

MID SUSSEX DISTRICT COUNCIL

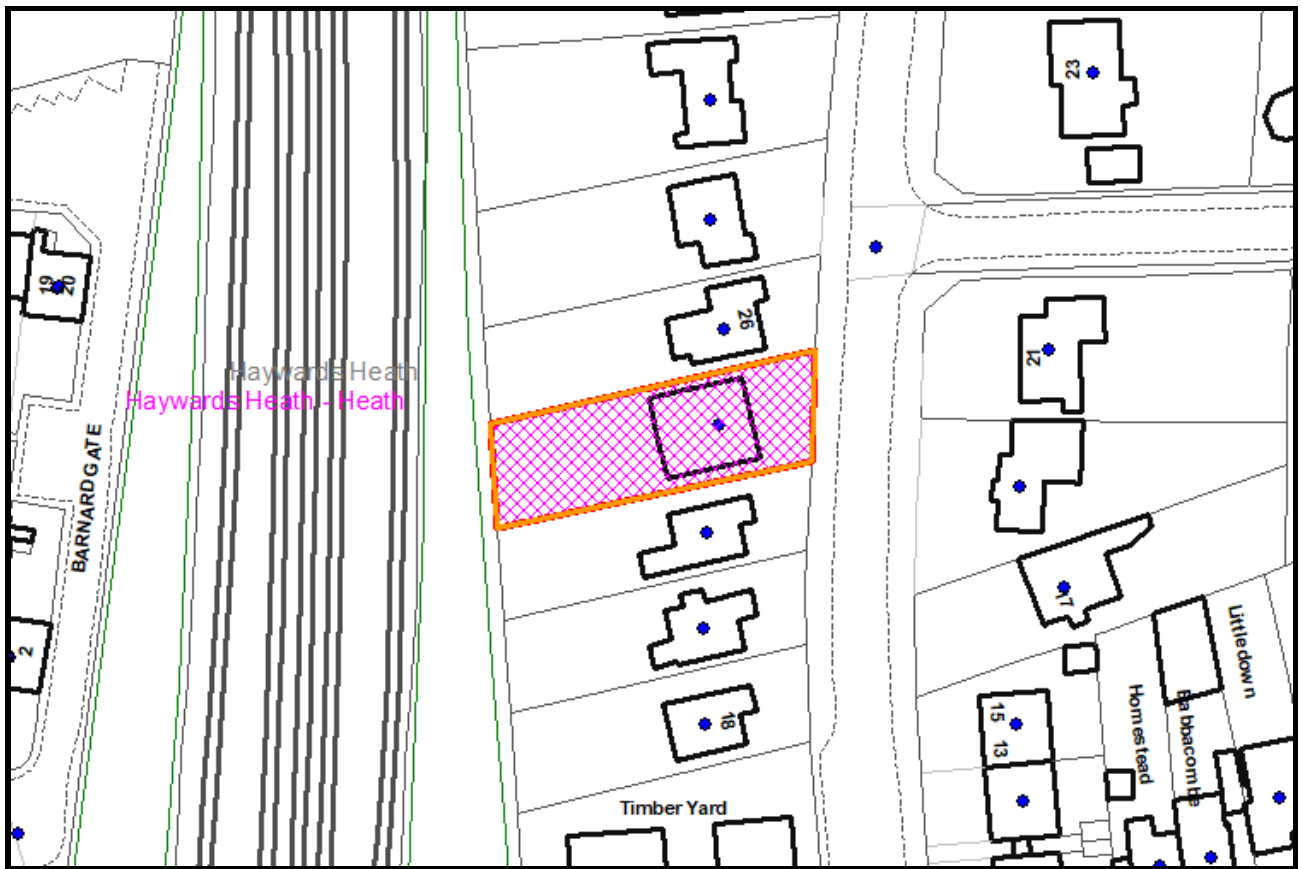
Planning Committee

**30 MAR 2023**

RECOMMENDED FOR PERMISSION

**Haywards Heath**

**DM/23/0113**



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**24 WICKHAM WAY HAYWARDS HEATH WEST SUSSEX RH16 1UQ  
VARIATION OF CONDITION 2 RELATING TO APPLICATION DM/22/0735 -  
REDUCING SIZE OF PROPOSED FIRST FLOOR REAR EXTENSION.**

