

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2964	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Widening of existing dormers (amendment to previously approved DM/24/1771) (altered description 19/12)		
Site:	Ockenden House, Ockenden Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5LD, ,		
Validation Date	2 Dec 2024	Overall Expiry Date:	3 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Jan 2025
Target Date:	27 Jan 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	23 Jan 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2964

**Ockenden House, Ockenden Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5LD,
Widening of existing dormers (amendment to previously approved DM/24/1771) (altered
description 19/12)
Mr And Mrs Buckley**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

MSDC Conservation Officer: The application site is an unlisted detached house dating from the second half of the 20th century, and located within the former gardens of Ockenden Manor, a II* listed building dating originally from the late 16th century. Ockenden House is therefore within the setting of Ockenden Manor; it is also within the Cuckfield Conservation Area.

The current proposal is for the enlargement of the existing dormers at roof level to the sides of the property. Also included on the plans, but not in the description of development, are four new rooflights to the front roofslope.

The proposed works to the dormer windows are relatively minor in nature- the increase in width will result in some increase in bulk, but the two dormers will both remain appropriately subservient within the affected roof slopes. This aspect of the proposal is therefore not considered contentious. With respect to the rooflights (if these are intended to be included in the application), although located to the front of the house they do not appear inappropriately prominent, and are not considered contentious in principle.

The proposal is therefore considered to preserve the setting of Ockenden Manor and the character and appearance of the Conservation Area. This meets the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.

I would recommend the following conditions:

- Materials to the extended dormers to match the existing materials
- Rooflights to be flush fitting, metal framed, conservation style rooflights

PARISH COUNCIL OBSERVATIONS

Cuckfield Parish Council: No objection

INTRODUCTION

Planning permission is sought for the Widening of existing side dormers to the previously approved DM/24/1771.

RELEVANT PLANNING HISTORY

07/00518/FUL - Single storey extension containing a games room and a kitchen breakfast room along with internal alterations to the house including a loft conversion with three dormer windows to provide new bedroom accommodation (Approved)

12/01512/FUL - New single storey games room to be erected adjacent to the existing house. (approved)

DM/22/2376 - Construction of a home office and gym extension together with the installation of metal railings to enclose existing roof terrace. (approved)

DM/24/1771 - Installation of rooflights, replacement external doors, widening of existing entrance gates, replacement stone window cills, external joinery decoration and replacement of chimney. (approved)

SITE AND SURROUNDINGS

Ockenden House is a detached hipped roofed dwelling with attached flat roofed garage, on private access serving Well Cottage, the flat and 1-4 The Courtyard. The dwelling is characterised by white painted timber doors and windows with the walls characterised by face brickwork.

To the north-east of the site is a brick wall to the highway, to the south-west of the site is the rear garden with outbuildings of Ockenden Manor beyond, to the north-east of the site is the woodland to Cuckfield Recreation ground beyond and to the south-west of the site is woodland to The Flat beyond.

The site is within the countryside and within the Cuckfield Conservation Area.

APPLICATION DETAILS

The previously approved alterations under DM/24/1771 included:

- The rebuilding of the existing chimney to match to existing
- Window repairs (isolated blown/cracked panes to be replaced) and replace existing concrete cills with stone cills and re-decorate (in off white)
- New painted hardwood timber front door, portico and stone threshold
- Replacement bi-fold doors to kitchen
- Replace existing 'Eagles' on the gate piers with traditional stone pier caps
- Relocate one of the existing brick piers, re-build/re-point the remaining brick pier and replace the existing timber entrance gates with painted hardwood timber gates
- Repair the existing timber side gate to match to existing
- Ad hoc perimeter garden wall/coping repairs
- Replace the existing 'dome' rooflights with new plateau (flat) roof rooflights
- Install 4 no. conservation style rooflights to the front roof slope to increase natural daylight to the roof spaces. This measure approximately 0.65m by 1m each.
- Replace covering/patch repair existing flat roof and install a sedum roof and new stone coping to perimeter upstand
- New painted hardwood timber up and over garage and pedestrian door
- Brick up the existing side pedestrian garage door
- Repair and re-decorate (in off white) or replace the existing guttering and downpipes
- Repair and replace spooled tiles with plain clay tile to match to existing

The proposed alteration from the previously approved is the widening of the existing dormers,

The existing flat roofed side dormers approximately measure 1.15m in depth, 1.1m in width with a height of 1.4m

The proposed side dormers approximately measure 1.15m in depth, 1.5m in width with a height of 1.4m.

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 Development Plan Document (DPD) and the Cuckfield 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:

DP12 (Protection and Enhancement of Countryside)

DP26 (Character and Design)

DP34 (Listed Buildings and Other Heritage Assets)

DP35 (Conservation Areas)

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.

Cuckfield Neighbourhood Plan

The Cuckfield Neighbourhood Plan was made on 1 October 2014.

