

MID SUSSEX DISTRICT COUNCIL

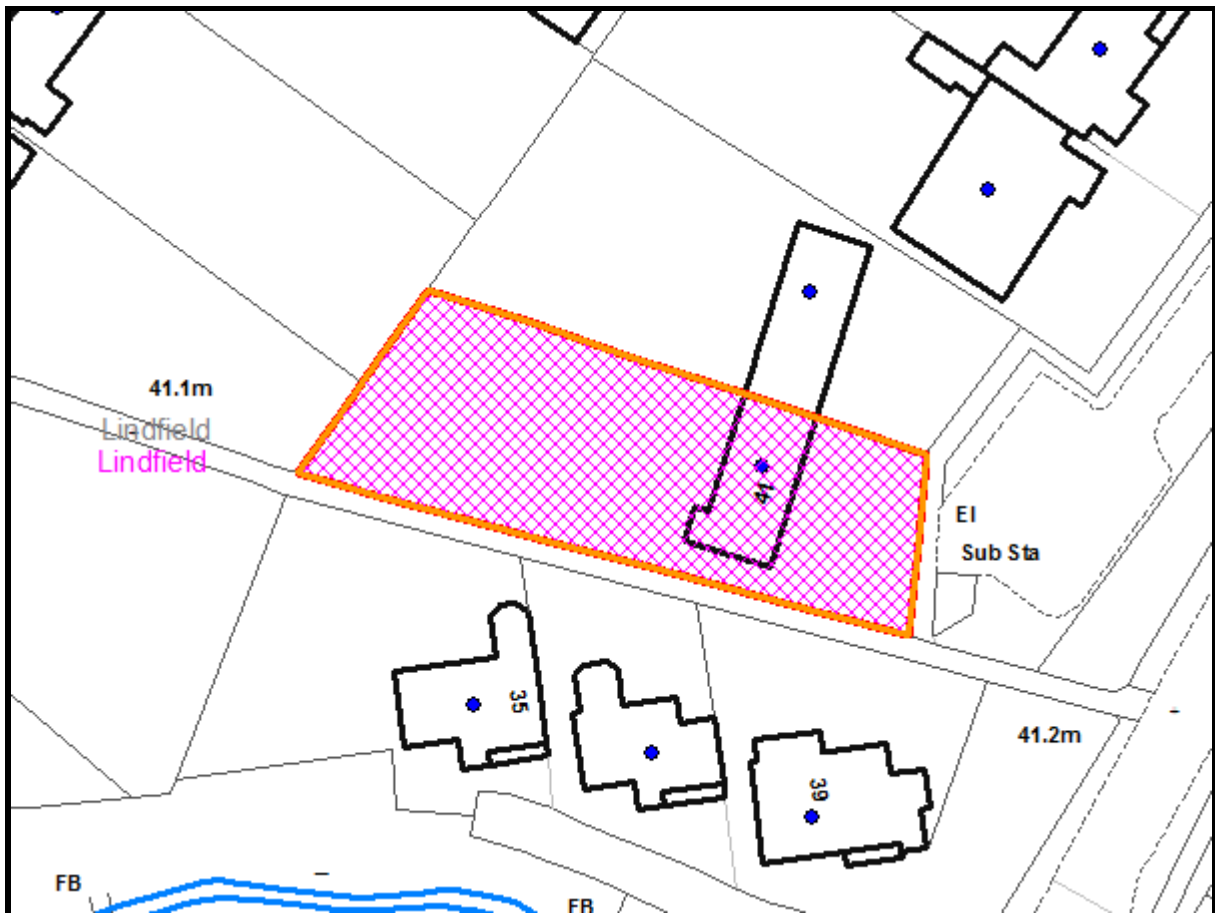
Planning Committee A

17 JAN 2019

RECOMMENDED FOR PERMISSION

Lindfield

DM/18/3656



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**41 HICKMANS LANE LINDFIELD HAYWARDS HEATH WEST SUSSEX  
PARTIAL DEMOLITION OF EXISTING DETACHED HOUSE. PROPOSED  
SINGLE AND TWO STOREY EXTENSIONS TO THE FRONT, SIDE AND  
REAR ELEVATIONS AND ASSOCIATED ALTERATIONS (AMENDED  
PLANS RECEIVED 16/11/2018, 19/11/2018 AND 03/12/2018).  
MR J BURROWS**

POLICY: Areas of Townscape Character / Built Up Areas / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Householder

8 WEEK DATE: 28th January 2019

WARD MEMBERS: Cllr Margaret Hersey / Cllr Andrew Lea / Cllr Anthea Lea /

CASE OFFICER: Katherine Williams

### **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

Planning permission is sought for the part demolition of the existing detached house and the proposed erection of single and two storey extensions to the front, side and rear elevations at 41 Hickmans Lane, Lindfield. The site falls within the built up area of Lindfield and an Area of Townscape Character.

