

Planning Committee



Recommended for Permission

11th January 2024

DM/23/2975



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Site:	40 Wilmington Close Hassocks West Sussex BN6 8QB
Proposal:	Proposed demolition of existing front porch and replacement with new porch.
Applicant:	Hatton
Category:	Householder
Target Date:	15th January 2024
Parish:	Hassocks

Ward Members:	Cllr Sue Hatton / Cllr Kristian Berggreen / Cllr Chris Hobbs /
Case Officer:	Andrew Horrell

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S4F6P3KT07E00>

1.0 Purpose of Report

1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

2.1 Planning Permission is sought to replace the existing front porch with a new front porch.

2.2 The application has been referred to Committee because the applicant, Mrs Sue Hatton, is an elected member for Mid Sussex District Council.

2.3 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

2.4 The proposed replacement porch is considered to be in character with the existing dwelling and the wider streetscene, would have a neutral impact to sustainability and would not cause significant harm to the amenities of neighbouring amenities.

2.5 The proposed development is therefore deemed to comply with policies DP26 and DP39 of the Mid Sussex District Plan and Policies 5 and 9 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant paragraphs of the National Planning Policy Framework.

3.0 Recommendation

3.1 It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

4.0 Summary of Representations

4.1 None received.

5.0 Summary of Consultees

5.1 None

6.0 Town/Parish Council Observations

- 6.1 RECOMMEND APPROVAL. The applicant is advised that Government has committed to adopt a 'Future Buildings Standard' during 2021 which will change the Building Regulations requirements for alterations and extensions to homes to bring these alterations closer to that of a 'zero energy building'. This is supported by Policy 5 'Enabling Zero Carbon' of the Hassocks Neighbourhood Plan which states that proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation. Energy saving measures include floor, roof and wall insulation, and low u-value windows (which may need to be triple glazed). These requirements may require amendments to your design which could affect the drawings submitted for planning permission. The applicant may wish to note that alterations that are built to a Nearly Zero Energy standard, are unlikely to need further retrofitting to minimise the carbon emissions that the nation is required to reduce to zero by 2050. As retrofitting an existing home to be highly energy efficient is more complex than doing so for a new building, applicants may wish to look at the 'EnerPHit' standard that the Government is understood to be considering as the applicable "Nearly Zero Energy" standard in this context, or at the Archetypes published by the London Energy Transformation Initiative for u-values for your extension walls, windows etc. and for ventilation and overheating prevention standards to be achieved.

7.0 Introduction

- 7.1 The application seeks planning permission to replace the existing front porch with a new front porch.

8.0 Relevant Planning History

- 8.1 KY/015/85 – Conservatory (Approved)
KY/030/88 - SINGLE STOREY EXTENSION TO LOUNGE AND PORCH.
(approved)

9.0 Site and Surroundings

- 9.1 The application property is a two storey detached plain tiled pitched roof dwelling within a cul-de-sac off Keymer Road, within a close serving 37-47 Wilmington Close within the built up area of Hassocks.
- 9.2 The property is characterised by a mix of face brickwork and hanging tiles with upvc doors and windows. The dwelling has an existing flat roofed porch.
- 9.3 To the south of the site is the front garden with footpath beyond, to the north of the site is the rear garden with close boarded fencing to garages beyond, to the east of the site is the adjacent No.39 Wilmington Close and to the west of the site is No.41 Wilmington Close.

10.0 Application Details

- 10.1 The existing flat roofed front porch approximately measures 1.2m in depth, 3.45m in width with a height of 2.4m
- 10.2 The proposed front porch approximately measures 1.4m in depth, 4.4m in width with a height to eaves of 2.4m and an overall height of 3.65m. This will serve a porch and a WC.

10.3 The materials are to be face brickwork and hung tile roof.

11.0 Legal Framework and List of Policies

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

11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,
- b) And local finance considerations, so far as material to the application, and
- c) Any other material considerations.'

11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another

11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document and the Hassocks Neighbourhood Plan

11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

11.8 Mid Sussex District Plan

11.9 The District Plan was adopted at Full Council on 28th March 2018.

11.10 Relevant policies:

DP26: Character and Design
DP39: Sustainability

11.11 Site Allocations Development Plan Document

11.12 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

11.13 **Hassocks Neighbourhood Plan**

11.14 The HNP was made by the District Council in June 2020

11.15 Relevant Policies:

Policy 5: Enabling Zero Carbon

Policy 9: Character and Design

11.16 **Mid Sussex District Plan 2021-2039 Submission Draft (2021-2039)**

11.17 Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current adopted District Plan 2014-2031 and its policies will have full weight.

In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

As the submission draft District Plan 2021-2039 (Regulation 19) will be published for public consultation on 12th January 2024 for six weeks, and therefore at this stage the Local Planning Authority does not know which Policies will be the subject of unresolved objections, only minimal weight can be given to the Plan at this stage.

As such, this planning application has been assessed against the policies of the adopted District Plan

Relevant Policies:

11.18 DPS2 Sustainable Design and Construction
DPB1: Character and Design

11.19 **Mid Sussex Design Guide Supplementary Planning Document (SPD)**

11.20 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.'

