

# Planning Committee



Recommended for Refusal

8th February 2024

DM/23/3073



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<b>Site:</b>	18 High Street East Grinstead West Sussex RH19 3AW
<b>Proposal:</b>	Two entrance doors to access the retail units.
<b>Applicant:</b>	Mr Stuart Pilbrow
<b>Category:</b>	Minor Other
<b>Target Date:</b>	12th February 2024
<b>Parish:</b>	East Grinstead

<b>Ward Members:</b>	Cllr Dick Sweatman /
<b>Case Officer:</b>	Andrew Horrell

**Link to Planning Documents:**

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S4Y6PTKT0D200>

**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 for the installation of two front entrance doors to replace the existing front bay windows to access the two retail units at 18 High Street East Grinstead.
- 2.2 The application has been referred to Committee because it has been called in by local member Cllr Russell and seconded by Cllr Dabell. The reason provided for calling the application in by Cllr Russell is: 'Having read the previous documentation and noting in particular the conservation officer's comments, that confirm the building is unlisted and that the modifications would cause 'less than substantial harm' to neighbouring heritage assets, I have recorded my support for this application and request that that if you are still minded to refuse this application, that this application be called in to be heard by the relevant planning committee in due course.'

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.

- 2.3 The proposal is considered to be out of character with the surrounding building and the wider conservation area and harmful to the setting of the adjoining listed building. The Conservation Officer has identified the harm to be 'less than substantial'. In line with the test set out within paragraph 208 of the NPPF, the harm identified is not considered to be outweighed by public benefits.
- 2.4 The proposed development is therefore deemed to be contrary to policies DP26, DP34 and DP35 of the Mid Sussex District Plan and Policies EG3 and EG4 of the East Grinstead 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 is refused.

#### **4.0 Summary of Representations**

4.1 None received.

#### **5.0 Summary of Consultees**

5.1 MSDC Conservation Officer: In respect of the above application, I note that this is a resubmission of a previous application for which I have already provided comments. I do not believe that the application has been revised, and therefore my previous comments will remain relevant.

5.2 The Conservation Officer commented on the withdrawn DM/23/2605 to which this application is a resubmission stating in summary the following:

“The proposal will detract from the character and appearance of the Conservation Area, and the settings of the adjacent listed buildings to the east and west along this side of the High Street, including nos. 10, 12, 12a, 14, 22, 24, 26 and 28, which are in the closest proximity to the site. This will be contrary to the requirements of District Plan Policies DP34 and DP35. In terms of the NPPF, I would consider the harm caused to all the above mentioned heritage assets to be less than substantial, such that paragraph 202 will apply”.

#### **6.0 Town/Parish Council Observations**

6.1 The Committee of 18th December considered the comments of the conservation officer from the previous application. But following discussion they would support approval.

#### **7.0 Introduction**

7.1 The application seeks planning permission for the installation of two entrance doors to replace the existing bay windows to access the two retail units at 18 High Street East Grinstead.

#### **8.0 Relevant Planning History**

8.1 08/03295/COU - Change of use of existing shop (A1) to accountants (A2).  
Alterations and refurbishment of existing first floor flat. (refused)  
08/03764/FUL - Proposed conversion of existing shop into 2 units one with A1 use and one with A1/A2 use. Alterations to existing shop front to form shops and to provide access to existing first floor flat. (approved)  
09/00311/FUL - Proposed conversion of existing shop into 2 units both with A1 use. Alterations to existing shop front to form shops and to provide access to existing first floor flat. (Not Proceeded With)  
DM/22/0629 - Combine the existing units and change use from storage to class E(b) (pending consideration)  
DM/23/2605 - Two entrance doors to access the retail units (withdrawn)

#### **9.0 Site and Surroundings**

9.1 The application property is a mid terrace Ground floor unit (the two individual units were combined to serve a single restaurant unit in 2022) with flat above with the town centre of East Grinstead.

- 9.2 The applicant has confirmed that the uses of the proposed units accessed by the proposed doors are to be Class E(a) which is the display or retail sale of goods, other than hot food and E(c) which is the provision of financial services, professional services (other than health or medical) or other appropriate services in a commercial, business or service locality. Such uses accord with the permitted use of the building which date from a planning permission granted in 2008 (08/03764/FUL).
- 9.3 It should be noted, that the proposal before committee is not seeking to change the use of the building. It seeks to create a new internal arrangement (which does not require planning permission) and new front accesses for the units.
- 9.4 The building is characterised by black timber painted render, face brickwork and white timber cladding on first floor with timber doors and windows.
- 9.5 To the south of the site is the storage area to East Grinstead Glass Works beyond, to the north of the site is the footpath to highway beyond, to the west of the site is the adjoining unit No.16 By the Fountain (Listed Building) and to the east of the site is the linked underpass to the Grade II listed Bookshop (22-24) beyond.
- 9.6 The site is within the East Grinstead Town Centre Conservation Area.