This application has been called into committee by Cllr Margret Hersey and seconded by Cllr Anthea Lea. The stated reason for the call in is:

'My reasons for calling in is I consider that the application is overbearing and unneighbourly with the neighbour at No. 39 losing light into their house. On the street scene I consider that the new build would be going beyond the building line and by design not fitting into the street scene.'

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 extensions are deemed acceptable in terms of design, form and scale and should not detract from the appearance of the surrounding dwellings or character of the area. Nor is the proposal considered to cause significant harm to neighbouring residential amenities or have a detrimental impact on the parking provision for the property.

Therefore the proposal is considered to comply with Mid Sussex District Plan policies DP21 and DP26, Lindfield and Lindfield Rural Neighbourhood Plan policy 7, and the relevant provisions of the NPPF.

Planning permission should therefore be granted.

## **RECOMMENDATIONS**

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

## **SUMMARY OF REPRESENTATIONS**

10 letters of representation have been received from neighbouring properties and raise the following concerns:

- The site lies in an Area of Townscape Character
- The proposal would significantly alter the appearance of the house
- It would have a detrimental impact on the character of the streetscene and relationship No. 43 Hickmans Lane
- Overbearing and overlooking impact
- Impact on outlook from neighbours
- Design and size is out of keeping with the surrounding properties
- Scaffolding would be erected on the public footpath, impact on safety and possible closure for a long period of time
- Noise and disturbance from proposed works
- Loss of light to neighbouring properties to the south
- Loss of privacy to neighbours

A letter of representation has also been received from Lindfield Preservation Society and has raised the following concerns:

- Negative impact on outlook from dwellings to the south along with an overbearing and intrusive impact
- Impact on daylight and sun light to No. 43 Hickmans Lane along with an overbearing impact

Following the submission of these letters of representations amended plans were submitted to correct the plans, the application was then re-advertised and an additional letter of representation received which raised the following concerns:

- Impact on the safety and usability of the footpath
- Out of keeping with the character of the area
- Loss of light
- Noise and disturbance loss of outlook
- Overbearing

## **SUMMARY OF CONSULTATIONS**

### **WSCC PUBLIC RIGHT OF WAY OFFICER**

No objection.

## **LINDFIELD PARISH COUNCIL OBSERVATIONS**

Strongly objects to this application in view of its bulk, particularly recognising its location in an Area of Townscape Character. It considers the proposed development to be overbearing, unneighbourly and detrimental to the existing streetscene, contrary to Policy DP26 (Character and Design) of the Mid Sussex District Plan 2014-31.

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### **Introduction**

Planning permission is sought for the part demolition of the existing detached house and the proposed erection of single and two storey extensions to the front, side and rear elevations at 41 Hickmans Lane, Lindfield.

### **Relevant Planning History**

No relevant planning history.

### **Site and Surroundings**

The application property is a two storey detached dwelling located on western side of Hickmans Lane, within the built up area of Lindfield and an Area of Townscape Character. The application property is located at the end of a line of properties which are set back from Hickmans Lane and are accessed via Finches Park Road. These properties are obscured from view of the main highway by a line mature hedging and trees. The application property is located at the end the cul-de-sac and itself and No. 43 Hickmans Lane is set back from line of properties, reducing its visibility along the streetscene. To the south of the property is a public footpath that runs from Finches Park Road to Hickmans Lane, on the northern side of the footpath is a 2 metre boundary wall on the and a 2 metre boundary fencing to the south. Beyond this footpath are No.s 39, 37 and 35 Hickmans Lane, which back onto the footpath and the application property.

The locality is characterised by detached dwellings of similar scale but varying forms, designs and external materials. The dwellings are set back from the highway with grassed and paved areas with mature hedging to their frontages. The application property has a pitched hipped roof, with a mansard roof on the front and southern side roof slopes which incorporates in to a modest single storey rear projection. To the front of the dwelling are 2 No. first floor dormer windows and front gable projection located in the centre of the front elevation. The dwelling is constructed in white render on a brick plinth, timber frame to the front garble projection, with plain roof tiles and black metal fenestration.

### **Application Details**

The proposal includes the erection of a two storey side and rear extension would have a width of up to 6.1 metres and a depth of 8.7 metres, including extending beyond the front elevation by 3 metres. This extension would have a pitched hipped roof with an overall height to match the existing dwelling and an eaves height of 4.5

metres. To the front elevation of this extension would be a Juliette balcony with a pitched roof. This proposed extension would replace the existing attached garage, utility room and part the first floor bedroom, including the front dormer window.

To the front of the property the existing gable projection would be replaced by 1 No. dormer with a pitched roof and a two storey front extension, this extension would have a depth and width of 1.1 metres and 2.6 metres, with a pitched roof and an overall height and eaves height of 6.1 metres and 4.5 metres. The second dormer to the front elevation would also be replaced, and brought forward by 0.9 metres to removal of the mansard roof slope below. A bay window would be included below this dormer with a flat roof and an overall height of 2.5 metres.

The proposed two storey rear extension would have a width and depth of 7.2 metres and 3.8 metres. This extension would have a crown roof with an overall height and eaves height of 7.2 metres and 4.9 metres.

The proposed single storey rear extension would extend up to 5.4 metres from the rear elevation of the dwelling, including 1.6 metres beyond the rear elevation of the proposed two storey extension, and would extend the width of the dwelling. This extension would have a flat roof and an overall height of 2.8 metres. Beyond the north west corner of this extension would be a 2.5 metre wall which would extend 3.2 metres.

The proposed extensions would be constructed in white render on a brick plinth, plain roof tiles and powder coated aluminium fenestration.

## **List of Policies**

### **Mid Sussex District Plan (adopted March 2018)**

DP21 - Transport

DP26 - Character and Design

### **LINDFIELD AND LINDIFLED RURAL NEIGHBOURHOOD PLAN (made March 2016)**

Policy 7 - Areas of Townscape Character

## **National Policy and Other Documents**

The National Planning Policy Framework (NPPF) 2018 is also a material consideration and paragraphs 8, 10, 124 and 127 are considered to be relevant to this application.

## **Assessment**

The main issues are considered to be the design and impact on the character of the area, impact on the amenities of the neighbouring properties, and impact on parking provision.

## **Design and impact on the character of the area**

Policy DP26 of the Mid Sussex District Plan 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 DP29);*
- *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."*

Policy 7 of the Lindfield and Lindfield Rural Neighbourhood Plan states:

*'Development proposals in an Area of Townscape Character will be supported, provided applicants can demonstrate they have had regard to their impact on the character and appearance of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement. In particular, proposals should:*

- i. retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;*
- ii. retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and*
- iii. avoid the demolition of existing buildings which contribute to the character and appearance of the area.'*

The proposed two storey and single storey extensions to the rear would not be visible from the streetscene and would only be visible in the public realm from the footpath to the south of the property. This view would be over a 2 metre boundary wall and are not considered that the extensions would be of a design or form that would be have an impact on the character or scale of the surrounding properties.

The proposed extensions and alterations to the front of the property and would be visible from the streetscene of the cul-de-sac, and the footpath, but screened from view of the main highways of Hickmans Lane streetscene by the mature hedging and trees to the front of the property. The application dwelling and No. 43 Hickmans Lane are set further back from the building line of the other dwellings along the road, which reduces the wider views of the property until in close proximity to the property.

It is considered that although the proposed extensions and alterations to the front would alter the appearance and form of the dwelling, given the relationship with its neighbouring dwellings and its visibility from the streetscene, it would not have a negative impact on the character of the surrounding properties or the streetscene and Area of Townscape Character.

### **Impact on the amenities of neighbouring properties**

To the northern side of the property is No. 43 Hickmans Lane. The boundary line between the two properties consists of a 3 metre high hedge. Given this boundary treatment and the design and form of the proposed single storey rear extension, it would not be visible from this neighbour. The proposed two storey rear extension would be visible, however given its design and depth it is not considered to cause significant harm to this neighbours amenities.

In terms of light impact, guidance is taken from the BRE "Site Layout Planning for Daylight and Sunlight: A guide to good practise". For domestic extensions the "45 degree approach" should be taken whereby a 45 degree line is drawn from the top of the elevation and a second 45 degree line is taken from the end of the extension. If the centre of the door or window of the neighbouring property lies within both lines that the extension may cause a significant reduction in light to the window or door in question. This guidance is taken as a rule of thumb and each application is considered on its own merits.

Having assessed the light impact to the closest ground and first floor windows to habitable room on the rear elevation of No. 43, omitting the ground floor rear window to the attached garage, the centre point of the windows do not lie within both lines. It is therefore considered that due to this, and the crown roof design of the two storey extension, the proposal would not have a detrimental impact on light to this neighbour.

