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Mr Eric Owens
Interim Assistant Director
Planning & Sustainable Economy
Planning Services Division
Mid Sussex District Council
Oaklands, Oaklands Road
Haywards Heath, West Sussex RH16 1SS

Dear Sir

Planning Application DM/26/2011 – 7 Shenstone, Lindfield
First floor rear extension over existing ground floor and repositioning of first floor side window

I am objecting to this Planning Application on behalf of [REDACTED] because of their concerns about the works proposed by their next-door neighbour to the south, [REDACTED]. These properties are both in an Area of Townscape Character being surrounded to the south and east by the Lindfield Conservation Area in Hickman's Lane and in Lindfield High Street.

This development of Shenstone dates from the 1960s and alterations have been made to a number of the houses. Externally at the front No 7 is largely original but it has been constructed close alongside its north boundary adjacent to No 9. In recent years a single storey flat roofed extension has been added across the back of No 7 extending the two storey flank wall alongside the boundary with No 9. These houses face approximately south east and, therefore, No 7 is set to the south and west of No 9.

The Proposals

The proposals are to construct a full width first floor extension across the back of No 7 with an additional pitched and hipped roof, the ridge of which is set only 400mm (16") below the main roof ridge. This structure is shown as 6.965m high above ground level. This corresponds to 22ft 10" in height. The extension is shown as 4.00m from front to back which is just over 13ft.

As can be seen from the Application Block Plan, the north east flank wall of No 7 is set between 1.5m and 1.8m from the boundary with No 9 but the south west wall of No 9 facing No 7 is along the boundary. There is, therefore, only a gap of 1.5m-1.8m between the two houses.

Because of the alignment of the two properties, the extension at No 7 will project about 3.5m beyond the rear wall of No 9 and, due to this, a diagonal line drawn from the rear corner of No 9 to the proposed rear corner of the extension at No 7 will be at an angle of 24° from the flank wall of No 7 and from the alignment of the flank wall of No 9. This is well outside recognised criteria for extensions at the rear of adjoining properties where normal design guide acceptability is in the region of 45° to prevent overlooking and loss of daylight.

Because the rear elevations to both houses face to the north of west, this means that the rear garden of No 9 does not receive sunshine up to the rear wall until about 2pm in the summer and 1pm in the winter. The rear garden of No 9 is in any case shaded by tall trees with Tree Preservation Orders along the western boundary and, in the summer, by a large tree in the garden of No 7. Fortunately this is deciduous and, in the winter, daylighting is less affected.

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The proposed extension at No 7 projecting to the rear of No 9 and immediately alongside the boundary fence at a height of 6.965m (22ft 10") will screen winter sunshine, shading more of the rear garden. This is un-neighbourly and not acceptable to Mr & Mrs Bee. Therefore, as proposed, this extension would have a seriously adverse impact on No 9 being overbearing and un-neighbourly, and detrimental to the amenities of No 9.

Mid Sussex District Council Planning Policies

The current valid District Plan is the Mid Sussex District Plan 2014-2031. A new Plan for 2021-2039 is in progress but is not yet adopted although elements of it will be given varying weight as part of the Planning Decision.

In the current District Plan, Policy DP26 Character and Design requires alterations and extensions to be well designed and, in particular, *'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..'*

The new 2021-2039 Plan Submission Draft also states, in Policy DPB1 Character and Design: *'All development proposals will be required to ensure that development: Residential Amenity 12. 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...'*

Therefore, both the existing and proposed District Plans set out the same criteria for extensions in respect of existing amenities of neighbouring properties and acknowledge the importance of avoiding overbearing or un-neighbourly development.

