenity
- Highways Impact

**Background**

6.2 The application follows the grant of planning permission for two three-bedroom dwellings on appeal under application DC/14/1054. The approved dwellings were of matching mirrored appearance, sited to the east of Burrows, Birch Tree Lane, with access from Roundabout Lane to the side of Carousel. The dwellings incorporated a typical Sussex vernacular,

composed of stock brick, tile hanging, and low set pitched roofed half dormers. The proposal was refused by the Council as it was felt that the development did not satisfactorily demonstrate it would meet an identified local requirement for housing, and would result in unsustainable travel patterns.

- 6.3 The appeal inspector concluded that the erection of 2 dwellings would be regarded as small scale development, within what was then classified as a “category 2” settlement, and thus would weigh in favour of the Core Strategy policies (CP5) at the time. It was also considered that the development would only result in a modest increase in population, which would assist with the retention of existing facilities and services.

### **Principle of the Development**

- 6.4 Policy 3 of the Horsham District Planning Framework 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. The settlement hierarchy within Policy 3 defines West Chiltington as a medium village that has *‘a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements’*.
- 6.5 As the application site sits within the defined settlement boundary of West Chiltington Common, the principle of development can be supported under Policy 3, subject to the acceptability of all other material considerations.

### **Design and Appearance**

- 6.6 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, ensures that the scale, massing and appearance of the development is to a high standard, is locally distinctive in character, uses high standards of building materials, finished and landscaping, and presumes in favour of the retention of existing important landscaping and natural features.
- 6.7 The site is located in what was formerly part of the residential curtilage of ‘Burrows’; being the largest site within the immediate area. The surrounding plots are large, though of differing shapes with dwellings of varying styles and size. The site itself is a narrow triangular shape with access at the northern most point. The plots would be accessed via a track off Roundabout Lane, which serves a number of other dwellings. As before a detached garage would be located to the front of the proposed dwelling within an area for parking & turning.
- 6.8 The proposal essentially seeks an amendment to the design and size of Plot 2, with the dwelling remaining located within the previously approved position. To the front of the unit, the dwelling would largely maintain the approved appearance, with the exception of the addition of the dormer to the centre of the front facing roofslope. Overall, this additional dormer, though slightly larger, would match the appearance and form of those to the front of the dwelling and the neighbouring unit. It would be set adequately below the ridge of the main roof of the dwelling, and would not detract from the character and appearance of the dwelling over or above what has previously been considered appropriate.
- 6.9 To the rear elevation, the proposal seeks an additional part single- / part two-storey element, which would project 3.4m, spanning 6.8m in width. The addition would be set below the ridge of the main roof of the dwelling, hosting a pitched roof to the two-storey element and a mono-

pitched roof to the single. The addition would facilitate a garden room to the ground floor and an additional bedroom to the first. Due to the location of the pitched roof a first floor element, the pitched roof dormers would be replaced with catslide dormers.

- 6.10 The neighbouring concerns relating to the size of the addition are noted. However, the extension is considered adequately scaled in relation to the main part of the dwelling, which would be set below the ridge of the main roof of the dwelling, and set within its side elevations. Further to this, the dwelling would benefit from a generous curtilage, in which the additional footprint of the dwelling would be well accommodated within. The proposed addition is therefore considered to be of an acceptable design that would not result in the overdevelopment of the site.
- 6.11 Other alterations to the dwelling include the amendments to the rear dormers, relocation of the chimney on the western elevation, and the incursion of one door to the ground floor western elevation. These alterations are not considered to materially harm the character and appearance of the dwelling over what has previously been agreed, nor impact its sister building, Plot 1. Further still, given the variation to the architectural character in the wider surrounding area, the resultant appearance of the dwelling would remain in-keeping with the mixed prevailing character. As such, the proposal is considered in accordance with Policy 33 of the Horsham District Planning Framework (2015) in regards to its design and appearance.

#### **Impact on Amenity**

- 6.12 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.
- 6.13 The dwelling would be sited within the eastern residential curtilage of Burrows, which is located behind dwellings fronting Birch Tree Lane, Threals Lane and Silver Glade. The current site is generous, in which its subdivision for the two plots would be well accommodated within. In relation to its neighbours, the addition would be sited some 35m to Pipers Cottage, 51m to Logans and 68m to Selmio to the east; and 45-55m to Nos. 5 and 6 Silver Glade to the south; with plot 1 sitting between the dwelling and Two Bridges, Heatherbank and Burrows to the west as previous.
- 6.14 It is appreciated that the extension would bring the rear elevation (and first floor) of the dwelling 3.4m closer south and would therefore be closer to the neighbours over what was previously considered acceptable. In addition to this, the first floor element of the addition would include a rear/south facing single window serving a habitable room (bedroom 4). It is considered that the separation distances, between 35m at its closest and 68m at its farthest, are considered more than satisfactory to ensure the proposal would not result in any detrimental harm to neighbouring amenity in terms of overlooking, overshadowing, or overbearing impact. As such, the proposal is considered in accordance with Policy 33 of the Horsham District Planning Framework (2015) in regards to its impact on neighbouring amenity.