## **10.0 Application Details**

- 10.1 The proposed front doors are to replace the existing front bay windows with the face brickwork below the windows infilled by doors. The doors measure 1.3m in width and the same height as the existing bay windows and front door. The materials are to be black timber to match the existing materials.
- 10.2 The reasons set out by the applicant for the proposed works is to avoid the current situation which is via a shared entrance lobby with the first floor flat.

## **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 East Grinstead 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:

DP2: Town Centre Development  
DP26: Character and Design  
DP34: Listed Buildings and Other Heritage Assets  
DP35: Conservation Areas

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.

No relevant policies.

11.13 **East Grinstead Neighbourhood Plan**

11.14 Relevant Policies:

EG3: Promoting Good Design  
EG4: Designated and Non-Designated Heritage Assets  
EG8: East Grinstead Town Centre

11.15 **Mid Sussex District Plan 2021-2039 Consultation Draft**

11.16 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current 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. The draft District Plan 2021-2039 (Regulation 19) was published for public consultation on 12th January 2024 for six weeks. At this stage the Local Planning Authority does not know which Policies will be the subject of unresolved objections and therefore only minimal weight can be given to the Plan.

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

11.17 Relevant policies:

DPB1 – Character and Design

DPB2 – Listed Buildings and Other Heritage Assets

DPB3 – Conservation Areas

DEP6 – Development within primary Shopping Areas

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

11.19 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 planing applications.'

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

11.20 The National Policy is also a material consideration and Paragraphs 8, 12,39, 47 131, 132, 135, 203,205,206,207,208 and 212 are especially relevant to this application.

11.21 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development.

11.22 Paragraph 39 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.'

11.23 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

11.24 **Planning (Listed Buildings and Conservation Areas) Act 1990**

11.25 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.26 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 relates to Conservation Areas and states: In the exercise, with respect to any

buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## **12.0 Assessment**

12.1 The main issues considered relevant to this application are the design of the proposal and its impact on the character and appearance of the Conservation Area and the setting of adjacent Listed Buildings.

### **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 East Grinstead Neighbourhood Plan policy EG3 has a similar ethos to DP26 and states:

‘Planning permission will normally be granted where development proposals meet the following criteria:

- o The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;
- o The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;
- o The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;
- o The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;
- o The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;
- o New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and
- o The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and
- o Proposals make provision for green infrastructure and biodiversity enhancement.

12.5 In terms of the NPPF Paragraph 131 seeks well-designed places. It states:

‘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.’

12.6 Paragraph 132 refers to design quality being considered throughout the evolution and assessment of individual proposals.

12.7 Overall, in design terms, the surrounding units are characterised by the traditional front bay windows with central front doors and the creation of new accesses to the front which will change the appearance of the area and appear out of character with the streetscene. Therefore, in terms of character and design, the proposal is deemed to be contrary to policy DP26 of the Mid Sussex District Plan and EG3 of the East Grinstead Neighbourhood Plan.

## 12.8 **Impact on Conservation Area**

12.9 The application site lies within the East Grinstead Conservation Area. The East Grinstead Conservation Area Appraisal 2019 states:

‘There is a variety of shopfronts in the East Grinstead Conservation Area, many of them dating to the 19th century. They are generally constructed from timber and painted, with traditional details including decorative pilasters which support a cornice and fascia, with a shop window below. These are full plate glass or sub-divided using mullions and transoms, sometimes with fine glazing bars. Stall risers, which protect the glass from the pavement, are also prevalent, and these are often divided into panels with mouldings, or are tiled. They also have recessed doorways. Most of the shops are located in relatively small historic buildings which were originally built as family houses – they are therefore modestly sized and on a domestic scale.’



- 12.10 DP35 of the District Plan concerns Conservation Areas. It makes reference to proposals that impact on traditional shop fronts and states in part:

‘Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located’

- 12.11 Paragraphs 195-214 of the NPPF (Dec 23) relate specifically to the Conservation and Enhancing of the Historic Environment

- 12.12 Paragraph 203 states:

‘In determining applications, local planning authorities should take account of:  
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;  
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and  
c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 12.13 Paragraph 205 states:

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.

- 12.14 Paragraph 206 states:

‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:  
a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;  
b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional’.

- 12.15 Paragraph 208 states:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.

