

MID SUSSEX DISTRICT COUNCIL

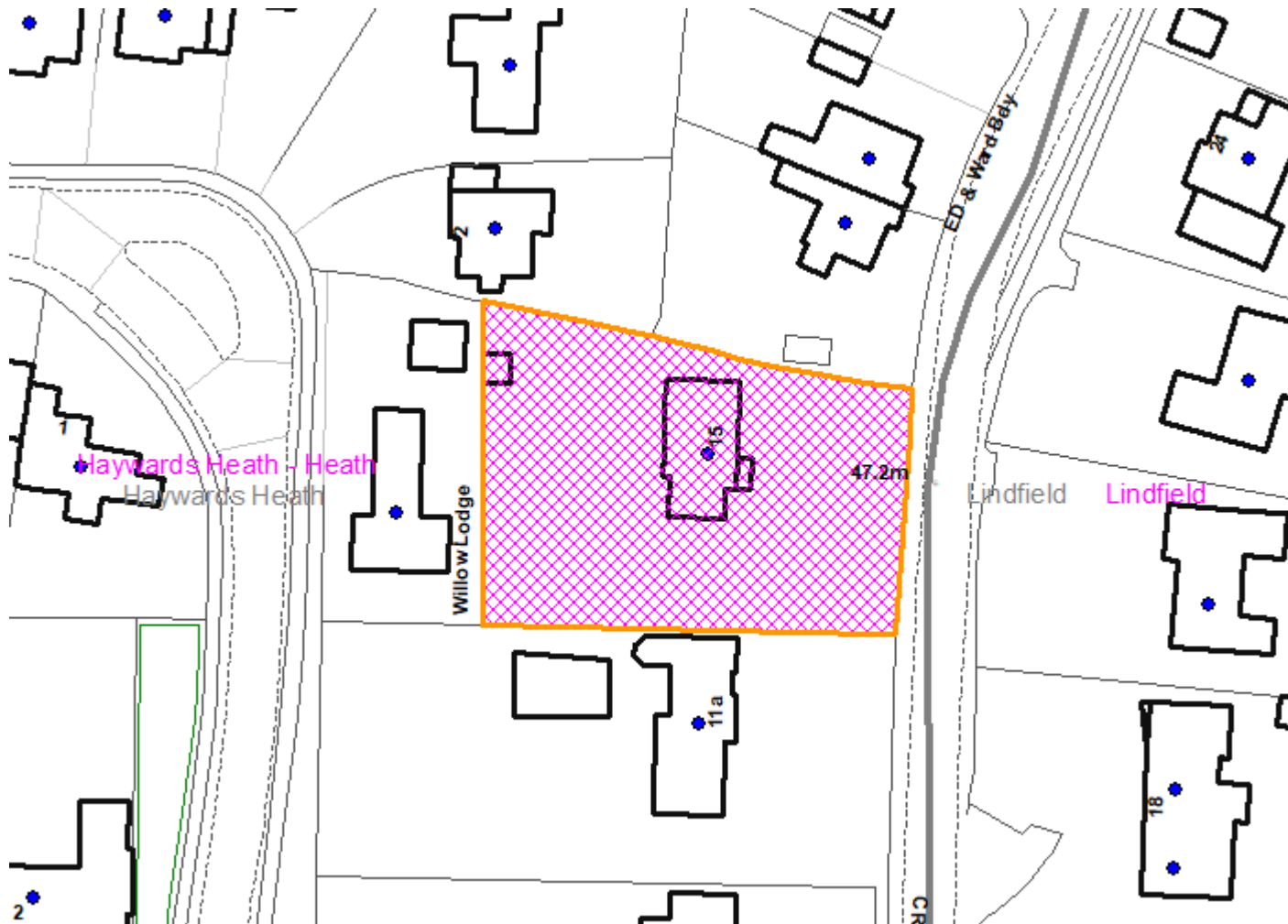
Planning Committee

13 OCT 2022

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/2160



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**15 PORTSMOUTH LANE LINDFIELD HAYWARDS HEATH WEST SUSSEX
RH16 1SE
PROPOSED TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR
EXTENSION. NEW ROOF OVER EXISTING DORMERS AND NEW PORCH
CANOPY.
MR R LEWRY**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Householder