**MR ADAM BUXTON**

POLICY: Built Up Areas / Bluebell Railway / Aerodrome Safeguarding (CAA) /

ODPM CODE: Householder

8 WEEK DATE: 1st April 2023

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Rachel Richardson

### **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**

Planning Permission is sought to reduce the size of the first floor rear extension granted permission under DM/22/0735 by way of varying condition 2 of that permission for the approved drawings. Like before, the application has been referred to Committee because the applicant is related to a member of staff involved in the planning process.

Policy DP26 of the District Plan requires that development is well designed and does not cause significant harm to the amenities of neighbours. Policies E9 and H9 of the Haywards Heath Neighbourhood Plan are similar in their aims. The Mid Sussex Design Guide contains design principles aimed at achieving the design objectives of the above policies.

The proposed extension is considered to be acceptable in terms of its design and having regard to the character and appearance of the dwelling house and the street scene, and general locality. In addition, it will not significantly harm the residential amenity for the occupants of adjoining properties.

The proposed development is therefore considered to comply with relevant policies DP26 and DP39 of the Mid Sussex District Plan and E9 and H9 of the Haywards Heath Neighbourhood Plan together with the design principles contained within the Design Guide.

### **RECOMMENDATION**

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

## **SUMMARY OF REPRESENTATIONS**

None

## **SUMMARY OF CONSULTEES**

None.

## **TOWN COUNCIL OBSERVATIONS**

No comment.

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## **INTRODUCTION**

Permission is sought to reduce the size of the first floor rear extension approved under DM/22/0735, as a variation of condition 2 (approved drawings) of this permission.

## **RELEVANT PLANNING HISTORY**

10/03534/Ful First floor side and single storey rear extension .Permission  
13/03734/PDE Large single storey rear extension. Permission  
DM/22/0735 First floor rear extension (amended drawing Rev E received on 25.05.2022 to reduce roof height and tile hanging to north elevation ) Permission

## **SITE AND SURROUNDINGS**

The application property is a detached two storey brick built dwelling which benefits from a single storey flat roofed rear extension. The house is set back from the road with a gravel and grassed front garden. Its rear garden boundary to the north comprises a 1m high brick wall with 0.5m close boarded fencing above, the boundary to the south is defined with 1.8m high close boarded fencing and there are mature dense very tall trees and shrubs planted at the rear (west).

Whilst the site itself is flat, the levels of the street fall away in a southerly direction from the north. The adjoining houses that flank the site to the north and south are staggered, with No.26 to the north sitting further forward of the principal elevation of the application property. No.22 to the south, sits slightly behind the application property. Wickham Way is not part of the public highway and is private road. It is characterised with hedgerows and grassed verges. A railway line is situated behind the rear boundary to the west of the site.

For the purposes of planning policy the property is located within the built up residential area in Haywards Heath, the character of which is suburban.

## **APPLICATION DETAILS**

The proposed first floor rear extension would sit over the footprint of the ground floor extension and would extend across the full width of the existing dwellinghouse but it is now proposed to have a reduced depth of 0.9m.

It's roof is hipped to meet with the sloping plane of the existing dwellinghouse. Roof tiles and brickwork are proposed to match existing.

## **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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the 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

DP39 - Sustainable Design and Construction

### **Site Allocations Development Plan Document**

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

There are no relevant policies.

### **Neighbourhood Plan**

Relevant policies:

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

Relevant policies:

Policy E9 - Design

Policy H9 - Building Extensions

### **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 currently be given to the plan due to the very early stage that it is at in the consultation process.

## *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)

Paragraphs 8, 11, 126, and 130 are considered to be relevant to this application.

### National Planning Policy Guidance

#### *National Design Guide*

#### *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,

- design, in terms of impact on the application property and street scene, and
- residential amenity.

Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace,*

- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance,*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape,*
- *protects open spaces, trees and gardens that contribute to the character of the area,*
- *protects valued townscapes and the separate identity and character of towns and villages,*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy 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.'*

The Mid Sussex Design Guide SPD also provides advice for extensions to dwellings. Principle DG49 states that:

*'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'.*

*In terms of rear extensions principle DG51 states that where they '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.'*

Good design is also sought by paragraphs 126 and 130 in the NPPF.

The proposed extension has been re-designed and has been significantly reduced in size compared to earlier proposals. It now measures 0.9m deep by 9m across, which is the same width as the existing dwelling. Its roof is hipped and measures approximately 0.75m from eaves to its highest point where it meets with the existing roof.

This is a modest addition which will sit over the existing ground floor extension. The proposed extension will appear subservient in terms of its proportions and having regard to the form of the existing dwellinghouse.

The proposed extension will appear integral to its overall form and will respect the character and appearance of the existing house.

It is considered that the proposed extension would not appear unduly dominant and would not compromise the character and appearance of the locality.

In terms of sustainable design and construction (Policy DP39), this is a householder application for a modest extension. The proposed extension would need to comply with building regulation requirements which require the development to meet certain building standards compliant with minimising energy use.

The design of the proposed extension is therefore considered to be acceptable and meets the criteria of the relevant policies.

### **Residential Amenity**

In terms of the impact on neighbouring amenity, the test within policy DP26 of the District Plan is that development should not cause significant harm to the amenities of neighbours. 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. As such there is some conflict between these policies.

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.

The earlier application under DM/22/0735 was approved at planning committee on 14th July 2022 and was for a first floor rear extension measuring 6.8m wide by 4.3m deep. The amended scheme under DM/23/0113 is a significant reduction in size.

MSDG Principle DG47 - Daylight/Sunlight, states that all dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards. The BRE guide gives two rule of thumb tests (plan and elevation) which determine whether or not further detailed daylight and sunlight tests are required. Applicable to the application proposal is the 45 degree test to check extensions perpendicular to a window. On plan the 45 degree test is taken from the mid-point of the neighbouring property's closest ground floor window. If on plan the proposed extension cuts across this 45 degree angle further detailed tests are necessary. On elevation, the 45 degree angle is taken from the mid-point (between eaves and ridge height) on the side of the proposed extension closest to the neighbouring property's closest window to again assess whether the test is breached.

The proposed extension would not cut across the 45 degree splay. It is also on the northern side of No. 22 so would not therefore adversely affect daylight and sunlight levels and would not result in overshadowing that would amount to any significant harm.

There are no windows proposed at first floor in the side elevation so there would be no significant harm as a result of overlooking and a loss of privacy.

There is sufficient space between dwellings so it is considered that the outlook when viewed from No.22 would not appear oppressive and would not amount to any significant harm for the occupants of this adjoining property.

The adjoining property to the north is further forward and no significant harm would result for the amenities of this property.

Despite No.26 being sited to the northern side of the extension, it would not cut across the 45 degree rule of thumb test and would not adversely result in loss of daylight/sunlight. As such, the proposed extension would not result in any significant harm to the amenities of No. 26 by reason of overshadowing and a loss of daylight and or sunlight.

Overall, the proposed extension would not result in any significant harm in terms of residential amenity for the occupiers of adjoining properties in accordance with relevant policies.



## CONCLUSION

The proposed extension is considered to be acceptable for the reasons set out above, and it is therefore recommended that permission be granted. The proposed extension is in accordance with all the relevant development plan policies DP26 and DP39 of the Mid Sussex District Plan and E9 and H9 of the Haywards Heath Neighbourhood Plan, as well as the provisions contained within the NPPF and the Mid Sussex Design Guide.

Accordingly, the application is recommended for approval subject to the conditions listed in Appendix A.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### 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 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.

### 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
Proposed Floor and Elevations Plan	02	G	16.01.2023