To the southern side of the property are No.s 35, 37 and 39 Hickmans Lane, which back onto the side of the application property, with the public footpath in between. No. 35 would be 12.6 metres from the closest part of the proposed rear extension. This neighbouring property faces onto the end of the garden of the application property at an angle away from the dwellinghouse. It is considered that due to this relationship with the application property and the separation distance to the

proposed extensions, the proposal would not cause harm to the amenities of this neighbour.

No. 37, as with No. 35 is positioned at an angle away from the application dwellinghouse, and would be 10.2 metres from the closest part of the proposed extensions. The proposed two storey rear extension would have a secondary bedroom window on the side elevation facing this neighbour, with a separation distance of 19.8 metres. Although this window is not considered to result in a significant loss of privacy, due to the separation distance, it is considered that there may be a perception of being overlooked which would affect the amenities of this neighbour. It is therefore considered that this window will be conditioned to be glazed with obscure glass and fixed shut. It is therefore considered that although the proposed extensions would be visible from this neighbour, given the flat roof design of the single storey extension and the separation distance to the extensions it would not cause significantly harm to the amenities of this neighbour.

No. 39 would be 10.5 metres from the closest part of the proposed two storey side and front extension which would be 2.9 metres closer to this neighbour than the existing dwelling, with a hipped roof instead of the existing mansard roof slope. The application property is located to the north of this neighbour and would not have an impact on the daylight or sunlight to this neighbour. It is considered that although this extension would be closer to this property, and greater in depth, given the existing relationship between the dwellings it is not considered that the proposed extensions would have an overbearing impact that would cause significant harm to the amenities of this neighbour.

### **Impact on parking provision**

The proposal would result in the removal of the existing single, but would include a new double garage within the two storey side and front extension. It is therefore considered that the proposal would retain at least 3 No. off street parking spaces, which is considered to be sufficient for the size of the dwelling.

### **Other matters**

Concerns have been raised by residents that the proposed works would cause noise and disturbance as well as an impact on the safety and use of the public footpath. Noise and disturbance created during works is not a planning consideration and is covered by the Environmental Protection Act 1990, which requires a duty of care during the proposed works not to cause nuisance to neighbours. The West Sussex County Council Public Right of Way Officer has been consulted on the application and has raised no objection and does not consider that the proposal would impact the foot path. The officer has also stated that the full width of the right of way must not be obstructed during works unless agreed by the County Council.

### **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 extensions are deemed acceptable in terms of design, form and scale and should not detract from the appearance of the surrounding dwellings or character of the area. Nor is the proposal considered to cause significant harm to neighbouring residential amenities or have a detrimental impact on the parking provision for the property.

Therefore the proposal complies with Mid Sussex District Plan policies DP21 and DP26, Lindfield and Lindfield Rural Neighbourhood Plan policy 7, and the relevant provisions 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.
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 approved plans and application details 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 Mid Sussex District Plan.
4. The car parking area within the garage shown on the approved drawings shall be used as a private domestic garage in connection with 41 Hickmans Lane only and for no other purpose.  
  
Reason: To safeguard the amenities of the neighbouring properties and to ensure the provision of adequate off street parking space and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.
5. The window that serves a bedroom on the southern first floor side elevation of the two storey rear extension shall be all times be fixed shut and obscurely glazed.  
  
Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

## 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Block Plan	0918.SP02	A	05.09.2018
Proposed Site Plan	0918.P02		05.09.2018
Existing Floor and Elevations Plan	0918.MS01		05.09.2018
Proposed Floor and Elevations Plan	0918.P01	A	10.09.2018
Proposed Site Plan	5817.P02	D	03.12.2018
Proposed Site Plan	0918.SK.08		19.11.2018
Proposed Floor and Elevations Plan	0918.P02	A	16.11.2018
Proposed Site Plan	5817.P02	C	16.11.2018
Location Plan	5817.SP01		12.09.2018

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

Lindfield Parish Council strongly objects to this application in view of its bulk, building over development and design, particularly recognising its location in an Area of Townscape Character. It considers the proposed development to be overbearing, unneighbourly and detrimental to the existing street scene, being substantially outside the existing building line, and therefore contrary to Policy DP26 (Character and Design) of Mid Sussex District Plan 2014-31.

### **WSCC Public Right of Way Officer**

With regards to the above application public rights of way have no objection as the development does not seem to impact public access along public footpath 45CU. The applicant must note however that the full width of the public right of way must be unobstructed by building materials, scaffolding and any vehicles at all times during and following construction unless a legal temporary closure is applied for and consented to by West Sussex County Council (WSCC) . Any alterations to the fence line must be agreed in advance with WSCC as Highways authority.