8 WEEK DATE: 17th October 2022

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Caroline Grist

Purpose of Report

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

Executive Summary

This application seeks planning permission for a two storey side extension, single storey rear extension, new roofs over existing dormer windows and a new porch canopy at 15 Portsmouth 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, following a recent decision from the Planning Inspectorate for a similar scheme on this site, the proposed side extension would be acceptable in terms of scale, form and design. Whilst no substantial changes have been to the roofs over the dormer windows or porch, the changes made to the side extension would assist in integrating these features into the dwelling more successfully. The single storey rear extension is considered to remain acceptable and there will be no harmful impact to neighbouring amenity. Subject to an appropriately worded condition, there would also be no significant harm to the existing trees on the site.

The proposal would therefore comply with policies DP26 and DP37 of the Mid Sussex District Plan 2014-2031, policies E9, E10 and H9 of the Haywards Heath Neighbourhood Plan, 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 granted, subject to the conditions outlined at Appendix A.

Recommendation

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

Summary of Representations

No representations have been received in response to this application.

Town Council Observations

Supports the application as it addresses some of concerns previously raised by the refusal of DM/22/0850.

Introduction

This application seeks planning permission for a two storey side extension, single storey rear extension, new roof over existing dormer windows and a new porch canopy at 15 Portsmouth Lane, Lindfield, Haywards Heath.

Planning History

00/00593/FUL - Two storey side extension and single storey rear extension. Permission.

DM/20/3758 - Erection of detached double garage building with office within roof space. (Amended Plans 26.02.2021). Permission.

DM/22/0850 - Proposed 2 storey side extension, single storey rear extension. New gables over existing dormers and new porch canopy. Refused. Split decision at appeal.

DM/22/2162 - Proposed new garage. Pending Consideration.

Site and Surroundings

15 Portsmouth Lane is an east facing, detached dwelling. It is constructed of red brick, with sections of hanging tile, a plain tile roof and upvc windows. The dwelling is characterised by a flat roof canopy over the entrance and two flat roof dormer windows to the front. It has been previously extended through a two storey side extension to the north, with a front facing dormer window, and a single storey rear extension.

The site is located within the built up area of Haywards Heath. Neighbouring dwellings are situated to the north, south and west, whilst the highway is to the east. An area of hardstanding is to the front of the property and the dwelling also benefits from garden space to the side and rear. The application property is situated on higher land than the highway and there is an incline from north to south along Portsmouth Lane.

Application Details

Planning permission is firstly sought for a two storey side extension, which would contain a lounge at the ground floor level and a master bedroom, with en-suite, at the first floor level. It is to be some 5.7 metres wide and have a staggered depth. The ground floor is to be approximately 9.0 metres deep, whilst the first floor would be 8.1 metres. A pitched roof design is proposed that would measure some 4.0 metres to the eaves and the ridge would be consistent with the host dwelling.

An extension is also proposed to the rear of the building. This would be single storey and form part of the kitchen, as well as contain a study. It is to have a width of some 10.9 metres and depth of 3.0 metres. It is to have a flat roof, which would have an overall height of approximately 2.7 metres.

Other works are also proposed to the front elevation. This would include adding two pitched roofs over the existing, flat roof dormer windows. Each would be some 5.5 metres wide and continue the existing ridge and eaves lines. Also proposed is a porch canopy. This would be approximately 3.5 metres wide, 1.4 metres deep, 2.1 metres to the eaves and 3.9 metres to the ridge.

The extensions are to be finished in materials to match the host dwelling.

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, Haywards Heath Neighbourhood Plan and Site Allocations Development Plan Document.

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

DP37 - Trees, Woodland and Hedgerows

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was formally made on 15th December 2016.

