

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0493	Case Officer:	Andrew Watt
Application Type:	Householder Application		
Proposal:	Minor alterations to external elevations (Retrospective) as approved under planning permission DM/23/0338		
Site:	43 Wilderness Road, Hurstpierpoint, Hassocks, West Sussex, BN6 9XD, , ,		
Validation Date	14 Apr 2025	Overall Expiry Date:	7 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 May 2025
Target Date:	9 Jun 2025	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	15 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0493

**43 Wilderness Road, Hurstpierpoint, Hassocks, West Sussex, BN6 9XD, ,
Minor alterations to external elevations (Retrospective) as approved under planning permission
DM/23/0338
Miss Emma Poland**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

None.

TOWN / PARISH COUNCIL OBSERVATIONS

The committee's recommendation is that MSDC should give permission.

INTRODUCTION

Retrospective planning permission is sought for minor alterations to the external elevations as approved under planning permission DM/23/0338.

RELEVANT PLANNING HISTORY

In May 1991, planning permission was granted for the addition of one further bedroom and extension to garage and utility room (HP/053/91).

In December 1993, planning permission was granted for a conservatory (HP/094/93).

In May 2023, planning permission was granted for a first-floor side extension over the garage, and to replace the conservatory with a 2-storey rear extension with elevational alterations (DM/23/0338).

In October 2023, planning permission was refused to sub-divide the existing dwelling into 2 semi-detached residential dwellings (DM/23/1302). Works had by this time commenced, albeit not in compliance with the previously approved plans. The reason for refusal stated:

'The subdivision of the building would result in a cramped, contrived and urbanising form of development that would be harmful to the character and appearance of the street scene. This would be due to such elements as the formation of an additional door to the front elevation, the boundary planting area separating the two properties to the front, the frontage area dominated by car parking, the necessity of an additional crossover and the proposed external access to serve the rear garden (and cycle storage area) of proposed 43A Wilderness Road. In the case of the latter, this would also be harmful to the amenities of the occupants of proposed 43B Wilderness Road, due to requiring a permanent right of access adjacent to the front car parking area, around the rear garden and along the southern flank wall of the dwelling, where there is no defensible space and two ground floor windows. Accordingly it is considered that the proposal would be contrary to Policy DP26 of the Mid Sussex District Plan, Policy HurstH5 of the Hurstpierpoint and Sayers Common Neighbourhood Plan, the Mid Sussex Design Guide and the provisions of the NPPF.'

In October 2023, a Non-Material Amendment application was refused for the reconfiguring of internal walls, repositioning the internal staircase and repositioning the kitchen (DM/23/2320).

An enforcement notice was issued in October 2023 to cease the construction of the 2-storey semi-detached dwelling and either reinstate to a condition and appearance prior to construction or to revise in accordance with planning permission DM/23/0338, and to remove the hardstanding from the land and reinstate to a condition and appearance prior to its creation.

A joint planning and enforcement appeal against this decision was dismissed and upheld in January 2025, albeit with the period for compliance varied from 3 months to 6 months (AP/24/0012 and AP/24/0013).

SITE AND SURROUNDINGS

The site is a 2-storey detached dwelling located on the eastern side of Wilderness Road in the built-up area of Hurstpierpoint, backing onto an ancient woodland (The Wilderness). The property has recently been extended with a first-floor side extension over the original garage, together with its conversion into habitable accommodation. The original brick and tile hanging on the majority of the building has been replaced with composite cladding and white painted render. Land levels drop gently from south to north and from west to east.

The property sits within a crescent of mainly detached dwellings (a mix of bungalows and 2-storey houses) set within relatively open-plan frontages which complement the grass verges that separate the footways from the highway. Most properties have single garages and a driveway, some having been extended, but in the main, they are subservient to the gardens.

The site is designated as a Great Crested Newt - Impact Risk Zone (Red).

APPLICATION DETAILS

Retrospective planning permission is sought for minor alterations to the external elevations as approved under planning permission DM/23/0338.

In detail, these are as follows:

- New porch to front elevation
- Reduction in width of sidelight to front door
- Alterations to window openings on first floor of front elevation
- New external double doors to ground floor front elevation in place of double opening and window
- Reduced width of first floor side window to south elevation
- Removal of first floor side window to north elevation
- Alterations to window openings on first floor of rear elevation
- 2 windows in place of 2 full height patio doors to the rear elevation

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 Mid Sussex District Plan, Site Allocations Development Plan Document (DPD) and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP26: Character and Design
Policy DP38: Biodiversity

Site Allocations DPD

The SADPD was adopted on 29 June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Hurstpierpoint and Sayers Common Neighbourhood Plan (Mar 2015)

Mid Sussex District Council formally 'made' the Hurstpierpoint and Sayers Common Neighbourhood Plan part of the Local Development Plan for the Parish of Hurstpierpoint and Sayers Common as of 18 March 2015. The policies contained therein carry full weight as part of the Development Plan for planning decisions within Hurstpierpoint and Sayers Common.

The site is located within the built-up area of the Neighbourhood Plan area; however, no policies are relevant to this proposal.

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 31 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:

DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPB1: Character and Design

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG49: General principles for extensions
Principle DG50: Front and side extensions

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 131 and 135 (design),

187 (conserving and enhancing the natural environment) and 193 (biodiversity and ancient woodland) are considered to be relevant to this application.

ASSESSMENT

Design and visual impact on the character and appearance of the area

Policy DP26 of the Mid Sussex District Plan states (in part):

'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;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *positively addresses sustainability considerations in the layout and the building design;'*

Chapter 9 of the Mid Sussex Design Guide SPD relates to household extensions. Design Principle DG49 states that extensions should respond to the design of the original dwelling. Principle DG50 relates to front and side extensions and advises that front extensions are more likely to be acceptable where the building line is staggered or where the dwelling is set well back from the road. In addition, it states that where front extensions are considered acceptable, they should normally be limited to a modest single storey or porch-type extension that reflect the character of the existing property.

The changes that have been made to the external elevations in relation to planning permission DM/23/0338 are considered to be acceptable in all respects. The new porch is very modest in scale and has no adverse impact on the street scene.

Accordingly, it is considered that the development complies with Policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate 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)'*

The main properties affected by the development are 41 and 45 Wilderness Road. The removal of the north-facing side window at first floor level is considered to be a benefit in respect of its impact to no. 41. The reduction in width of the first floor bathroom window (which is obscure glazed) is also a benefit to no. 45. As before, a condition is imposed to ensure that it is obscure glazed and non-openable below 1.7m in height at finished floor level internally.

As such, there would not be any significant loss of privacy to neighbouring residents. Accordingly, the scheme complies with 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.

Other matters

The site is located within a designated Great Crested Newt - Impact Risk Zone (Red). However, having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with biodiversity legislation, policy and guidance.

PLANNING BALANCE AND CONCLUSION

The application is deemed to be of an appropriate design in relation to the existing house and street scene, and does not cause significant detriment to surrounding residents. There is no harm to biodiversity. Accordingly it is considered that the development complies with Policies DP26 and DP38 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and the NPPF and is therefore considered acceptable.

Decision: Permission

Case Officer: Andrew Watt