In addition, as noted above, Shenstone is part of the Area of Townscape Character as set out in the Lindfield & Lindfield Rural Neighbourhood Plan 2014-2031. This follows on from the earlier designation of 'Townscape Protection Area' in the previous Mid Sussex Local Plan under Policies LE11 and B16 requiring *'any proposals for development or redevelopment to have regard to the special character of the townscape in such areas.'*

In 2008, there was a Planning Application for a similar two storey extension at the back of No 7 Shenstone (Application 08/00385/FUL). This was refused by Mid Sussex District Council and was dismissed on Appeal (APP/D3830/A/08/2076250/WF 11th November 2008) by the Planning Inspectorate on the following primary grounds:

'6. The orientation of the properties, the lack of depth between back of the houses and the rear boundaries and the presence of trees in the vicinity, already contribute to a sense of enclosure within the rear gardens of both properties. The introduction of a two-storey rear extension to the rear of No 7 would, in my view, significantly increase the sense of enclosure for the garden of No 9. I consider this to be the case notwithstanding the proposed form of the roof. From the garden of No 9 the occupants would find themselves looking towards a large expanse of roof which is significantly different from the current outlook towards the south across the more open garden of No 7 even allowing for the presence of a small greenhouse and a more solid shared boundary. In my view, it would therefore be an un-neighbourly form of development which would appear visually intrusive and overbearing, making the garden a much less pleasant place in which to be.

7. On balance I therefore conclude that the proposed extension would worsen the living conditions of the occupants of No 9 in relation to the visual intrusion, notwithstanding the lack of harm that I have found in relation to loss of light and overshadowing. It would therefore be contrary to Saved Policy H9 of the Mid Sussex Local Plan which seeks to protect residents of neighbouring properties from un-neighbourly forms of development.

8. I acknowledge the appellant's desire to extend her home to provide improved living accommodation for her family and to avoid the need to move house. However these are insufficient reasons to set aside the harm I have found to the living conditions of the neighbours at No 9. For this reason and having considered all other matters raised, I conclude that the Appeal should be dismissed. Sheila Holden, Inspector'.

Currently, on 20th August 2026 your council has refused Planning for Application DM/26/1485 for a single storey front extension, garage conversion, new porch and new dormer, to widen the first floor front dormer and to add new rear dormer at 6 Shenstone. You referred in detail to Policy DP26 of the District Plan and also to Mid Sussex District Council's Design Guide SPD (Supplementary Planning Document) with Design Principles DG49, DG50 and DG52 deemed relevant: *'Principle DG49 refers to general principles for extensions and recommends that '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 whether it has one or several additions.'* DG50 relates to side extensions and DG52 to roof conversions and extensions.

Under the heading 'Impact on Amenity' you comment Policy DP26 of the District Plan refers to amenity and states that development proposals 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'*. This is all as I have stated above.

You rejected the Application for the works at 6 Shenstone on the basis that: *'The proposal therefore conflicts with Policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.'*

Objections

The objections to the proposals are therefore as follows:

1. The proposed extension at the rear of No 7 Shenstone will shade the rear of No 9 Shenstone to the extent that winter sunlight will no longer shine on the ground floor windows at the rear of No 9. It will also overshadow the garden throughout the summer growing season and increase the shade during the winter.
2. Relevant Planning considerations which can be taken into account by Mid Sussex District Council when making a decision to reject this Application are:
 - Existing Planning Policy: as noted above this Application is contrary to Policy DP26 of the Local Plan and Design Principles DG49 of the Council Design Guide SPD.
 - The proposal is contrary to residential amenity as set out in Policy DPB1 in the Submission Draft of the emerging Mid Sussex District Plan 2021-2039.
 - This proposal is contrary to District Plan Policy DP39 Sustainable Design and Construction in that it does not *'minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation.'*
 - Mid Sussex District Council have just rejected alterations to No 6 Shenstone on the basis of Policy DP26 and have also referred to emerging policies DPS2 Sustainable Design and Construction and DPB1 Character and Design.
 - The previous proposal for a two storey extension at No 7 alongside No 9 was refused by Mid Sussex District Council in 2008 and rejected on Appeal on 11th November 2008 because of *'An un-neighbourly form of development which would appear visually intrusive and overbearing...'* *'It would therefore be contrary to the Mid Sussex Local Plan which seeks to protect residents of neighbouring properties from un-neighbourly forms of development.'*

Summary

These proposals at 7 Shenstone are un-neighbourly and contrary to a range of Mid Sussex District Council Local Plan policies.

