

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1776	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	Enlarging existing opening in front boundary wall		
Site:	58 Park Road, Burgess Hill, West Sussex, RH15 8ET, , , ,		
Validation Date	11 Jul 2025	Overall Expiry Date:	22 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	4 Sep 2025
Target Date:	5 Sep 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	5 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1776

**58 Park Road, Burgess Hill, West Sussex, RH15 8ET, , ,
Enlarging existing opening in front boundary wall
Marta Sanderson**

REPRESENTATION RECEIVED

None received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The application site is an unlisted detached house located within the St Johns Conservation Area of Burgess Hill. It is an attractive, mid-late 19th century villa which retains a number of period features. The house, like the majority of buildings to this northern side of Park Road, is set back behind a generous front garden, which is enclosed by a rendered front boundary wall with hedging behind. Well-defined front boundaries are a characteristic feature of the properties along Park Road, with a mixture of brick and rendered walls, fences and hedging. The house and its front garden, including the boundary wall, make a strong positive contribution to the character and appearance of the Conservation Area.

The current proposal is for alterations to the front boundary comprising increasing the width of the entrance gateway and gate, including relocating the adjacent rendered masonry pier. This will result in a loss of a small section of the front boundary wall.

Although the principle of loss of front boundary treatments along Park Road may be unacceptable in many circumstances, the alteration proposed here is relatively minor, with the majority of the existing wall remaining, and the pier reinstated in the alternative position. On balance, it is not considered that an objection could be sustained in terms of the impact on character and appearance of the Conservation Area.

The proposal is therefore considered to meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

TOWN COUNCIL OBSERVATIONS

The Committee of 4th August would Recommend Approval.

INTRODUCTION

The application seeks planning permission to enlarge the existing opening on the front boundary wall.

RELEVANT PLANNING HISTORY

No relevant history.

SITE AND SURROUNDINGS

The application property is a detached two storey dwelling located on the north side of Park Road, within the built-up area boundary of Burgess Hill and within the St Johns Conservation Area.

The application property has a pitched roof and is externally clad in white render with white fenestration. The dwelling is set back from the highway with off street parking to the front and a white render boundary wall and mature hedging along the front boundary.

The locality consists of large detached dwellings of varying form and design to the east along Park Road and a mixture of detached dwellings, flats and St Johns Park to the west.

APPLICATION DETAILS

The application seeks planning permission to widen the existing opening along the front boundary to create a larger entrance to the driveway. The opening is to be widened by 0.70 metres to create an overall opening of 3.65 metres. This will include creating a new pier of the same height on the new end of the wall and will be finished in white render to match the existing.

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 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.

Mid Sussex District Plan

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

Relevant policies:

DP26 - Character and Design
DP35 - Conservation Area

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.

Burgess Hill Neighbourhood Plan (made January 2016)

Relevant policies:

Policy H1- Protecting and Enhancing Heritage Assets and Conservation Areas.

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) - Special attention to be paid to preserving or enhancing the character or appearance of a conservation area

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 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
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)

Paragraphs 8, 11, 131 and 135 are considered to be relevant.

National Planning Policy Guidance

ASSESSMENT

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

- Design and Impact on the Conservation Area
- Impact on neighbouring properties
- Biodiversity Net Gain

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.'

In terms of the impact on the St Johns, Conservation Area, policy DP35 of the Mid Sussex 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.

Policy H1 of the Burgess Hill Neighbourhood Plan notes that: *'Proposals within the Burgess Hill Conservation Areas will be required to preserve and enhance their special character or appearance. Support will be given to undertaking/updating appraisals and management plans for each Conservation Area.'*

Paras 210, 212-215 of the NPPF state:

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

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) 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* listed 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; and*
- c) conservation by grant-funding or some form of not for profit, 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.'

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.'

The Council's Conservation Officer has been consulted on the application and states:

'Although the principle of loss of front boundary treatments along Park Road may be unacceptable in many circumstances, the alteration proposed here is relatively minor, with the majority of the existing wall remaining, and the pier reinstated in the alternative position. On balance, it is not considered that an objection could be sustained in terms of the impact on character and appearance of the Conservation Area.'

The proposal is therefore considered to meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.'

The proposed works are small in nature with opening to be widened by 0.70 metres and the materials to match the existing with the pier reinstated so that the wall is of the same design as the existing.

As such it is considered that the proposed works would not have a harmful impact on the St Johns Conservation Area, which would be preserved and the proposal is of an acceptable design. The proposal therefore accords with policies DP26 and DP35 of the Mid Sussex District Plan, Policy H1 of the Burgess Hill Neighbourhood Plan and the NPPF.

Impact on 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);'

Due to the nature of the proposed works of widening the existing entrance to the property, there will be no additional harm to neighbour amenity. The proposal is therefore, considered to comply with the above-mentioned part of Policy DP26 of the Mid Sussex District 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

In conclusion, the proposal is considered to be acceptable in terms of design and form, would preserve the character of the Conservation Area and would not cause harm to the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP26 and DP35, and policy H1 of the Burgess Hill Neighbourhood Plan, with the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Peter Davies