

MID SUSSEX DISTRICT COUNCIL

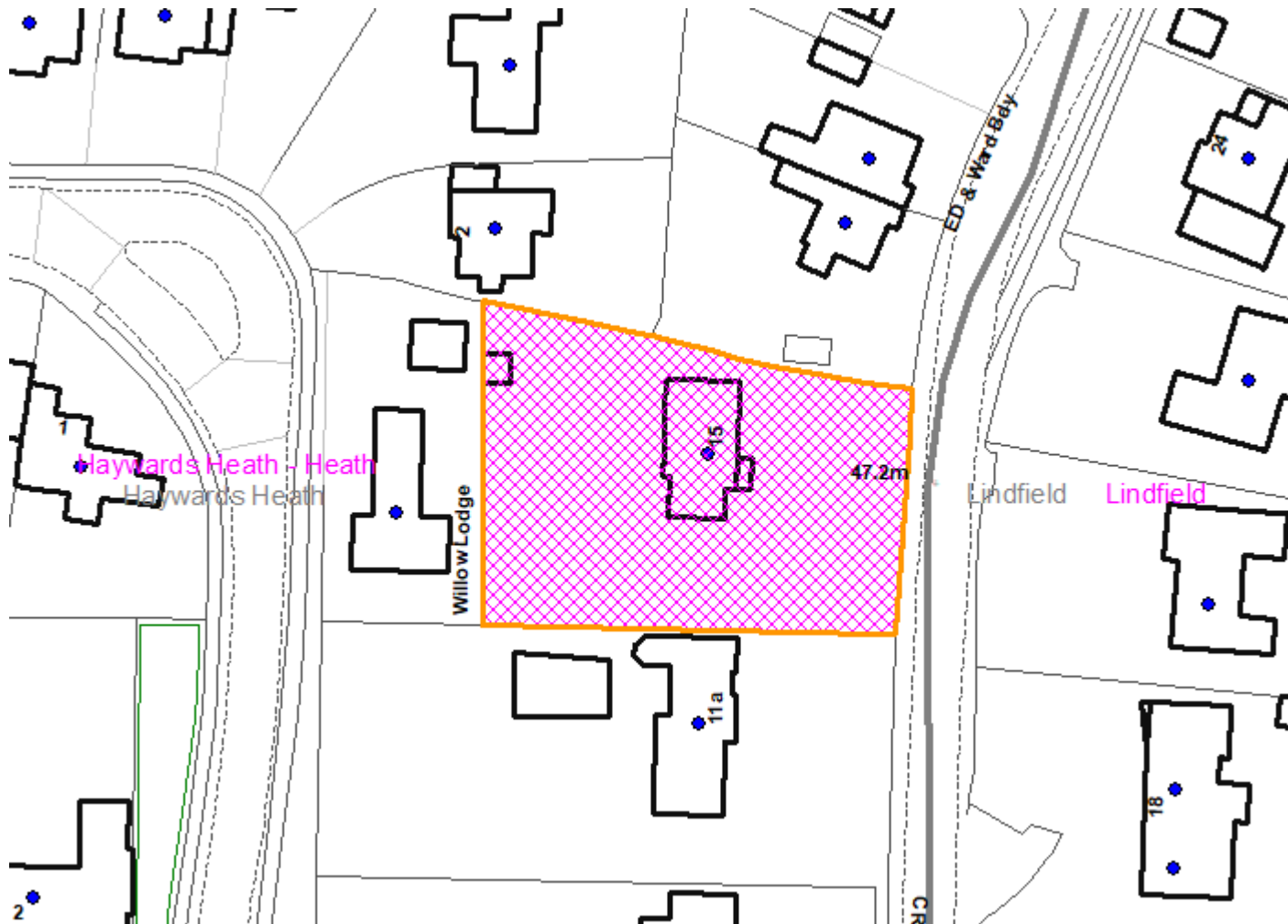
Planning Committee

**13 OCT 2022**

RECOMMENDED FOR REFUSAL

Haywards Heath

DM/22/2162



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**15 PORTSMOUTH LANE LINDFIELD HAYWARDS HEATH WEST SUSSEX  
RH16 1SE  
PROPOSED NEW GARAGE.  
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 detached garage 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 the proposed garage, by virtue of its siting to the front of the dwelling, would be at odds with the established character of Portsmouth Lane, which is an Area of Townscape Character, where houses are set back behind undeveloped front garden spaces. Furthermore the position and elevated location of the garage would create an incongruous and prominent feature that would be significantly harmful to the streetscene.

The proposal would therefore fail to comply with policy DP26 of the Mid Sussex District Plan 2014-2031, policies E9, E10 and H9 of the Haywards Heath Neighbourhood Plan, principle DG49 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 Representations

Two representations have been received in support of this application. It is further noted, by one neighbour, that it seems a reasonable addition to the property.

Supporting information has also been submitted by the applicant during the course of the application. In summary these documents are:

- Examples of approved double garages to the front of properties within Mid Sussex,
- An illustration, and
- A supporting statement.

## Town Council Observations

No objection. The Town Council notes the plethora of similar applications for front garages which were previously approved.

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## Introduction

This application seeks planning permission for a new garage 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/22/2160 - Proposed two storey side extension, single storey rear extension. New roof over existing dormers and new porch canopy. 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 sought for a detached, double garage to the front of the dwelling. It is to be 6.0 metres deep and wide. A pitched roof design is proposed that would measure approximately 2.5 metres to the eaves and 4.7 metres to the ridge.

