



107 Morris Drive
Billingshurst
West Sussex
RH14 9ST

Telephone 01403 784985
Mobile 07584 308 408

Email : nuthurstparishclk@btinternet.com
Web: www.nuthurstparishcouncil.co.uk

18th October 2018

Horsham District Council
Planning Department
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Dear Sirs

DC/18/2076 – “Variation of condition 1 of previously approved application DC/18/1046 (Minor- Material Amendment to DC/15/2493 to facilitate alterations to the approved site layout and approved designs) to alter the height of the roof.

The Paddock, Micklepage, Nuthurst Street, Nuthurst

RESOLVED The Parish Council strongly objects to this application.

Background

1. Retrospective planning permission was refused ([DC/17/2524](#)) in March 2018 for the 4/5 bedroom houses as built because they contravened policy 7 of the Neighbourhood Plan (NP) which requires a maximum of 3 bedrooms.
2. Retrospective planning permission DC/18/1046 was granted in August 2018 after Planning Committee North was convinced and assured by the developer and planning officers that:
 - The window in the roof room above the garage would be removed thus making the room “non-habitable” as a bedroom, leaving 3 upstairs bedrooms and therefore compliant with the Neighbourhood Plan (NP); and
 - Alterations would be made to the angle of the slope of part of the roof above the garage.

Neither of these alterations have been started.

3. After gaining planning permission for [DC/18/1046](#), the developer submitted two new applications. The first is DC/18/1883 which seeks to “re-insert” the window in the roof room above the garage. This would make the room “habitable” as a bedroom because it would now have natural light.

4. The second is planning application DC/18/2076 which seeks to increase the slope of the roof above the garage by 6 degrees compared to the slope in [DC/18/1046](#). The effect of this is to increase the ridge length of the roof above the garage from about 3.8m in [DC/18/1046](#) to 5.6m in DC/18/2076 an increase in length of nearly 50%.

5. The applicant claims that the purpose of increasing the slope of the roof is to “bring the elevations in line with the local vernacular”. **This is not the case.** It is suggested that the purpose of the proposal in DC/18/2076 is to lengthen the roof ridge above the garage thereby raising the height of the ceiling in the room above the garage – in effect removing that part of the ceiling that was sloping. This would achieve two things:

- a room, not only with natural light as a result of DC/18/1883, but with a floor area and ceiling height almost identical to that in bedroom 3 (and in bedroom 4 in [DC/17/2524](#) as built). This is shown in the sections of the roof in annex 1; and
- an adjacent space in the roof void of sufficient size and height for an en-suite bathroom (almost identical to the en-suite bathroom in [DC/17/2524](#) as built). This is also shown in annex 1.

6. In essence, by these two new applications, the developer is proposing to return the three houses very nearly to the refused application [DC/17/2524](#) with 4 upstairs bedrooms in contravention of policy 7 of the Neighbourhood Plan.

7. It should be noted that HDC’s Building Control Officer has advised on this application by saying “*In my opinion, the roof room is a habitable space and could be used as habitable accommodation.*”

7. The increase in ridge length in DC/18/2076 increases the area of roof and thereby increases the form and massing of the three houses when viewed from Nuthurst Road. This increased form and massing means the houses are almost identical to the as built houses in contravention of policy 10 of the Neighbourhood Plan. This is shown in the side elevations in Annex 2.

8. It is considered that these two planning applications, DC/18/1883 and DC/18/2076, are “sister applications” and should be considered together by HDC and not as separate applications.

9. It is noted that both the developer and agent, whilst making representations to convince HDC to approve [DC/18/1046](#), have said the following:

- Paragraph 6.10 of DMH Stallard’s Planning Statement accompanying [DC/18/1046](#) states:

“Of key note are the changes made to the approved ‘roof room’. The proposal removes any ambiguity over the use of the room as it now cannot be classified as liveable space under Building Regulations due to both its size and lack of natural light. The space provided will allow some level of storage only. As such all three properties will have three bedrooms.”

The agent must, therefore, agree that the converse holds. If the window is re-inserted and the slope of the roof increased, then the room becomes a habitable 4th bedroom and therefore the houses will clearly be in contravention of the Neighbourhood Plan.

- At the Planning Committee North meeting on 7 August 2018, the owner of GreenPlan Designer Homes said:

“You as members have already protected the Neighbourhood Plan by refusing our previous application.” [DC/17/2524]; and

the agent from DMH Stallard said:

“You have refused an as built scheme. You have shown your strength.”

Both are acknowledging that HDC was correct to refuse DC/17/2524, and as such, any attempts to revert essentially to DC/17/2524 with these 2 current applications would be in breach of the NP.