Relevant policies:

Policy E9 - Design

Policy E10 - Areas of Townscape Character

Policy H9 - Building Extensions

Site Allocations Development Plan Document

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

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.'*

This ethos is echoed within Policy E9 from the Haywards Heath Neighbourhood Plan.

Policy H9 of the Haywards Heath Neighbourhood Plan states:

'Extensions to existing dwellings will be permitted where it meets the following criteria:

- *The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

Policy E10 of the Haywards Heath Neighbourhood Plan is also considered to be relevant to the assessment of this application:

'Development proposals in an Area of Townscape Character will be required to pay particular attention to retaining the special character and to demonstrate how they support and enhance the character of the area in question'.

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.

Extensions 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 extensions and alterations should consider their impact on neighbouring properties (refer to Chapter 8 on residential amenity)'.

In terms of front and side 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

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.

Side extensions

Side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building.

The gaps between dwellings can sometimes positively contribute to articulating (for example, through the consistent rhythm of repeated houses) and adding interest in a street frontage or by providing views / visible connections to the surrounding countryside. Side extensions will therefore need to appropriately respond to the character of the street form and will not normally be accepted

where they close an important gap and view'.

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'.

This submission follows application DM/22/0850, which was refused by the Local Planning Authority. Following the submission of an appeal, a split decision was issued by the Planning Inspectorate. The appeal was dismissed for a two storey side extension, new gables over existing dormers and new porch canopy. The appeal was allowed for a single storey rear extension, subject to conditions. Key issues for the dismissed works were design and the impact on the existing building.

As identified by the Inspector, this section of Portsmouth Lane is characterised by detached, two storey family houses that are set back from the street and are within large, mature, landscaped plots. Many dwellings are, as a minimum, partially screened from public vantage points by mature boundary planting and trees.

The Inspector goes on to state:

'The dwellings are individually designed and include a variety of roof forms and design features. Amongst other things this includes gable and catslide roof, crown roofs and two storey front projections. Front and rear building lines vary and many of the dwellings have front and/or rear projections. These features, together with the abundance of soft planting and sloping ground levels, contributes to the informal and verdant character and appearance of the locality'.

The application property is also situated on an elevated position, set back from the street and screened from the front and side by mature shrubs, trees and a bank. It is also noted by the Inspector that No. 15 has an uncluttered and balanced appearance, with strong horizontal lines.

In terms of the side extension that was previously considered, the Inspector determined that it would be unacceptable due to:

'its combined mass; proportions; design detailing; and large expanses of tiling, brickwork and garage doors, the front section of the proposed side extension would fail to respect the proportions of the host dwelling and would be visually overbearing'.

Changes have been made to the proposed side extension, following the refusal of the previous application. The proposed extension no longer includes a front projection and has been further reduced in depth at the first floor level, to the rear. The extension has also been reduced in width, by approximately 1.5 metres, and has

changed the roof form. An a-symmetric design is now proposed, which assists in visually reducing the massing of the proposed side extension. The reduced form of the addition has also resulted in reduced expanses of tiling and brickwork. Overall it is considered that the proposed two storey side extension appears more in proportion to the existing building and would not appear overbearing.

The Inspector also found the proposed gables over the dormer windows and porch to be unacceptable. She stated:

'The proposed gables over the existing flat roofed dormers appear slightly unbalanced due to their failure to align symmetrically with the dormer windows below. In addition, the juxtaposition between the ridge line of the porch and the first-floor window above is cramped and unbalanced. Whilst these are small details, together with the projecting side extension they would result in the house appearing poorly proportioned and disjointed'.

Whilst the gables and porch have remained broadly the same as the previously refused scheme, it is considered that the changes made to the side extension would assist in integrating them into the host dwelling. For example, the proposed pitches would reflect that of the side extension, providing a rhythm to the front elevation across the development.

No objection was raised to the single storey rear extension by the Local Planning Authority or the Planning Inspector. This addition remains the same as the previous application and, as such, it remains your Planning Officers view that it would respect the proportions of the existing dwelling and reflect the character of the existing building.