#### **Highways Impacts**

- 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 The proposal would not result in any alterations or additions to the access and parking arrangement from what was previously considered acceptable under application DC/14/1054. As such, the development would result in any material harm over the agreed arrangement.

### **Other Matters**

- 6.17 The Parish and neighbours have raised objection that the development has unlawfully commenced after planning permission expired on 17 April 2018. However, an email with photographic evidence from the agent dated 17 April 2018, prior to the validation of this application, confirmed that the protective tree measures had been implemented and the access to the site commenced. With this evidence in place, the Local Planning Authority considers that the development has commenced within the prescribed timeframe, and is still extant.
- 6.18 The Parish and neighbours have raised concerns that the proposed four bedroom dwelling is larger than the three-bedroom dwellings the appeal inspector stated could be built on the site. The arguments forwarded by the Council and objectors for the appeal scheme in relation to the number of bedrooms within each dwelling related to the application of Policy CP5 of the 2007 Core Strategy, which required that new development at Category 2 Settlements (such as West Chiltington) address local housing need. The appeal inspector did not make a direct judgement that three-bedroom dwellings were acceptable but 4-bedroom dwellings not, noting conflicting appeal decisions on the interpretation of Policy CP5. Rather, the inspector's judgement focussed on the small number of units being proposed and the other benefits of the development, including 'the development plan policies not precluding other types of housing'.
- 6.19 With regard this current application, Core Strategy Policy CP5 has been superseded by Policy 16 'Meeting Local Housing Needs' of the HDPF (amongst others). Policy 16 requires that:
1. Development should provide a mix of housing sizes, types and tenures to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessment in order to create sustainable and balanced communities.
  2. The appropriate mix of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme.
- 6.20 The latest Strategic Housing Market Assessment comprises the Market Housing Mix Assessment study (Chilmark Consulting Ltd, November 2016). This Assessment sets out a broad recommendation for housing mix within the rural parts of the district, with 70% of new market housing recommended to be 2 or 3 bedroom dwellings. The Assessment does though caveat that this proportion is not intended to be prescriptive given site specific considerations. The emerging West Chiltington Neighbourhood Plan carries only very limited weight at this stage, however the draft policy on housing mix refers to the need for applicants to demonstrate how a proposal will meet local needs. The supporting Housing Needs Survey of 2014 prepared for the Parish by Action in Rural Sussex sets out that 43% of respondents stated that 2/3 bedroom market dwellings should be provided, and 23% that 3-4 bedroom market dwellings should be provided in new developments.
- 6.21 Whilst the proposal for a four bedroom dwelling on the site, as part of a wider development of one 3-bedroom dwelling and one 4-bedroom dwelling, does not strictly correlate with the above recommendations, given the small scale of this and the wider development, comprising two units only, refusal on the basis that a four-bedroom dwelling is being proposed would be difficult to sustain as both the Market Housing Mix Study and Housing Needs Survey identify some, albeit limited, capacity for 4-bedroom dwellings. In addition, part 2) of Policy 16 requires the appropriate mix of dwellings to depend on the established

character and density of the neighbourhood. In this instance the established character of the neighbourhood is one of large detached dwellings with three or more bedrooms, therefore the provision of a single four-bedroom dwelling on this site would not be out of character.

- 6.22 On this basis given the small scale of development and the established character of the area it is not considered that the amendment of one 3-bedroom dwelling to a 4-bedroom dwelling would conflict with Policy 16.

### **Conclusion and Planning Balance**

- 6.23 The proposed revised dwelling on Plot 2 is considered appropriate in scale and location, which would have no detrimental impact upon neighbouring residential amenity or on highway safety. The proposal is therefore considered in accordance with the relevant policies 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 1<sup>st</sup> 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	149.29	0	149.29
	<b>Total Gain</b>		<b>149.29</b>
	<b>Total Demolition</b>		<b>0</b>

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

### Conditions:

- 1 A List of the Approved Plans
- 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 in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing measures to provide for the long term retention of the trees/hedgerows on site and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority.. The development shall be implemented strictly in accordance with agreed details.

Reason: As this matter is fundamental to ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 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 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-Occupation Condition:** The dwelling hereby permitted shall not be occupied unless and until provision for the storage of refuse/recycling has been provided within the garage or side or rear garden for that dwelling. The 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).

- 8 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied until cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

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).

- 9 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of the hard and soft landscaping works, including details of all boundary treatments, shall have been 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 part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development, and in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** Prior to the first occupation of each dwelling, the necessary infrastructure to enable connection to high-speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 07:30 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

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