- Finally, the owner of GreenPlan Designer Homes wrote in an e-mail to Nuthurst Parish Council on 5 June 2018 re DC/18/1046:

*“The proposal is lower and smaller than the approved scheme and is not Building Control compliant to be used as a habitable room. **Any future occupier would need both the Parish Councils and District Councils formal consent to try to make it building regulation compliant, something I expect neither would be willing to provide.**”*

In other words, the owner of GreenPlan Designer Homes is saying that: the “reinsertion” of the window and increasing the slope of the roof under variations of DC/18/1046 would make the room “building control compliant” as a 4th upstairs bedroom and he would not expect this to receive planning permission.

10. Thus the developer and his agent have acknowledged that the scheme as built (DC/17/2524) was refused planning permission in order to protect the Neighbourhood Plan. These 2 new applications seek to revert the three houses to almost exactly to DC/17/2524 with 4 upstairs bedrooms in contravention of policy 7 of the Neighbourhood Plan.

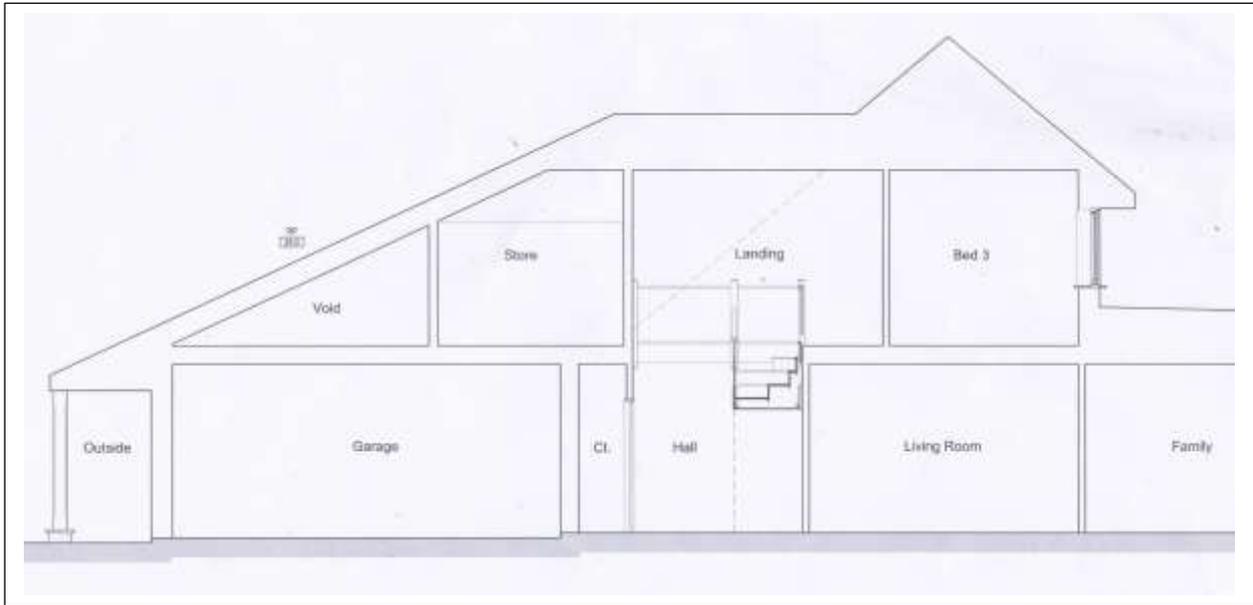
11. It should also be noted that if these two new applications were approved, there would be nothing to stop the developer putting in another “minor material amendment” to alter the roof above the garage to exactly what has been built (DC/17/2524 which was refused planning permission). This is clearly the developer’s intention since he has appealed against the refusal of DC/17/2524.

Therefore, the Parish Council urges HDC to refuse both applications DC/18/1883 and DC/18/2076 on the same grounds as HDC refused the “as built” application DC/17/2524, namely:

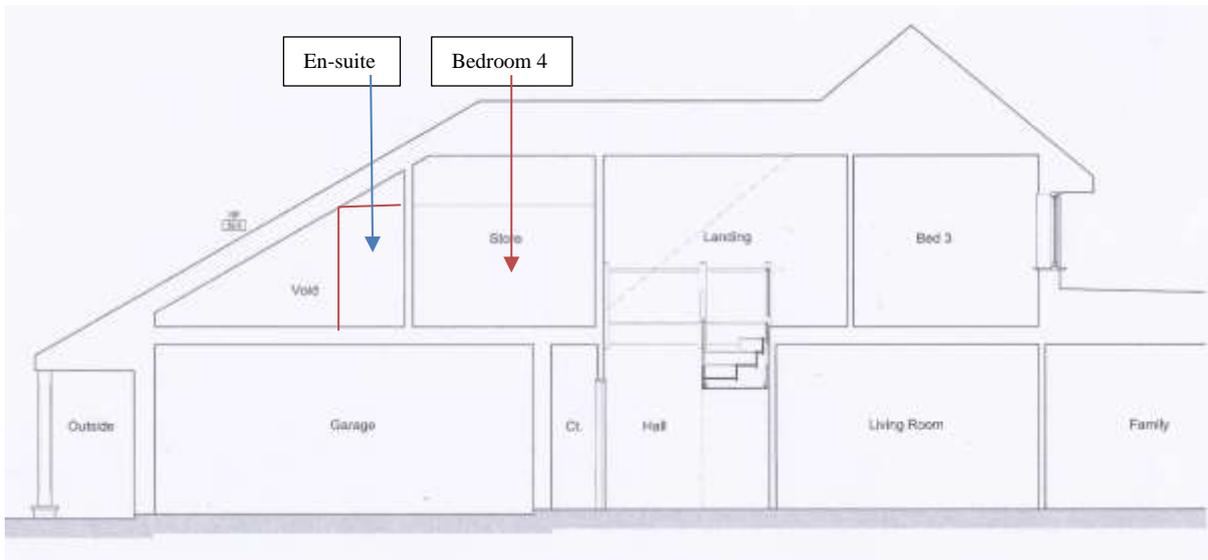
“The layout and increased form and massing of the variations, creating four bedroom houses, represents an overdevelopment of the site that is harmful to the character of the area and fails to meet its housing needs, contrary to policies 7 and 10 of the Nuthurst Neighbourhood Plan and policies 33 and 42 of the Horsham District Planning Framework (2015).”

Annex 1: to illustrate retention of a fourth upstairs bedroom and en-suite bathroom contrary to policy 7 of the Neighbourhood Plan