The garage is 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)'.*

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.

Under the previously refused scheme, the proposed side extension included a front projection that contained a garage. It is no longer proposed to incorporate the garage into the side extension, rather create a detached garage building to the front of the property. Planning permission was granted under reference number DM/20/3758 for a detached garage in 2021, but this was located to the side of the dwelling. The current application, which proposes a garage to the front of the dwelling, is therefore materially different to this previously approved scheme.

Whilst no objection is raised with regards to the design of garage in itself, there is concern that it would appear uncomfortably close to the extension considered under DM/22/2160. It is acknowledged, however, that the side extension may not be constructed, so limited weight can be afforded to this issue.

Unlike the previous applications on this site, it is considered that this proposal would be harmful to the character of the surrounding area. As set out above, dwellings along Portsmouth Lane are set back from the highway and front boundaries comprise mature boundary planting and trees. Overall there is a verdant character and appearance to the locality. Some of these features form part of the identified characteristics of Areas of Townscape Character, which are established in policy E10 of the Haywards Heath Neighbourhood Plan, of which Portsmouth Lane is included.

The supporting text within the Neighbourhood Plan, associated with policy E10, states:

*'In particular, proposals should:*

- retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;*
- 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*
- avoid the demolition of existing buildings which contribute to the character and appearance of the area'.*

In terms of garages within neighbouring properties, these are situated to the side of the houses. None are placed wholly forward of the building line, providing open spaces within the street. It is acknowledged that there is an unusual relationship with 17 Portsmouth Lane, to the north of the site, where it appears that their garage is situated in a forward position. This garage is, however, a single storey building that falls in line with No. 17 and is set back from the highway. It is therefore not considered to be contrary to the character of the area or form a direct comparison with the proposed development.

Given the pattern of development within this Area of Townscape Character, which has been identified above, it is considered that the proposed development would be contrary to this, enclosing an open area to the front of the property, which would appear incongruous in this setting. The proposal would also present a blank elevation to the street and, as this section of land is at a higher level than the public highway, this would create a prominent and jarring feature that would appear dominant within the streetscene.

It is acknowledged that there is planting to the front of the property that screens it from Portsmouth Lane. Whilst it is considered that the proposal would be unlikely to affect the hedging, and a condition could be included to protect the trees during building works, this boundary cannot be retained in perpetuity. It is also considered that the screening it provides would likely be seasonal and not provide full cover year round. Furthermore, this matter was considered by the Inspector, as part of the recent appeal, who stated:

*'It is acknowledged that the side extension and front additions would be largely screened from the street scene. However, this does not mitigate the harm that would be caused to the character and appearance of the host dwelling and the associated conflict with the above policies and guidance objectives'.*

In line with the Inspector's report, it is therefore considered that the existing site screening would not mitigate the harm identified.

It is also acknowledged that the supporting information provided has identified previous permissions that have been granted for similar developments, within Mid Sussex and Lindfield. However, it is a requirement that each planning application must be assessed on its own merits against relevant policies. It is considered that the character of an area is very site specific and limited to the direct vicinity of the site. The above assessment has been made taking into account the character of this section of Portsmouth Lane and the impact of the proposed development upon it. The proposal does not form a replacement building nor are there existing examples of this form of development within neighbouring properties. As such, the examples provided by the applicant are not considered to affect the assessment made above.

It is therefore concluded that the proposal garage would intrude into the open character that exists along Portsmouth Road, which forms part of an Area of Townscape Character. Furthermore the position and elevated location of the garage would create an incongruous, prominent and dominant feature that would be significantly harmful to the streetscene.

### **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 development would be 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. It is also on higher land than the application site and there is a mature planted boundary between the two properties. Given the scale and position of the proposed garage in relation to the neighbouring property, it is considered that there would not be a significant loss of light or outlook to No. 11A. No windows are proposed that would result in any direct overlooking and, given the domestic nature of the proposal, there would not be significant harm in terms of noise, air or light pollution.

### **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 garage would not result in significant harm to the amenities of neighbouring properties, harm has been identified in design terms particularly in relation to the impact on the character of the area, which forms part of an Area of Townscape Character. The position of the garage, to the front of the dwelling, would be at odds with the established character of Portsmouth Lane, where houses are set back behind undeveloped front garden spaces. Furthermore the position and elevated location of the garage would create an incongruous, prominent and dominant feature that would be significantly harmful to the streetscene.

The proposal would therefore fail to comply with policy DP26 of the Mid Sussex District Plan, policies E9, E10 and H9 of the Haywards Heath Neighbourhood Plan, principle DG49 of the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

It is therefore recommended that planning permission should be refused.

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## **APPENDIX A – REASONS FOR REFUSAL**

1. The proposed garage, by virtue of its siting to the front of the dwelling, would be at odds with the established character of Portsmouth Lane, which is an Area of Townscape Character, where houses are set back behind undeveloped front garden spaces. Furthermore the position and elevated location of the garage would create an incongruous and prominent feature that would be significantly harmful to the streetscene. The proposal would therefore fail to comply with Policy DP26 of the Mid Sussex District Plan, Policies E9, E10 and H9 of the Haywards Heath Neighbourhood Plan, Principle DG49 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 (General 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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-

application advice and advise on the best course of action in respect of any future application for a revised development.

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

The Town Council has considered this application in conjunction with DM/22/2160 (Proposed 2 storey side extension, single storey rear extension. New roof over existing dormers and new porch canopy.) 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.

The Town Council notes the plethora of similar applications for front garages which were previously approved.