

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                                |                                        |                   |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------|
| <b>Ref. No:</b>                              | DM/25/0432                                                                                                                     | <b>Case Officer:</b>                   | Rachel Richardson |
| <b>Application Type:</b>                     | Householder Application                                                                                                        |                                        |                   |
| <b>Proposal:</b>                             | Proposed two storey side extension (amended 10.07.2025) and single storey rear extension following demolition of conservatory. |                                        |                   |
| <b>Site:</b>                                 | 68 Sydney Road, Haywards Heath, West Sussex, RH16 1QA, , , ,                                                                   |                                        |                   |
| <b>Validation Date</b>                       | 18 Mar 2025                                                                                                                    | <b>Overall Expiry Date:</b>            | 31 Jul 2025       |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                                | <b>Pre-Com Conditions Date Agreed:</b> |                   |
| <b>Recommendation:</b>                       | Permission                                                                                                                     | <b>Recommendation Date:</b>            | 5 Sep 2025        |
| <b>Target Date:</b>                          | 13 May 2025                                                                                                                    | <b>Recommending Officer Signature:</b> | Rachel Richardson |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |             |              |            |
|------------------------------|-------------|--------------|------------|
| <b>Signed and Agreed By:</b> | Steven King | <b>Date:</b> | 5 Sep 2025 |
| <b>Comments:</b>             |             |              |            |

## MID SUSSEX DISTRICT COUNCIL

**DM/25/0432**

**68 Sydney Road, Haywards Heath, West Sussex, RH16 1QA, , ,  
Proposed two storey side extension (amended 10.07.2025) and single storey rear extension  
following demolition of conservatory.  
Navarro**

### **SUMMARY OF REPRESENTATIONS**

None

### **SUMMARY OF CONSULTEES**

Conservation Officer: After receipt of amended drawings an objection is maintained given that the proposal continues to detract from the character and appearance of the Heath Conservation Area, contrary to the requirements of District Plan Policy DP35. In terms of the NPPF the proposal causes less than substantial harm, such that paragraph 215 will apply.

### **TOWN/PARISH COUNCIL OBSERVATIONS**

No comment.

### **INTRODUCTION**

Permission is sought for the construction of a two storey side extension and single storey rear extension following the demolition of a conservatory.

### **RELEVANT PLANNING HISTORY**

|            |                            |                       |
|------------|----------------------------|-----------------------|
| DM/24/1901 | Two storey side extension  | Refused 18.12.2024    |
| HH/045/94  | Rear conservatory.         | Permission 09.05.1994 |
| HH/085/88  | Two storey rear extension. | Permission 25.05.1988 |

### **SITE AND SURROUNDINGS**

The application site is one half of a handed pair of semi-detached houses located to the southern side of Sydney Road within the Heath Conservation Area.

The application property is likely to date from the late 19th century and is a run of villa pairs of a similar date along this side of Sydney Road.

This pair and the adjoining houses at 72-74 Sydney Road are similar in style, having hipped, originally slate, roofs with central chimney stacks, brick elevations, projecting canted bay windows to the ground floor frontage, and sash windows (some replaced). The house pairs further to the west are a mixture of rendered and brick properties, again handed, and although with some variation in form and design are of a similar period and share stylistic similarities including features typical of their period such as symmetry, projecting bays and sash windows.

The application property is slightly elevated from the level of Sydney Road and the garden to the rear slopes uphill to its rear boundary (1.8m high fence panels above retaining wall). The boundary to the

east and adjoining no.70 Sydney Road comprises a 2m high close boarded fence and hedgerow of around 3m in height and the boundary to the west has fence panels and a 3m high hedgerow.

The character of the road is quite mixed with semi detached 1930's houses situated opposite the site, and on the other side of Sydney Road (outside of the Conservation Area boundary). Birchwood Grove nursing home adjoins the site to the west which is a detached two storey white painted rendered building.

For the purposes of planning policy the site lies within the built up area of Haywards Heath and Lindfield.