- 12.16 As noted above the MSDC Conservation Officer has commented on the application and her views are key to the assessment of the merits of the case. She states:

“the currently proposed physical alterations to the building, in my opinion the proposal is contentious in principle due to the loss of a substantial portion of the stallriser to the shopfront. Although this shopfront appears relatively modern and is not of particular architectural or historical merit, its form and proportions are broadly sympathetic to the traditional shopfronts within the Conservation Area, and to the adjacent listed buildings. The inclusion of a stallriser one key aspect of such shopfronts. The partial loss of this feature from no. 18 would be harmful to its appearance and to its contribution to the Conservation Area and the run of buildings, many of which are listed, of which it is part, including the broad consistency of the retail frontages to these buildings. The importance of traditional shopfronts and the contribution which these make to the character and appearance of the Conservation Area is noted in the Council’s adopted character appraisal.

- 12.17 Furthermore, the proposed pair of doors, one to either side of the central door, will detract from the traditional form of the shop front, and will appear odd in juxtaposition with the central door, creating multiple entrances to one short section of frontage.
- 12.18 For these reasons in my opinion the proposal will detract from the character and appearance of the Conservation Area, and the settings of the adjacent listed buildings to the east and west along this side of the High Street, including nos. 10, 12, 12a, 14, 22, 24, 26 and 28, which are in the closest proximity to the site. This will be contrary to the requirements of District Plan Policies DP34 and DP36. In terms of the NPPF, I would consider the harm caused to all the above mentioned heritage assets to be less than substantial, such that paragraph 202 will apply”.
- 12.19 These views are supported by your planning officer. The proposal is considered to cause less than substantial harm to the character of the East Grinstead Conservation Area. In such circumstances paragraph 208 of the NPPF requires that this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. In this case it is not considered that there are any clear public benefits. The benefits are private benefits to the land owner.
- 12.20 Therefore, the proposal deemed to detract from the character and appearance of the Conservation Area and therefore is contrary to DP35 of the Mid Sussex District Plan.

12.21 **Impact on Setting of Heritage Assets**

- 12.22 Policy DP34 of the Mid Sussex District Plan is most relevant and states:

‘Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;

- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;
- o Special regard is given to protecting the setting of a listed building;
- o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.

#### Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.'

- 12.23 Policy EG4 of the East Grinstead Neighbourhood Plan has a similar ethos.
- 12.24 Proposals affecting such heritage assets will be considered in accordance with the above paragraphs in the National Planning Policy Framework (NPPF) and current Government guidance.
- 12.25 As outlined above the Conservation Officer is of the opinion that the proposal will detract from the setting of the adjacent Grade II listed buildings, Nos.16 and 22-24 as well as Grade II Nos. 10-12,14 and 26-28 as the broad consistency of frontage will be lost. As outlined above the public benefits of the scheme will not be outweighed by the harm to the setting of the listed buildings. Therefore, the proposal is deemed to be contrary to policies DP34 of the Mid Sussex District Plan, EG4 of the East Grinstead Neighbourhood Plan and the NPPF.

### **13.0 Planning Balance and Conclusion**

- 13.1 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.
- 13.2 The main issues for consideration are design and impact on the character and appearance of the existing property and street scene, impact on Conservation Area, Setting of Listed Buildings.
- 13.3 In terms of design, the proposal is deemed to be out of character with the streetscene to detract from the conservation area and the setting of adjacent listed buildings causing less than substantial harm. It is also clear that the harm caused by the proposal will not be outweighed by public benefits. Therefore, in terms of character and design and impact on the conservation area and setting of surrounding listed buildings the proposal is deemed unacceptable and contrary to the policies of the Development Plan.

- 13.4 The proposal is deemed to be contrary to policies DP26, DP34 and DP35 of the Mid Sussex District Plan and EG3 and EG4 of the East Grinstead Neighbourhood Plan and the relevant paragraphs of the NPPF.

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## APPENDIX A – REASONS FOR REFUSAL

1. The proposal is deemed harmful to the setting of the adjacent listed buildings and therefore would be contrary to policy DP34 of the Mid Sussex District Plan, policy EG4 of the East Grinstead Neighbourhood Plan and paragraph 208 of the National Planning Policy Framework.
2. The proposed alteration from front windows to front doors is considered to be out of character with the area and would cause a harmful impact on the character and appearance of the East Grinstead Conservation Area. It would result in less than substantial harm to the heritage asset. The public benefits are very limited and do not outweigh this harm and therefore the proposed development is considered contrary to the requirements of District Plan Policies DP26 and DP35, policy EG3 of the East Grinstead Neighbourhood Plan and paragraph 208 of the NPPF.

### 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 and Block Plan	100	-	30.11.2023
Proposed Floor and Elevations Plan	700	-	30.11.2023
Illustration	701	-	30.11.2023
Design and Access Statement	-	-	30.11.2023