

MID SUSSEX DISTRICT COUNCIL

Planning Committee

12 JAN 2023

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/22/3615



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**76 ROYAL GEORGE ROAD BURGESS HILL WEST SUSSEX RH15 9SF
SINGLE STOREY REAR EXTENSION.**

L EVEREST

POLICY: /

ODPM CODE: Householder

8 WEEK DATE: 19th January 2023

WARD MEMBERS: Cllr Peter Chapman / Cllr Lee Gibbs /

CASE OFFICER: Hamish Evans

PURPOSE OF THE 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

Planning Permission is sought for a single storey rear extension at 76 Royal George Road Burgess Hill RH15 9SF. The application has been referred to Committee because the applicant is a member of Council staff who is involved in the planning process.

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.

Taking into account the scale and design of the proposal it is considered to address that character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal would also have an acceptable impact on the existing tree in the neighbouring property.

As such the proposal is considered to comply with policies DP26 and DP37 of the Mid Sussex District Plan, design principles DG49 and DG51 of the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in respect of this application.

SUMMARY OF CONSULTATIONS

Burgess Hill Town Council

Recommend approval.

Introduction

The application seeks planning permission for a single storey rear extension at 76 Royal George Road Burgess Hill RH15 9SF. The application has been referred to Committee because the applicant is a member of Council staff who is involved in the planning process.

SITE AND SURROUNDINGS

The site is located within the Burgess Hill built up area boundary. The application site consists of a two-storey end of terrace residential property which is characterised by white render and walls, brown clay roof tiles and white uPVC window and door frames. The existing rear boundary treatment at the site consists of some 1.8 metre high closed board fencing. Royal George Road is located to the south of the site and residential properties are located to the north, east and west of the site.

APPLICATION DETAILS

The proposed single storey rear extension measures some 5.2 metres in depth, 3.5 metres in width and a total height of 2.7 metres. The proposal includes a rooflight which adds an additional 0.2 metres to the total height of the proposal. The proposal is to be characterised by external materials similar in appearance to those used in the existing 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 District Plan, Burgess Hill Neighbourhood Plan and the Site Allocation DPD.

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 is up to date and was adopted at Full Council on 28th March 2018.

Relevant policies:

DP26 - Character and Design
DP37 - Trees, Woodland and Hedgerows

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can be given to the plan at this stage due to the very early stage that it is at in the consultation process.

BURGESS HILL NEIGHBOURHOOD PLAN (adopted January 2016)

No relevant policies.

Site Allocations DPD (June 2022)

No relevant policies

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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 (NPPF) (July 2021)

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.'

National Planning Policy Guidance

Ministerial Statement and 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 -

- The design and character
- The impact on neighbouring amenities
- Trees, Woodland and Hedgerows.

Design and Character

Policy DP26 of the Mid Sussex District Plan in part states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace,*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance,*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape,*
- *protects open spaces, trees and gardens that contribute to the character of the area,*
- *protects valued townscapes and the separate identity and character of towns and villages,*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27),*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible,*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed,*
- *positively addresses sustainability considerations in the layout and the building design,*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre, larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element,*
- *optimises the potential of the site to accommodate development.'*

Principle DG49 of the Mid Sussex Design Guide states:

'Extensions should typically use simple, uncomplicated building forms to compliment 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.'

Principle DG51 specifically relates to rear extensions and states that:

'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 proposed works are to be characterised by external materials similar in appearance to those used in the existing dwelling, details of which can be secured by a suitably worded condition.

The proposed would be of a modest single storey nature and it would be of a simple uncomplicated form. It is subservient in height to the existing dwelling. There are a variety of extensions within the surrounding area some of which are of a similar scale and design as the proposal. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan and principles DG49 and DG51 of the Mid Sussex Design Guide SPD.

Impact on amenities of neighbouring properties

Policy DP26 in part seeks to ensure 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),'

A similar ethos is found within the Mid Sussex Design Guide SPD.

The proposal is of a modest single storey nature and it would be of a similar depth to the existing extension at the neighbouring property to the west of the site. The proposal is set away from the eastern boundary. Taking into account the modest single storey nature of the proposal and the existing boundary treatment, the proposed openings would not have direct views into neighbouring property's private amenity spaces. As such the proposal is not considered to cause significant harm to the amenities of nearby residents including the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. As such complies with the above part of policy DP26 of the Mid Sussex District Plan.

Trees, Woodland and Hedgerows

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'

The proposed plans show an existing lime tree in a neighbouring property to the east of the site. The existing tree is not a protected tree and the proposal does not seek to fell the tree. There is an existing 1.8 metre high closed board fencing between the proposal and the existing tree and it has been demonstrated that the proposal would be located outside the root protection area. As such the proposal is not considered to lead to the loss of the existing tree and complies with policy DP37 of the Mid Sussex District Plan.

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.

Taking into account the scale and design of the proposal it is considered to address that character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal would also have an acceptable impact on the existing tree in the neighbouring property.

As such the proposal is considered to comply with policies DP26 and DP37 of the Mid Sussex District Plan, the Burgess Hill Neighbourhood Plan, principles DG49 and DG51 of the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore 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.

Approved Plans

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 form 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 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:

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	2226-001	-	24.11.2022
Existing Floor Plans	2226-002	-	24.11.2022
Existing Elevations	2226-003	-	24.11.2022
Proposed Floor Plans	2226-005	-	24.11.2022
Proposed Elevations	2226-006	-	24.11.2022