

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2870	Case Officer:	Katherine Williams
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 3 of planning application DM/23/2728 - to allow for the change of materials of the windows and doors.		
Site:	12 Eastern Road, Lindfield, Haywards Heath, West Sussex, RH16 2LP, , ,		
Validation Date	25 Nov 2024	Overall Expiry Date:	27 Dec 2024
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	2 Jan 2025
Target Date:	20 Jan 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	3 Jan 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2870

**12 Eastern Road, Lindfield, Haywards Heath, West Sussex, RH16 2LP, ,
Variation of condition 3 of planning application DM/23/2728 - to allow for the change of materials
of the windows and doors.
Mr And Mrs Murray-Quayle**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

None received

PARISH COUNCIL OBSERVATIONS

None received

INTRODUCTION

Variation of condition 3 of planning application DM/23/2728 - to allow for the change of materials of the windows.

RELEVANT PLANNING HISTORY

DM/23/2728 - Two storey and single storey extension to the rear. Granted
DM/24/2739 - Non Material Amendment to application DM/23/2728 - Provision of aluminium framed and charcoal grey coloured windows rather than UPVC. Refused

SITE AND SURROUNDINGS

The application property consists of a two storey end terrace dwelling located on the southern side of Eastern Road, within the built up area boundary of Lindfield.

The locality is characterised by residential development of properties of similar scale and form which but varying detailed designs. The dwellings on the southern side of the highway are set back with wide verges and defined front gardens with some of the properties benefiting from off street parking. Many of the properties within the locality have benefited from extensions and alterations of differing scales and designs. The application dwelling has a pitched roof and is constructed in brick, interlocking roof tiles and white fenestration.

APPLICATION DETAILS

As this is a section 73 application, national advice is that the LPA should focus attention on any material changes since the previous permission.

The application seeks planning permission to amend the approved windows and door materials from grey UPVC to grey aluminium at No. 12 Eastern Road, Lindfield.

The proposed change would not result in any change in the design or position of the fenestration.

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, Site Allocation DPD and Lindfield and Lindfield Rural Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

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

Relevant policies:

DP26 - Character and Design

Site Allocations DPD

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.

Lindfield and Lindfield Rural Neighbourhood Plan (made March 2016)

None relevant

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

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) (December 2024)

National Planning Policy Guidance

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that *'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

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

- Design and Character
- Impact on neighbouring properties
- Biodiversity Net Gain

Design and Character

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."*

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 alterations to the materials of the proposed would not result in a significant visual change to the approved extension and is considered to be in keeping and would be appropriate to the design and appearance to the existing property. The proposed changes would be located to the rear of the property, due to the position of the extension. It is therefore considered that the proposed changes would be in keeping with the character of the locality and surrounding properties and would comply with policy DP26.

Impact on neighbouring properties

DP26 states:

'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);'

On the western side is No. 10 Eastern Road which is attached to the application property through its eastern side elevation and has an existing close boarded fence line into between. The boundary fence between the properties is positioned at an angle and as it extends to the rear boundary of the properties and runs closer towards the application property. The ground level of the gardens of the properties also slope to the end of the gardens.

To the eastern side is No. 14 Eastern Road, this neighbouring dwellinghouse has previously benefited from a single storey rear extension, and would be some 2.9 metres from the extension, with a boundary fence and outbuilding in between.

The windows and doors of the extension would be visible from these neighbouring properties, however given that the proposed changes would not alter the design, position or colour of the windows the changes are not considered to cause harm to the amenities of this neighbour.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission is being granted on an application made under Section 73 of the Town and Country Planning Act 1990 and the original planning permission to which the Section 73 planning permission relates was a householder application. This application is therefore exempt from the requirement to provide biodiversity net gain.

CONCLUSION

In summary, it is considered that the proposed amendments are acceptable in accordance with the relevant policies of the Development Plan as set out above. As such this application can be approved, subject to conditions and the same time limit for implementation of the original application.

Decision: Permission

Case Officer: Katherine Williams