

MID SUSSEX DISTRICT COUNCIL

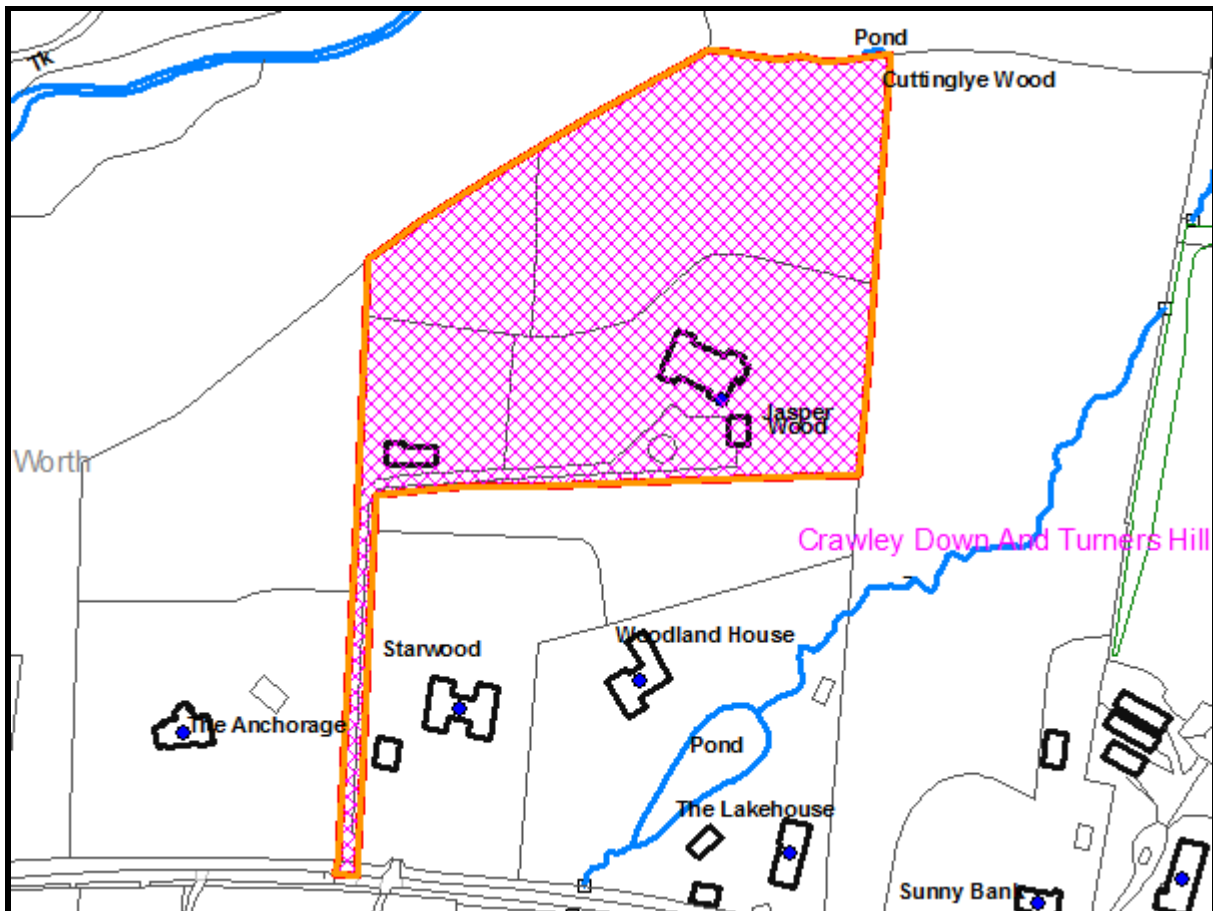
Planning Committee B

28 MAR 2019

RECOMMENDED FOR PERMISSION

Worth

DM/19/0092



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**JASPER WOOD CUTTINGLYE ROAD CRAWLEY DOWN CRAWLEY  
TO REPLACE EXISTING METAL GATES ORIGINALLY MOUNTED ON  
BRICK PILLARS WITH ELECTRONIC OPENING GATES TO BE MOUNTED  
ON NEW BRICK PILLARS.**

**MR CHRIS HORRELL**

POLICY: Ancient Woodland / Areas of Special Control for Adverts /  
Countryside Area of Dev. Restraint / Methane Gas Safeguarding /  
Aerodrome Safeguarding (CAA) / Site of Nature Conservation  
Importance / SWT Bat Survey /

ODPM CODE: Householder

8 WEEK DATE: 1st April 2019

WARD MEMBERS: Cllr Phillip Coote / Cllr Bruce Forbes / Cllr Neville Walker /

CASE OFFICER: Caroline Grist

### **Purpose of Report**

To consider the recommendation of the Divisional Lead, Planning and Economy on the application for planning permission as detailed above.

### **Executive Summary**

This application seeks planning permission to replace existing metal gates with electronic opening gates mounted on brick piers at the entrance to Jasper Wood, Cuttinglye Road.

The application is before committee as it has been submitted by a relative of a staff member who is involved in the planning process.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework.

The proposed gates and piers are deemed acceptable in terms of design and scale and should not detract from the appearance of the dwelling or character of the area. The proposal is also not considered to cause harm to neighbouring residential amenities.

The proposal is therefore deemed to comply with policy DP26 of the Mid Sussex District Plan 2014-2031 and policy CDNP04.1 of the Crawley Down Neighbourhood Plan, as well as the broader requirements of the NPPF.

Planning permission should therefore be granted.

### **Recommendation**

It is recommended that permission be granted subject to the conditions listed at Appendix A.

## **Summary of Consultations**

(Full responses from Consultees are included at the end of this report as Appendix B)

## **Summary of Representations**

No representations have been received in response to this application.

## **Parish Council Observations**

Worth Parish Council support the application.

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## **Introduction**

This application seeks planning permission to replace existing metal gates with electronic opening gates mounted on brick piers at the entrance to Jasper Wood, Cuttinglye Road.

The application is before committee as it has been submitted by a relative of a staff member.

## **Relevant Planning History**

11/03497/FUL - Proposed replacement dwelling and detached 2 bay garage with garden store and log store including change of use of existing outbuilding to ancillary leisure use. Permitted.

13/02433/FUL - Proposed replacement of previously approved 2 bay garage building/garden and log store (under ref 11/03497/FUL) with new 2 bay garage building/garden and log store and storage at first floor level. Permitted.

## **Site and Surroundings**

Jasper Wood is a south west facing, detached, two storey dwelling. It was built under planning permission granted in 2011, with amendments made to the detached garage in 2013.

The property is located within the countryside. It is set back from Cuttinglye Road, positioned behind Starwood, Woodland House and The Lakehouse to the south. Access to the property is gained from a long private road to the south west of the dwelling. Currently two metal gates, of different designs, are located at the entrance to the access.

Permitted development rights for the property have been removed under planning permission 11/03497/FUL.

## **Application Details**

Planning permission is sought to replace the existing gates at the entrance to the property. They are to be set back approximately 9.0 metres from where the access road joins Cuttinglye Road. The proposed gates are to have an overall height of approximately 1.98 metres and width of 3.8 metres. They are to be made of metal and have a wrought iron style.

The gates are to be attached to red brick piers that would be 2.1 metres high. To either side is a 'wing', which falls away in height to the front to a lower pier. This lower pier would be 1.3 metres high.

## **List of Policies**

### **Mid Sussex District Plan 2014-2031**

The District Plan was formerly adopted on the 28th March 2018.

DP26 - Character and Design

### **Crawley Down Neighbourhood Plan**

CDNP04.1 - Building Extensions

## **National Policy**

### **National Planning Policy Framework (NPPF - 2019)**

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraph 47 states: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

## National Planning Policy Guidance

### Assessment (Consideration of Key Issues)

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

The main issues considered relevant to this application are the proposed design and impact on the character of the area and impact on neighbouring residential amenity.

### Impact on the Character of the Area

One of the key issues is the design and the subsequent visual impact on the character of the area. The NPPF makes reference to the importance of good design at para 127 which states in part that:

*"Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping."*

Such requirements are similar to those found at district level within DP26 which states in part that:

*"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area; and*
- protects valued townscapes and the separate identity and character of towns and villages."*

Policy CDNPO4.1 of the Crawley Down Neighbourhood Plan has a similar ethos to DP26 of the Mid Sussex District Plan for good design which is sympathetic to its surroundings.

The proposed gate and piers are set away from the main dwelling, but are considered to be appropriate in size, design and position at the entrance to the

access road. The gate design would provide intervisibility between the road and access and the position, set back from Cuttinglye Road, would result in them not being readily visible from public vantage points. The size of the gates, and associated piers, would not appear overly dominant. As such it is considered there would not be an adverse impact on the streetscene or character of the countryside. There are also examples of similar gates along Cuttinglye Road which would further ensure that the proposal would not appear incongruous.

The structure is therefore deemed to be of an appropriate scale and design and should not detract from the character of the area, thereby according with policy DP26 of the District Plan and policy CDNP04.1 of the Neighbourhood Plan.

### **Impact on neighbouring amenities**

Policy DP26 of the District Plan also relates to amenity and states that:

*All applicants will be required to demonstrate that development ... does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)."*

This stance is re-iterated under policy CDNP04.1 of the Neighbourhood Plan which states that:

*"Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded."*

The proposed gate and pier posts are positioned away from neighbouring properties and, as such, would not harm the amenity of these dwellings. Given the proposal relates to an existing domestic property it is not considered to result any additional noise, air or light pollution.

As such, the proposal is not considered to be harmful to neighbouring amenities, thereby according with policy DP26 of the District Plan and policy CDNP04.1 of the Neighbourhood Plan.

### **Planning Balance and Conclusions**

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The proposed gate and piers are deemed acceptable in terms of design and scale and should not detract from the appearance of the dwelling or character of the area. Nor is the proposal considered to cause harm to neighbouring residential amenities.

The proposal is therefore deemed to comply with policy DP26 of the Mid Sussex District Plan 2014-2031 and policy CDNP04.1 of the Hassocks Neighbourhood Plan, as well as the broader requirements of the NPPF.

Planning permission should therefore be granted.

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#### **APPENDIX A – RECOMMENDED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

#### **Approved plans**

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

#### **INFORMATIVES**

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

### **Plans Referred to in Consideration of this Application**

The following plans and documents were considered when making the above decision:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location Plan			01.02.2019
Proposed Block Plan			04.02.2019
Proposed Elevations			04.02.2019
Proposed Elevations	Ref 3		09.01.2019

### **APPENDIX B – CONSULTATIONS**

#### **Parish Consultation**

Support