In terms of the impact on the area, as noted by the Inspector, surrounding properties vary in design and appearance. No objection has been raised regarding the side extension infilling an important gap or view, as required by Principle DG51 of the Design Guide. Given the acceptability of the proposed addition in design terms in relation to the existing building, the variation in the design of surrounding houses and that no important gaps or views would be affected, to the front or side of the property, it is considered that there would be no harm to the character of the street scene or the Area of Townscape Character.

Impact on neighbouring amenities

In terms of the impact to neighbouring amenity the test, as set out under policy H9 of the Haywards Heath Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded. 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 DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Policy DP26 of the Mid Sussex District Plan seeks to ensure that new 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 DP27)'.

The proposed two storey side extension would be positioned closest to 11A Portsmouth Lane. This neighbour is situated to the south of the application site and has its garage closest to the shared boundary. This neighbour is also on higher land than the application site and there is a mature planted boundary between the two properties. Whilst it is acknowledged that this neighbour has side windows facing the application site and a rear projection, the proposed extension would not extend beyond the current rear elevation and it would remain set back from the shared boundary by some 5.0 metres. Given the arrangement of the properties and the position of the extension it is considered that, on balance, there would not be significant harm to this neighbour's light or outlook.

The single storey rear extension would be situated adjacent to the shared boundary with 17 Portsmouth Lane. This neighbour is set further forward on its plot and is positioned towards its northern boundary. Due to this arrangement it is considered that there would not be a harmful impact to this neighbour in terms of a loss of light or outlook.

No windows are proposed that would result in any direct overlooking. Due to the domestic nature of the proposed development it is considered that it would not have a significant impact in terms of noise, air or light pollution.

Other matters

It is noted that there are three mature trees within 15 metres of the proposed development. A pine, maple tree and a conifer adjacent to the property. No details have been submitted as part of this application to demonstrate the proximity of the trees in relation to the proposed development and any relevant mitigation measures.

The previous application DM/20/3758 demonstrated that the initial and revised schemes could accommodate the proposal without the trees being removed. A condition was placed on this permission to retain the trees and for tree protection measures to be provided prior to the commencement of development. Similarly, it is considered that the footprint of the proposed development would not require the removal of the existing trees and that a similarly worded condition could be attached to any permission to ensure that they would not be harmed during the course of the development.

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.

Planning permission is sought for a two storey side extension, single storey rear extension, new roof over existing dormer windows and a new porch canopy. Whilst it is acknowledged that there has been a recently refused application for a similar development that was partially upheld at appeal, it is considered that the changes that have been made would be sufficient to overcome the previously raised design concerns. No harm has also been identified in relation to the impact to the streetscene, Area of Townscape Character, neighbouring amenity or trees.

It is therefore recommended that planning permission should be granted.

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 Applications".

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

3. The materials and finishes of the external finishes of the extension hereby permitted shall match in colour and texture those of the existing dwelling house.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies E9 and H9 of the Neighbourhood Plan.

4. Prior to the commencement of development a tree protection plan, with associated written statement, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details. The tree(s) shall not be damaged, destroyed, uprooted, felled, lopped or topped during the development without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031

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 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 Plan	045.22.02a		08.07.2022
Existing Floor and Elevations Plan	045.22.02a		08.07.2022
Proposed Site Plan	045.22.03		08.07.2022
Proposed Floor and Elevations Plan	045.22.03		08.07.2022

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council has considered this application in conjunction with DM/22/2162 - proposed new garage - and SUPPORTS both of them. The proposal addresses some of the concerns raised by the refusal of DM/22/0850 and the modifications, particularly to the front elevation of the property to include three gable ends, give some asymmetrical balance in design terms and would effectively improve the street scene. Notwithstanding the pending appeal in respect of DM/22/0850, this latest proposal updates the existing poor design, removing the flat roof dormers which were unfortunately permitted by a previous application. The proposal largely rectifies this oversight, representing improved aesthetics which would benefit the street scene.