

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1772	Case Officer:	Andrew Horrell
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of conditions nos 2 and 3 relating to planning application DM/24/2785 - To allow for material changes and amendments to fenestration.		
Site:	10 Sergison Close, Haywards Heath, West Sussex, RH16 1HU, , , ,		
Validation Date	21 Jul 2025	Overall Expiry Date:	19 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Sep 2025
Target Date:	15 Sep 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	10 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1772

**10 Sergison Close, Haywards Heath, West Sussex, RH16 1HU, , ,
Variation of conditions nos 2 and 3 relating to planning application DM/24/2785 - To allow for material changes and amendments to fenestration.
Paul And Karen Cooper**

SUMMARY OF REPRESENTATIONS

None received

CONSULTEE COMMENTS

None received

TOWN COUNCIL OBSERVATIONS

No comment

INTRODUCTION

Permission is sought to vary of conditions 2 and 3 of planning application DM/24/2785 to amend the approved drawings to allow for material changes and removal of full height side window in the kitchen.

RELEVANT PLANNING HISTORY

04/00278/FUL - Erection of pcvu conservatory to rear of property. (Approved)

DM/24/2785 - Proposed works to include existing garage demolished and rebuilt to create habitable space. Rear conservatory removed and replaced with a single storey extension with pitched roof. Front flat roof extension with open flat roof porch. Single storey side extension. Widened driveway with retaining wall, soft landscaping and changes to fence to rear with new fencing to the side (Approved)

DM/25/1815 - Application to remove to remove the wording contained in the brackets (referring to amended plans to the scheme) from the description of planning permission DM/24/2785. (approved)

SITE AND SURROUNDINGS

10 Sergison Close is a detached pitched roofed bungalow within a cul-de-sac serving 4-16 Sergison Close. The walls are face brickwork with upvc doors and windows. The dwelling is characterised by an existing rear conservatory, a pitched roofed front extension with a flat roofed garage and a flat roofed side extension.

To the south-east of the site is adjacent No.8, to the north-west of the site is grassland to footpath at Heatherbank beyond, to the south-west of the site is the driveway to highway beyond, to the north-east of the site is the rear garden with close boarded fencing to 5 Heatherbank beyond.

The site is within the built-up area of Haywards Heath.

APPLICATION DETAILS

This application seeks permission to vary condition numbers 2 and 3 in relation to planning application DM/24/2785.

Condition 2 stated the following:

'Approved Plans

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'.

Condition 3 stated the following:

'The materials and finishes of the external fenestration of the development hereby permitted shall be implemented in accordance with the submitted schedule specified on the application form and outlined within the approved drawing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy H9 of the Haywards Heath Neighbourhood Plan'.

Alterations from the approved plans include the proposed external material has changed to the side and rear elevations from horizontal cedar cladding to white render, to match the white render elsewhere on the facades and external alterations include the approved full height window to the side elevation serving the kitchen is to be removed.

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, the Site Allocations DPD and the Haywards Heath 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

Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 (Design)

H9 (Residential Extensions)

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.

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

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 the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the 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:

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)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131 and 135.

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary condition 3 associated with the planning permission reference DM/24/2785 for alterations to the approved plans.

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.'

S73 applications allows for developers to amend conditions attached to planning permissions. Such an application only allows the conditions to which have been granted as part of the original planning permission and cannot amend the operative part of the planning permission i.e. the description of the development. This was recently clarified in case law of *Finney v Welsh Ministers* [2019] EWCA Civ 1868 where the Court of Appeal held that S73 applications cannot be used to obtain a varied planning permission when the change sought would require a variation to the terms of the "operative" part of the permission.

In this instance, the application is for the amendment to the approved plans to allow changes to the materials on the side and rear elevations from horizontal cedar cladding to white render, to match the white render elsewhere on the facades and external alterations include the approved full height window to the side elevation serving the kitchen to be removed.

The principle of the development was originally accepted through the previous permission under reference DM/24/2785. Even though the result of this application would be the issuing of a new planning

permission, it is not considered necessary to go through all the planning issues. The only issue that is pertinent is to consider the specific changes that are proposed from the previous approval.

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

- Design and Character

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."*

Policies Policy H9 and E9 of the Haywards Heath Neighbourhood Plan are most relevant.

Policy H9 states:

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

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

Policy E9 states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- o height, scale, spacing, layout, orientation, design and materials of buildings,*
- o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*

o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,
o creates safe, accessible and well-connected environments that meet the needs of users,
o Will not result in unacceptable levels of light, noise, air or water pollution,
o Makes best use of the site to accommodate development,
o Car parking is designed and located so that it fits in with the character of the proposed development.

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.

External changes to the dwelling are modest and are not out of character with the existing dwelling and the surrounding area.

The proposal is thereby considered to comply with Policy DP26 of the Mid Sussex District Plan, policies E9 and H9 of the Haywards Heath Neighbourhood Plan, the design principles set out in the Design Guide, and the requirements of the NPPF.

CONCLUSION

It has previously been considered that the development of the site for is acceptable through the determination of the permission reference DM/24/2785.

The proposed amendments to the previously approved plans detailed in conditions 2 and 3 are considered to be sensitive to the design and character of the dwelling.

The proposal is thereby considered to comply with Policy DP26 of the Mid Sussex District Plan, E9 and H9 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell