

MID SUSSEX DISTRICT COUNCIL

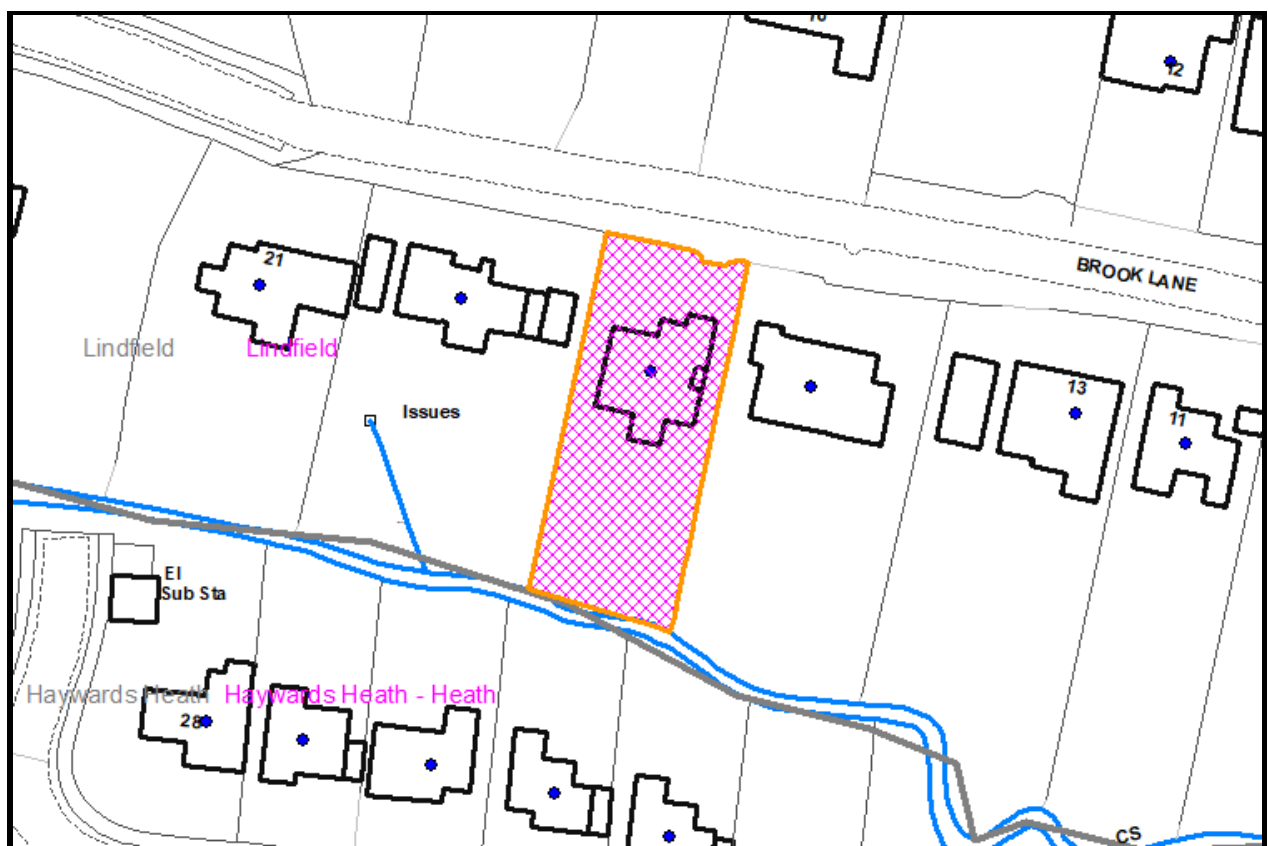
Planning Committee

14 JUL 2022

RECOMMENDED FOR REFUSAL

Lindfield

DM/22/0922



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**17 BROOK LANE LINDFIELD HAYWARDS HEATH WEST SUSSEX RH16
1SF
FIRST FLOOR FRONT AND REAR EXTENSIONS
MR. JAMES WREN**

POLICY: Built Up Areas / Flood Map - Zones 2 and 3 / Flood Map - Zones / Notice of Exemption NSW Act 1951 / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Householder

8 WEEK DATE: 18th July 2022

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

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 for first floor front and rear extensions at 17 Brook Lane, Lindfield.

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.

It is considered that the scale, form and design of the proposed extensions do not create subordinate or proportionate additions to the dwelling and would undermine the character of the existing building. Due to the spacing of properties, the development would be visible within the streetscene and is considered to result in dominant and incongruous additions that would be harmful to the character of the surrounding area.

The proposal would therefore fail to comply with policy DP26 of the Mid Sussex District Plan 2014-2031, principles DG49, DG50 and DG51 of the Design Guide Supplementary Planning Document as well as the broader requirements of the NPPF.

Planning permission should therefore be refused.

Recommendation

It is recommended that permission is refused for the reason outlined at Appendix A.

Summary of Consultations

MSDC Drainage Engineer

No objection.