## **APPLICATION DETAILS**

The amended scheme proposes a two storey side extension and single storey rear extension in place of the existing two storey side extension and rear conservatory. The front elevation of the proposed two storey side extension would be set back approximately 1.5m from the existing front elevation of the main dwelling, compared to 7.6m of the front elevation of the existing two storey side projection, which is to be demolished (and the porch) under this proposal. The proposed two storey extension would extend further sideways (and to the west) by around 0.6m, compared to the existing side elevation (measuring approximately 2m in width) of the two storey part of the dwelling to be demolished. The proposed depth of the two storey side extension is approximately 9.7m. Its ridge height would be set down 0.4m from the existing ridge and drops to a mono hipped pitch at the rear with a crown roof.

The proposed single storey rear extension measures 3.7m deep by 5.8m wide. It would be set in about 0.7m from the side elevation of the proposed two storey extension. It will sit on almost the same footprint as the existing conservatory but is brick built with a flat roof.

Materials are to match existing and comprise brickwork and a tiled roof. The Heritage Statement confirms that the windows and doors will reflect the style, materials and proportions of existing openings. The windows are of timber sash casements.

## **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 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

DP35 Conservation Area

### **Site Allocations Development Plan Document**

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**

HAYWARDS HEATH NEIGHBOURHOOD PLAN (made December 2016)

Relevant policies:

E9 - Design - Protection and Reinforcement of Local Character  
H9 - Domestic Extensions

## **Other Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

## **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:

*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)

## **ASSESSMENT**

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

- o design and character,
- o whether the proposal conserves or enhances the special character of the Conservation Area,
- o residential amenity and
- o biodiversity net gain.

## Design

Policy DP26 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 protects valued townscapes and the separate identity and character of towns and villages;*
- 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 (see Policy DP29);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

Policy E9 of the Haywards Heath Neighbourhood Plan relates to design and requires developers to demonstrate how their proposal will protect and reinforce the local character within the locality of the site; it then sets out a list of design elements that should be considered when having regard to these matters including height, scale, spacing, layout, orientation, design and materials of buildings. It should also respect natural features such as trees and hedges.

Policy H9, as set out above, deals with housing development within the built up area of the town and sets out a number of similar criteria for redevelopment to housing, including:

- o The scale, height and form fit unobtrusively with the existing buildings 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 of the Town 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*

The Mid Sussex Design Guide Principle DG39: Deliver appropriately scaled buildings, states that new buildings should relate to their context and location.

Chapter 9 deals with Household Extensions and DG49 states how extensions should respond to the design of the original dwelling. Extensions should also normally be designed to be well-integrated with the existing scale, form and massing allowing the original building to remain the dominant element of the property. DG50 front and side extensions, stipulates that side extensions be set back from the front of the house to help define the original building as well as responding to the character of the street.

The NPPF refers to design under chapter 12, achieving well-designed places. Paragraphs 131 and 135 are of particular relevance.

The applicant has submitted an amended design of a more simplistic form which is considered to be a considerable improvement compared to that refused under DM/24/1901 and the original design proposed under this application. The width of the proposed two storey extension is reduced and would appear more subservient and sympathetic in terms of proportions having regard to the original dwelling. The roof over the front half of the proposed two storey extension is now fully pitched and matches the profile of the existing roof with a smaller crown roof to the rear of the proposed extension. At the rear, the

profile of the roof is as per the existing roof configuration. The canopy over the front door has been removed to keep the simplicity of the front elevation, thereby respecting the architectural integrity of the original building. The proposed extension at the rear is also simplistic in its form and character and has roughly the same scale and proportions of the conservatory and extension it would replace. It now has a flat roof as requested by the Conservation Officer. It would result in a more comprehensive overall design compared to the mismatch of additions which currently exist on the rear of the property.

A further amendment has also been sought to reduce the width of the first floor window at the front in the proposed side extension which was also a concern under DM/24/1901. The applicants have carried out this amendment but as a consequence, an additional rooflight is now proposed on the sloping plane of the roof on the side elevation to provide enough daylight into the bedroom. However, this would not detract from the character and appearance of the property or locality.

The amended proposed extension is now considered to be acceptable and more similar to the scheme approved under DM/17/1965 at No.74. Under DM/24/2578 planning permission has been granted for similar extensions at No 70, which adjoins the application property and is the other half of the pair of semi-detached properties.

As such, in terms of design, the proposed extension is considered to be acceptable and meets the criteria of the relevant policies and principles mentioned above.

## **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.*'

Policy DP35 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.'*

Significance is defined in Annex 2 of the NPPF as '*The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*'

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The Conservation Area, by virtue of its designation, is significant in heritage terms and this significance is likely to arise from its aesthetic (fortuitous) value and historical (illustrative) value.

There is a published Conservation Area Statement for The Heath which lists Sydney Road under 'Character Area 3'. The appraisal notes that the area includes a number of Victorian or Edwardian semi-detached dwellings grouped to the southern side of the road. The appraisal also states that dwellings have been extended previously to both the side and rear with further alterations having been carried out to several windows with upvc replacements to former timber windows.

The NPPF states that 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.

Paragraphs 212 - 215 of the NPPF states:

*'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'*

The Conservation Officer has commented as follows in relation to the amended scheme:

*'The proposal has been revised to reduce somewhat the width of the proposed side extension, and to change the roof form to partly hipped roof, with a crown roof to the rear, and flat roof above the single storey rear extension.'*

*As previously stated, the principle of enlarging the side extension remains in my opinion contentious. Although the width of the addition has been reduced, the increase in depth and consequently reduced set back from the front elevation remains as previously proposed, and in my opinion this continues to*

*result in an addition which will adversely affect the characteristic symmetry of the villa pair. A crown roof is still included, and the fenestration remains in part unsympathetic to the host building.*

*In my opinion the proposal therefore continues to detract from the character and appearance of the Heath Conservation Area, contrary to the requirements of District Plan Policy DP35. In terms of the NPPF the proposal causes less than substantial harm, such that paragraph 215 will apply.'*

NPPF para 215 states that, *'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'*

In light of your Planning Officers assessment of the design merits of the scheme as set out above, the proposal is considered to be acceptable in design terms.

Given the above design assessment it is your Planning Officers view that the proposed extension would conserve the special character of the Conservation Area. As such the proposal complies with policy DP35 of the Mid Sussex District Plan and the legislation.

## **Residential Amenity**

Policy DP26 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);'*

A similar ethos is found within the MSDC Design Guide SPD.

*'Principle DG45: Privacy of existing and future residents*

*Applicants will need to demonstrate how privacy will be achieved between new and existing developments.*

*The following elements can have an impact on privacy:*

- o The relationship of buildings to each other including the positioning and design of windows and doors;*
- o The topography and relative height of adjacent buildings;*
- o The provision of good noise insulation;*
- o The relationship of the parking, gardens, front defensible space, balconies with the adjacent buildings; and*
- o The position and arrangement of habitable rooms.*

*Direct overlooking of private amenity space from habitable rooms in neighbouring properties should normally be avoided.*

*Set-back upper floors, recessed balconies and generous internal courtyards can all help to deliver higher densities whilst respecting privacy. Because they are usually more visible, the privacy of ground floor flats should particularly be considered, and the provision of dedicated private rear gardens will often be necessary.'*

Policy H9 of the HHNP requires that 'the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.' There is thus a different test of amenity between DP26 and H9.

As policy DP26 is the later policy to be adopted, planning law requires that it takes priority. The test is thus one of 'significant harm'.

The proposed extension is on the side of the application property which is closest to the nursing home. The nursing home is set away from the shared boundary. The proposed extension has a window

adjacent to the staircase and a bathroom window at first floor on the side elevation. There would also be two rooflights in the bedroom. The bathroom window is shown to have obscure glass up to the top opening vent which is clear. It is considered that no significant harm would result from overlooking and or a loss of privacy.

The nursing home is also set further back into its plot and any views from the bedroom window on the proposed rear elevation would have a neutral impact which is acceptable and expected in a built up residential area.

Given the position and layout of the nursing home to the east, the proposed extension would not have a significant impact in term of an overbearing impact or loss of daylight/sunlight.

As such, the application proposal is considered to be acceptable having regard to residential amenity and complies with the criteria of relevant policies DP26, H9 and national policy contained within the NPPF.

#### 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.

## **CONCLUSION**

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Haywards Heath Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

For the reasons outlined above, it is considered that the proposed development is acceptable on design grounds and would be respectful of the character and appearance of the property, whilst also conserving the character and appearance of the Conservation Area. As such, it is recommended that permission be granted as the development accords with the relevant planning policies in the development plan.

Decision:       Permission

Case Officer: Rachel Richardson