

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0008	Case Officer:	Katherine Williams
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/20/3302 - to allow for design changes.		
Site:	15 Stream Park, East Grinstead, West Sussex, RH19 1QN, , , ,		
Validation Date	5 Jan 2026	Overall Expiry Date:	28 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	30 Jan 2026
Target Date:	2 Mar 2026	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	Steven King	Date:	2 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0008

**15 Stream Park, East Grinstead, West Sussex, RH19 1QN, , ,
Variation of condition no 2 relating to planning application DM/20/3302 - to allow for design changes.**

Mr And Mrs Mark And Claire Vallender

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

None received

TOWN COUNCIL OBSERVATIONS

No comments received

INTRODUCTION

This application seeks consent for a variation of condition no 2 relating to planning application DM/20/3302 to allow for design changes.

RELEVANT PLANNING HISTORY

J/71/9146BR - Porches to external doors. Granted

J/72/9422 - Rear extension to provide additional living area. Granted

DM/20/0657 - (Amended plans 02/04/2020 and amended description 03/04/2020) Alterations and extensions to provide first floor chalet style accommodation. Single storey side extension, side porch, first floor rear extension and formation of front gable to replace existing hipped roof. Granted

DM/20/3302 - Alterations and extensions to provide chalet style accommodation, single storey side extension and new dormer windows to the south and north elevations. Granted

SITE AND SURROUNDINGS

The application property consists of a detached bungalow on the western side of Stream Park, a cul-de-sac within the built up area of East Grinstead.

The locality is characterised by bungalows and chalet bungalows of varying forms, designs and materials, set back from the oval shaped highway. The front of the dwellings consists of off street parking with soft landscaping and low front boundary fences separating the properties. Many of the properties have benefited from extensions including dormer windows of varying forms and designs.

The application dwelling has a pitched hipped roof with a square front bay window with a pitched gable roof. The dwelling is rendered white on the front and side elevations, with a brick built flat roof single storey rear extension. The approved single storey side extension granted under DM/20/3302 has been constructed, and therefore this consent is considered to be extant. No other works approved under this application have been constructed.

To the northern side of the dwelling is a pitched single garage which is positioned parallel with the side boundary of the property.

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 enable the substitution of plans to allow for changes to the design of the garage, which include:

- Amalgamation of approved side dormer windows to create a single larger dormer on each of the side roof slopes;
- Alteration to approved cladding from horizontal to vertical

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) Any 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, Site Allocation DPD and East Grinstead 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.

East Grinstead Neighbourhood Plan (made November 2016)

Relevant policies:

Policy EG3 (Promoting Good Design)

Other Material Considerations

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:

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)

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.

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 39 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 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide/Code

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

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 the amenities of 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.'*

East Grinstead Neighbourhood Plan policy EG3 states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- *The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- *The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*

- *The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- *The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- *The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- *New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- *The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- *Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

Principle DG52 relates to dormer windows and roof enlargements and states: *'Roof accommodation is normally reliant on dormer windows and rooflights to provide light and ventilation. However, if they are out of scale or out of character with the roofscape and proportions of a dwelling they can have an adverse impact on the character of both the dwelling and the streetscape. The roof pitch and form are intrinsic to a building's character and roof extensions should be sensitive to this. Roof extensions and dormer windows that alter the existing ridge of the roof or significantly alter the roof profile of a building will not normally be acceptable, particularly on the front roof slope, and where there is a strong established roofline. Where a clear rhythm of fenestration is established, the position and proportion of dormer windows should respond to existing windows and / or doors.'*

The proposed alterations would be of a design and appearance which would result in larger dormer windows to the side elevations of the property, and would be visible from within the streetscene. These dormer windows would not be of a design as reflected within the Mid Sussex Design Guide, due to their prominence and size within the roofslope. However, the existing locality is characterised by dormers of varying designs and forms, including large flat roof dormers. The proposed dormer windows would have pitched roof forms, similar to those of neighbouring properties. It is therefore considered, in this instance, that the proposal would reflect the existing character of the area and is acceptable in design terms.

Impact on the 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);'

Policy EG3 states that proposals should "not harm" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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.

To the northern side is No. 16 Stream Park a detached bungalow which has benefited from single storey flat roof rear extensions. On the southern side is No. 14 Stream Park, this property has benefited from extensions and is now a large chalet bungalow. The proposed dormer windows and their openings would be in a similar position to those previously approved, and would therefore have a similar relationship with the neighbouring properties. It is therefore considered that the proposed alterations would not cause significant harm to the amenities of neighbouring properties.

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 conclusion, the proposal is considered to be appropriate in terms of design, size and scale to the dwellinghouse, and would not cause significant harm to the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policy DP26, policy EG3 of the East Grinstead Neighbourhood Plan and the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Katherine Williams