Relevant policies:

CNP1 - Design of New Development and Conservation

CNP5 - Protect and Enhance the Countryside

Other legislation

Planning (Listed Building and Conservation Areas) Act 1990

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:

DPC1 - Protection and Enhancement of the Countryside

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3: Conservation Areas

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 also a material consideration and paragraphs 8, 11, 131, 135 and 207 - 215 are considered to be relevant to this application.

ASSESSMENT

Impact on countryside setting

Policy DP12 of the District Plan is relevant to development in rural areas and states in part:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- o it is necessary for the purposes of agriculture; or*
- o it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

A similar ethos is found in CNP5 of the Cuckfield Neighbourhood Plan.

Given the domestic nature of the proposal, it is therefore considered to protect the intrinsic character and beauty of the countryside.

Due to the above, the proposal complies with DP12 of the Mid Sussex District Plan and CNP5 of the Cuckfield Neighbourhood Plan.

Impact to Setting of Listed Building

The site is deemed to be within the setting of the listed Ockenden Manor.

The LPA is under a duty by virtue of s.66(1) of the Planning (Listed Building and Conservation Area) (LBCA) Act 1990:

'In considering whether to grant planning permission...for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Policy DP34 of the District Plan is relevant and states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*
- o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Paragraphs 207, 212 - 215 of the NPPF are most relevant and state:

'207. In determining planning applications, local planning authorities should take account of:

- o *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- o *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- o *the desirability of new development making a positive contribution to local character and distinctiveness.*

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c) and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

As the application is within the setting of a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest must be taken into account when making any decision. In addition, in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

The Conservation Officer has been consulted and stated that the proposal will not harm the settings of the listed Ockenden Manor and your Planning Officer agrees with this assessment. This will meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

Character and Design and Impact on the Conservation Area

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area*'.

DP26 of the 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;*
- 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'*

Cuckfield Neighbourhood Plan policy CNP1 states:

'New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) Is sympathetic to the setting of any heritage asset and*
- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) Makes best use of the site to accommodate development.'*

The site is located within the Cuckfield Conservation Area, which is also covered by an Article 4 direction. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

Paragraphs 207, 212 - 215 of the NPPF is relevant. These paragraphs are outlined within the Setting of Listed Building section of the report.

Policy DP35 of the District Plan states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- o Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*

o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

Principle DG11 of the Mid Sussex Design Guide states:

'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.

Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric. There may be potential to introduce a new character / development form and massing:

- *On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.*
- *In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'*

The only alteration from the previously approved application is the widening of the existing dormers.

With reference to roof enlargement specifically, principle DG52 of the Mid Sussex Design Guide SPD in part states:

'A loft conversion is a space efficient means of extending the amount of living accommodation in a dwelling. 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.'

This principle also includes reference to further dormer window guidance in Chapter 6 of the Design Guide under sections 6.3.5 to 6.3.7 which state:

'6.3.5 While dormer windows can sometimes be prominent features in the streetscene, care needs to be taken with their design, proportions and position on the roof. The choice of design should be informed by the character and appearance of the local vernacular.

6.3.6 Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the main roof to remain visible. Excessively wide dormers are likely to look unsatisfactory as they will often be out of proportion with the existing roof.

6.3.7 Dormer windows should normally be positioned below the ridge-line, and above the eaves line'.

The changes to the side dormers are modest, they will be no more visible from the streetscene than the existing and given their small size, complies with Principle DG52 of the Mid Sussex Design Guide SPD despite its flat roofed design.

The conservation officer has confirmed that the proposal is acceptable subject to conditions.

The proposal is therefore considered to meet requirements of District Plan Policies DP26 and DP35, CNP1 of the Cuckfield Neighbourhood Plan, Mid Sussex Design Guide SPD and the relevant paragraphs of the NPPF.

Impact on Neighbouring amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states that it must be demonstrated that any 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.

Policy CNP10 states that proposals should "safeguard" 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.

Given the nature of the proposed works and the relationship with the neighbouring properties, significant harm is not deemed to be caused to neighbouring amenities. Therefore, the proposal in terms of neighbouring amenities, is deemed to comply with DP26 of the Mid Sussex District Plan and CNP10 of the Cuckfield Neighbourhood Plan.

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 is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposal would preserve the setting of the listed building and character of the Cuckfield Conservation Area. It is in keeping with rural location and would be in character with the area and the dwelling and not be harmful to neighbouring amenities.

The proposal therefore complies with policies DP12, DP26, DP34 and DP35 of the Mid Sussex District Plan, policies CNP1 and CNP5 of the Cuckfield Neighbourhood Plan, Mid Sussex Design Guide SPD and the relevant paragraphs of the NPPF. The application is therefore considered acceptable.

Decision: Permission

Case Officer: Andrew Horrell