DG45 - 47: Residential Amenities

DG49: General Principles for extensions

DG50 Front and Side Extensions

11.21 **National Planning Policy Framework (NPPF) (December 2023)**

11.22 The National Policy is also a material consideration and Paragraphs 8, 12, 39, 47, 131, 132 and 135, are relevant to this application.

- 11.23 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development.
- 11.24 Paragraph 38 of the NPPF states ' Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'
- 11.25 With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Paragraph 131 seeks well-designed places and, 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'
- 11.26 Paragraph 137 refers to design quality being considered throughout the evolution and assessment of individual proposals.

12.0 Assessment

- 12.1 The main issues considered relevant to this application are design, in terms of character and appearance of the property and area, sustainability and impact on residential amenity.

12.2 Design

- 12.3 Policy DP26 of the Mid Sussex District Plan in part, states:

'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;
- protects valued townscapes and the separate identity and character of towns and villages;
- 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 DP27);

- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
- positively addresses sustainability considerations in the layout and the building design;
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
- optimises the potential of the site to accommodate development.'

12.4 Policy 9 of the Hassocks Neighbourhood Plan has a similar ethos to DP26 and states:

'Development proposals will be supported where, they are in line with the Townscape Appraisal, and where the character and design:

1. Is of high-quality design and layout;
2. Contributes positively to the private and public realm to create a sense of place;
3. Respects the character and scale of the surrounding buildings and landscape;
4. Protects open spaces and gardens that contribute to the character of the area;
5. Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;
6. 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, sunlight and security;
7. Creates safe, accessible and well-connected environments;
8. Protects existing landscape features and contributes to the village's Green Infrastructure network;
9. Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and
10. Positively responds to the local vernacular character of the defined Local Townscape Character Area'.

12.5 The Council's adopted Design Guide is also a material consideration in the determination of the application. Chapter 9 of the Design Guide relates to household extensions.

Design Principle DG49 states that extensions should respond to the design of the original dwelling and should be well integrated with the scale and form of the original dwelling allowing the original building to remain the dominant element of the property.

Design Principle DG50 relates to front extensions and outlines that front extensions are more likely to be acceptable where the building line is staggered or where the dwelling is set well back from the road. They are less likely to be acceptable in streets with a strong consistent building form as they risk disrupting the underlying order.

Where front extensions are considered acceptable, they should normally be limited

to a modest single storey or porch-type extension that reflect the character of the existing property.

12.6 In this case, the proposed front porch is a modest enlargement of the existing porch. It is of appropriate design and scale and would be finished in materials to match the existing dwelling. The streetscene is characterised by a mix of style of porches which are highly visible including at neighbouring No.41 (KY.063/97). The proposal would thus reflect the character of the locality.

12.7 Overall, in design terms, for the reasons mentioned above, it is considered that the replacement front porch is acceptable and in accordance with relevant policies DP26 of the Mid Sussex District Plan, Policy 9 of the Hassocks Neighbourhood Plan and the relevant principles DG49 and DG50 of the Mid Sussex Design Guide SPD.

12.8 **Sustainability**

12.9 District Plan Policy DP39 states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- o Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;
- o Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;
- o Use renewable sources of energy;
- o Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;
- o Limit water use to 110 litres/person/day in accordance with Policy DP42: Water infrastructure and the Water Environment;
- o Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'

12.10 Policy 5 of the Hassocks Neighbourhood Plan states:

' Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable.

Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation.

Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported.'

12.11 This is a modest proposal to replace a porch which does not affect the overall sustainability of the house.

12.12 **Impact on Residential Amenity**

- 12.13 Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '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.'
- 12.14 Policy 9 of the Hassocks Neighbourhood Plan requires residential amenities to not cause unacceptable harm, There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.
- 12.15 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy 9 of the HNP is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.
- 12.16 In addition, Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other and the position of windows and arrangement of habitable rooms.
- 12.17 Given the modest nature of the proposal and its relationship with neighbours, it is not considered that any harm would result neighbouring amenity. It thus complies with policies DP26 of the Mid Sussex District Plan, Policy 9 of the Hassocks Neighbourhood Plan and the design principles contained within the Mid Sussex Design Guide.

13.0 Planning Balance and Conclusion

- 13.1 Planning Permission is sought to replace the existing front porch with a new front porch.
- 13.2 The application has been referred to Committee because the applicant, Mrs Sue Hatton, is an elected member for Mid Sussex District Council.
- 13.3 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.
- 13.4 The proposed replacement porch is considered to be in character with the existing dwelling and the wider streetscene, would have a neutral impact to sustainability and would not cause significant harm to the amenities of neighbouring amenities.
- 13.5** The proposed development is therefore deemed to comply with policies DP26 and DP39 of the Mid Sussex District Plan and Policies 5 and 9 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant paragraphs of the National Planning Policy Framework.

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.

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.

3. No external materials shall be used other than those specified on the application form and approved plans without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the District Plan and policy 9 of the Hassocks Neighbourhood Plan.

INFORMATIVES

1. 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.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	IA_WTC_PL-01		20.11.2023
Existing Floor Plans	IA_WTC_PL-02		20.11.2023
Existing Elevations	IA_WTC_PL-03		20.11.2023
Proposed Floor Plans	IA_WTC_PL-04		20.11.2023
Proposed Elevations	IA_WTC_PL-03		20.11.2023