

## Delegated Decision

### Sign off Sheet

|                                              |                                                             |                                        |                      |
|----------------------------------------------|-------------------------------------------------------------|----------------------------------------|----------------------|
| <b>Ref. No:</b>                              | DM/25/1441                                                  | <b>Case Officer:</b>                   | Stefan Galyas        |
| <b>Application Type:</b>                     | Householder Application                                     |                                        |                      |
| <b>Proposal:</b>                             | Erection of a single storey rear extension                  |                                        |                      |
| <b>Site:</b>                                 | 48 Potters Lane, Burgess Hill, West Sussex, RH15 9JS, , , , |                                        |                      |
| <b>Validation Date</b>                       | 17 Jun 2025                                                 | <b>Overall Expiry Date:</b>            | 29 Oct 2025          |
| <b>Pre-Commencement Conditions Required:</b> |                                                             | <b>Pre-Com Conditions Date Agreed:</b> |                      |
| <b>Recommendation:</b>                       | Permission                                                  | <b>Recommendation Date:</b>            | 18 Nov 2025          |
| <b>Target Date:</b>                          | 12 Aug 2025                                                 | <b>Recommending Officer Signature:</b> | <i>Stefan Galyas</i> |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 1 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                    |              |             |
|------------------------------|--------------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | <i>Steven King</i> | <b>Date:</b> | 18 Nov 2025 |
| <b>Comments:</b>             |                    |              |             |

## MID SUSSEX DISTRICT COUNCIL

**DM/25/1441**

**48 Potters Lane, Burgess Hill, West Sussex, RH15 9JS, , ,  
Erection of a single storey rear extension  
Mrs Dhanya Prasannakumari Govinda Pillai**

### SUMMARY OF REPRESENTATIONS

There was one letter of representation received in response to the original scheme which raised an objection for the following reasons:

- The close proximity of the extension to the foundations and boundary of the neighbouring dwelling.
- There being an overbearing impact as a result of the proposal which would lead to a loss of outlook.
- The overall height and length of the extension affecting the amount of light received by the neighbouring living and dining room.
- A lack of detail in terms of the drawings submitted.

The proposal was revised to decrease the overall depth of the extension, and no further letters of representation have been received.

### SUMMARY OF CONSULTEES

**Drainage:** *'We have no objection to the proposed development on flood risk grounds. This is subject to the proposed development incorporating all flood mitigation and resilience measures set out within the Flood Risk Assessment (dated 07th October 2025), including finished floor levels.'*

**Southern Water:** No objection.

### TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: *'The Committee of 14th July would Recommend Approval. The Committee would ask the Planning Case Officer to look at the issues raised by nearby residents.'*

### INTRODUCTION

The application seeks planning permission for the development of a single storey rear extension.

### RELEVANT PLANNING HISTORY

00/01952/FUL - Demolition of existing porch and erection of porch and lounge extension. Permission 04.10.2000.

### SITE AND SURROUNDINGS

The application relates to 48 Potters Lane, a two-storey semi-detached dwelling which is positioned to the western side of the highway. The existing dwelling features a front garden space as well as a driveway which runs to the side (south) of the dwelling. There is garden amenity space contained to the rear of the site and the site is linear in plot form. An existing single storey outbuilding is sited to the south-eastern corner of the site, and an existing car port covers the side driveway in part. In terms of existing facing materials, the dwelling is composed of brick and tile hanging at first floor to the walls, a tiled roof and uPVC windows and doors.

With regard to the streetscene, there are a number of other semi-detached dwellings positioned to either side. There is some variance in external materials, with some properties featuring tile hanging whilst others utilise render and horizontal cladding at first floor.

In terms of policy constraints, the site is located within the built-up area for Burgess Hill.

## **APPLICATION DETAILS**

The proposal would develop a single storey extension to the rear (west) elevation of the property. The extension would measure at approximately 4m in length, 5.9m wide, 2.6m high to the eaves and 2.9m high to the highest point of the skylight. Proposed external materials would comprise rendered walls, a single ply flat roof membrane and uPVC windows and doors.

## **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 Burgess Hill 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.

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### **Mid Sussex District Plan**

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

Relevant policies:

DP26: Character and Design

DP41: Flood Risk and Drainage

### **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.

### **Neighbourhood Plan**

Burgess Hill Neighbourhood Plan (Made January 2016)

No relevant Policies:

### **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 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

DPS4- Flood Risk and Drainage

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 2, 8, 11, 39, 48, 131, 135, 139, 170 & 181.

## **ASSESSMENT**

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 Amenities
- Other Matters
- Biodiversity Net Gain

### **Design and Character**

Policy 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:*

- o is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o 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'*

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.'*

In terms of rear extensions, principle DG51 states:

*'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 proposal would be single storey in size and scale and set to the rear of the existing dwelling. It is therefore considered that the extension would likely appear subservient due to its limited footprint and size. Although the proposed render to the walls would not match the existing dwelling, it is considered that the extensions siting to the rear of the dwelling would limit public views from the street side. A number of other properties within the site's locality have been extended to their rear elevations, albeit utilising a mix of different roof forms.

The proposal is therefore considered to comply with Policy DP26 of the District Plan and the relevant principles of the Mid Sussex Design Guide SPD.

### **Impact on Neighbouring Amenities**

In terms of impact upon neighbouring amenities, 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 DP29);'*

The proposed extension would be set within a close proximity to the shared boundary with the adjoining No.46, however the northern wall of the extension would not form the boundary between the two. The extension would instead be set within the existing fence line as shown on the proposed plans and the eaves nor any other part of the extension have been shown to overhang the shared boundary.

In terms of light impact to the rear windows, Principle DG47 of the Design Guide states among other matters that all dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards. Further guidance is set out within the "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" document. The "45 degree approach" should be taken whereby a 45 degree line is drawn from the top of the elevation and a second 45 degree line is taken from the end of the projection. If the neighbouring properties window lies within the centre of both lines, then the building will likely cause a significant reduction in light received to the concerned window. This guidance is taken as a rule of thumb and each planning application is assessed based on its own merits.

The bulk of the extension would measure at circa 2.6m high to the upper side of the eaves whilst the proposed skylight would be offset from the boundary and would measure at approximately 2.9m high. At No.46 immediately to the north, there are existing translucent glazed double doors serving a dining room and a window serving a kitchen to the ground floor of the rear elevation. The closest dining room doors would likely fail the 45-degree test in plan format but pass the elevational test. In terms of the kitchen window, this would likely pass in both elevational and plan format. It is also considered that both windows serve non-habitable rooms.

The ground floor southern elevation utility double translucent doors at No.46 would likely face back towards the proposed extension. However, this window is offset by circa 5.8m from the shared boundary and serves a non-habitable utility room. It is considered that the utilities limited size, scale and projection would not likely result in an unduly significant overbearing impact in this regard.

Accordingly, the proposal is considered to comply with the provision of DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

### **Other Matters**

Concerns were raised in response to the proposed development with regard to the proposals potentially damaging impact on the adjoining neighbouring dwellings foundations. It is considered that a

construction management plan for a development of this scale would be overly onerous. Furthermore, the technical impact and construction of the extension would fall under building regulations, should permission be granted.

#### 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**

In conclusion, the proposal is appropriate in terms of design and will not negatively impact on the host dwelling nor its immediate setting and will not harm neighbouring amenities. The proposal will comply with Policy DP26 of the District Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision:       Permission

Case Officer: Stefan Galyas