Summary of Representations

No representations have been received in response to this application.

Parish Council Observations

No objection, subject to matching materials being used.

Introduction

This application seeks planning permission for first floor front and rear extensions at 17 Brook Lane, Lindfield.

Planning History

G/52/221 - Layout of road extension and development of land. Permitted.

G/53/180 - Bungalow. Permitted.

Site and Surroundings

17 Brook Lane is a north facing, detached, chalet bungalow. It is constructed of brick, with a plain tiled, barn hip roof and upvc windows. The dwelling is characterised by a pitched roof dormer window in the front roofslope as well as a pitched roof, front projection that contains an integral garage. This front projection is one and a half stories high, with tile hanging also in the eaves. To the rear the dwelling benefits from two further, small, pitched roof dormer windows and a conservatory.

The property is located within the built up area of Lindfield. Neighbouring dwellings are situated to the south, east and west, whilst the highway is to the north. The dwelling is set back from the road by a front garden and area of hardstanding. It also has private amenity space to the rear.

Application Details

Planning permission is sought for first floor front and rear extensions. To the front it is proposed to change the existing storage space above the garage into a bedroom. This is to be achieved by increasing the roof heights; the footprint is to remain as existing. The eaves height is to be increased from some 2.4 metres to 3.6 metres. The ridge is to be increased from approximately 5.5 metres to 6.7 metres, so it matches the ridge of the main house.

In terms of the works to the rear, it is proposed to lift the eaves of the dwelling, in order to create a full first floor across the rear elevation. Internally two existing bedrooms are to be enlarged, one with an en-suite, and a further bedroom is to be created. In order to create this space the eaves, at the rear only, are to be increased from some 2.5 metres to 5.3 metres. In terms of depth created the floor plan indicates that this would be some 1.5 metres. The elevations show that, from the barn hip, the projection would be approximately 3.4 metres and at the apex of the roof 3.5 metres.

It is proposed to construct the extensions in materials to match the existing building.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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.'*

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.'

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.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan and Lindfield and Lindfield Rural Neighbourhood Plan.

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.

Mid Sussex District Plan

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

Relevant policies:

DP26 - Character and Design

Lindfield and Lindfield Rural Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan was made in March 2016.

There are no relevant policies.

Mid Sussex Design Guide Supplementary Planning Document

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.

National Planning Policy Framework

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment that is well designed, beautiful and safe, with accessible local services; and using natural resources prudently. An overall aim of national policy is *'significantly boosting the supply of homes.'*

Paragraph 12 of the NPPF states:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

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.'

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 134 of the NPPF states:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.*

National Planning Policy Guidance

Ministerial Statement and National Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Design and impact on the character of the surrounding area,
- Impact on neighbouring properties, and
- Planning balance and conclusions.

Design and impact on the character of the surrounding area

Policy DP26 of the Mid Sussex District Plan relates to character and design and 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.'*

In terms of the Mid Sussex Design Guide SPD, Principle DG49 establishes general principles for extensions and states:

'Extensions should respond to the design of the original dwelling and applicants will be expected to demonstrate how local character has informed the design proposal. Extensions should also normally be designed to be well-integrated with the existing scale, form and massing allowing the original building to remain the dominant element of the property whether it has one or several additions.'

Extensions should typically use simple, uncomplicated building forms to complement and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach.

Extension should not result in a significant loss to the private amenity area of the dwelling

There are two general approaches to extending a property

Designing in the style of the existing building by closely matching its facing materials, architectural features, window sizes and proportions and

Designing in a contemporary style that takes its cues from key aspects of the existing building that might include its underlying form and proportions, facing materials, window design and other specific architectural features. The success of this approach is particularly reliant on high quality facing materials and finishes, and this will normally need to be demonstrated through detailed elevations and section drawings.

Both approaches can create successful, well-designed extensions that can be mutually beneficial to both the house and the wider area.

All extension and alterations should consider their impact on neighbouring properties (refer to Chapter 8 on residential amenity)

In terms of front extensions DG50 sets out:

'Front and side extensions are typically visible from the public realm and will be resisted where they have an adverse impact on the street scene or the appearance of a dwelling.

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'.

Principle DG51 relates to rear extensions and states:

'Rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the

relationship of the extension with the side boundaries and adjacent buildings and gardens'.

The application property is a characterful, simply designed chalet bungalow that has remained relatively unaltered. It therefore has retained the features of a chalet bungalow, such as a low eaves height and dormer windows, which are considered to be characteristics of the dwelling. Houses are positioned along both sides of Brook Lane, which has a turning point at the western end of the road, and those on the northern side are on higher ground. It has a combination of detached two storey houses and chalet bungalows, which are set back behind gardens and verges. Whilst there is a variety of housing designs, the dwellings comprise traditional forms, are constructed of traditional materials and are well spaced.

Planning permission is sought for first floor extensions to the front and rear of the dwelling. In terms of the front extension, the dwelling is set well back from the road, as required by principle DG51, and therefore the principle of works to the front is considered to be acceptable. In terms of design, the existing projection is considered to appear proportionate in relation to the main core of the house. It also appears subordinate, due to the low eaves and ridge height.