DC/18/1046 - approved



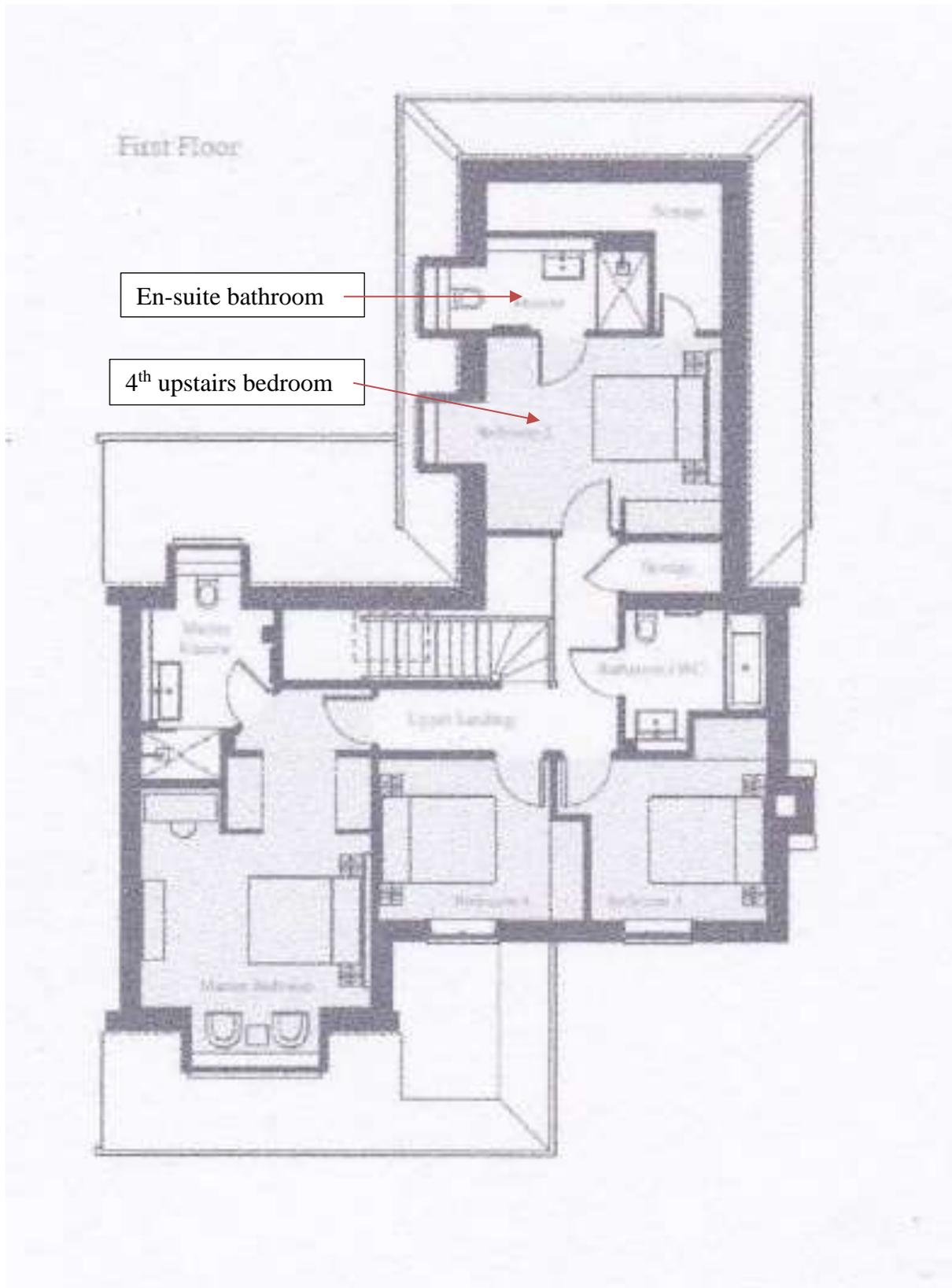
DC/18/2076 – proposed



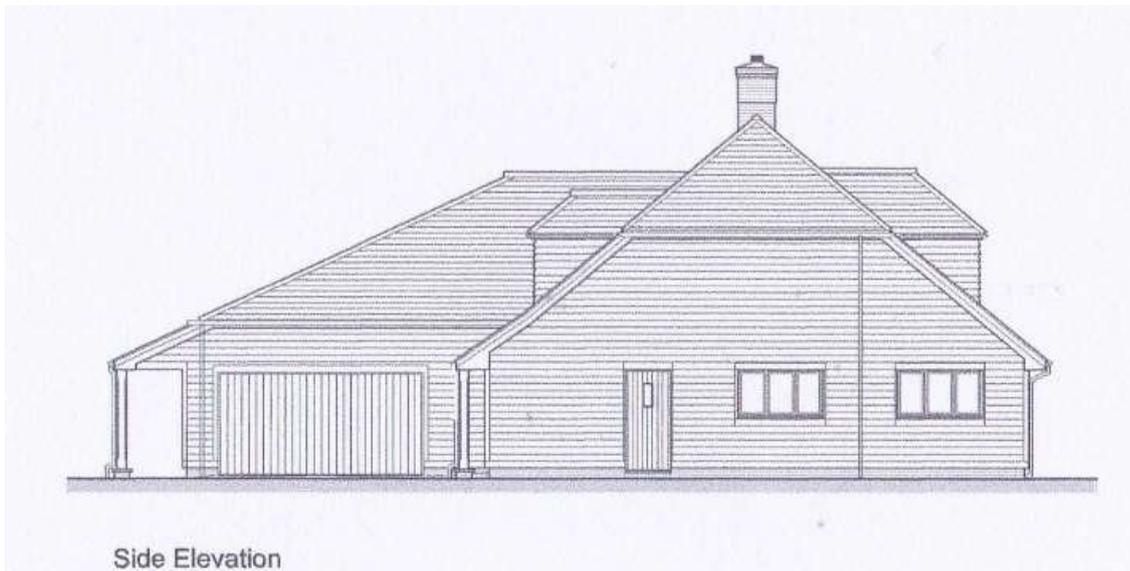
These sections clearly show that, by increasing the slope of the roof above the garage and therefore the ridge length of the roof, the “store” in the approved DC/18/1046 becomes a bedroom in the proposed DC/18/2076 and almost identical in floor area and height to bedroom 3. It also shows that the en-suite bathroom, as built in the refused DC/17/2524, can be retained. This gives the houses 4 upstairs bedrooms which is contrary to policy 7 of the Neighbourhood Plan.

The first floor plan from the Connells marketing material for the houses as built shows the bedroom and en-suite bathroom in the roof above the garage. DC/18/2076 seeks to achieve the same.

Connells marketing material: first floor plan



Annex 2: to illustrate the increased massing contrary to policy 10 of the Neighbourhood Plan DC/18/1046 - approved



DC/18/2076 – proposed



These elevations clearly show the increased massing of the roof above the garage proposed in DC/18/2076, compared to that in the approved DC/18/1046. This increased massing contravenes Policy 10 of the Neighbourhood Plan.