The proposed development seeks to create first floor space by increasing the eaves and ridge height. Whilst the footprint would remain the same, it is considered that these works adversely affect the proportions of the dwelling and the increased roof heights create a more dominant feature. The dominance is not only visible from the front, but also from the side where there would be additional, visible bulk. In terms of detailed design, the increased eaves height appears discordant in side views and the overall appearance of the addition, which appears quite urban, would not be in keeping with the character of the existing dwelling.

With regards to the works to the rear, it is proposed to increase the eaves height and create first floor accommodation to the rear of the property. As set out, the application relates to a chalet bungalow that contains the characteristic of this type of dwelling through first floor accommodation being provided by dormer windows and a low eaves line. The proposed works would therefore be contrary to the character of the dwelling through the creation of a fully expressed two storey elevation to the rear and through the increased eaves. Furthermore, in order to create this level of space, a large expanse of flat roof would be created, which would not create a subordinate design.

With regards to the impact on the streetscene, both extensions would be visible from public vantage points. It is acknowledged that there is variety within surrounding properties and a number have been extended, however this does not prevent the need for current proposals to be in accordance with current policy requirements.

In terms of the front extension, the frontage of the application site is visible within the street. It is considered that the design approach would be out of keeping with the more traditional appearance of the surrounding properties and its form would not appear subordinate.

Whilst it is acknowledged that the rear of the property is not visible from public vantage points, due to the spacing of dwellings along the road, there are views to the side of the roof. Given the scale and height of the proposed works, it is considered that the extension to the rear would also be visible within the streetscene. As set out, the rear extension is considered to be at odds with the character of the existing dwelling and the scale and form would not appear subservient.

It is therefore considered the both the front and rear extensions would create dominant and incongruous additions that would be harmful to the streetscene.

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).'

The front extension would be positioned closest to 15 Brook Lane, a chalet bungalow, and the works to the rear would also be within close proximity. Both dwellings are set away from the shared boundary. No. 15 has their garage closest to the application site as well as a detached shed. The extension to the rear would also not project beyond existing the rear wall of the application property. Given this arrangement it is considered that the proposed extensions would not result in a significant loss of light or outlook to this neighbour.

The works to the rear would span the full width of the house. 19 Brook Lane is a two storey dwelling and there is a mature hedge along part of the shared boundary. Whilst this neighbour does have a first floor window facing the application property, it is set away by a single storey section containing the garage. As such it is considered that the proposed development would also not result in significant harm to this neighbour's light or outlook.

One new, first floor, side window is proposed on the western elevation. It is, however, to be associated with an en-suite and therefore would be obscure glazed. The proposal would therefore not result in significant harm regarding overlooking.

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.

Whilst it has been concluded that the proposed extensions would not result in significant harm to the amenities of neighbouring properties, harm has been identified in design terms. It is considered that the scale, form and design of the proposed extensions would not create subordinate or proportionate additions to the

dwelling and would undermine the character of the existing building. Due to the spacing of properties, the development would be visible within the streetscene and would create dominant and incongruous additions that would be harmful to the character of the surrounding area.

The proposal would therefore fail to comply with policy DP26 of the Mid Sussex District Plan, principles DG49, DG50 and DG51 of the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

It is therefore recommended that planning permission should be refused.

APPENDIX A – REASONS FOR REFUSAL

1. The scale, form and design of the proposed extensions would not create subordinate or proportionate additions to the dwelling and would undermine the character of the existing building. Due to the spacing of properties, the development would be visible within the streetscene and would create dominant and incongruous additions that would be harmful to the character of the surrounding area. The proposal would therefore fail to comply with Policy DP26 of the Mid Sussex District Plan, Principles DG49, DG50 and DG51 of the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

INFORMATIVES

1. 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 identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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
Existing Floor and Elevations Plan	1198/01		18.03.2022
Proposed Floor and Elevations Plan	1198/02		18.03.2022
Location Plan	1198/05		18.03.2022
Block Plan	1198/06		18.03.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

The proposal is for a substantial first floor extension but it appears that the site is able to accommodate this. Accordingly, Lindfield Parish Council has no objections subject to matching materials being used.

MSDC Drainage Engineer

Following the consultation of the flood risk and drainage team for the above application we have reviewed the submitted information and can provide the following comment.

The site is located within an area of increased surface water flood risk. The site also includes small areas of flood zone 2 and 3, medium and high fluvial (river) flood risk. The West Common Stream, classified as a main river by the Environment Agency forms the southern boundary of the site.

The proposed development is for a first floor extension with no increase of built footprint at ground floor level.

Due to all proposed development being located on first floor level the flood risk and drainage team have no objection to the application. We would however, advise the applicant to consider the Environment Agency's standing advice for minor extensions, especially in association with flood resistance and resilience measures at ground floor level. More information on this can be found online at <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#advice-for-minor-extensions>.