

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0752	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Minor alteration to the previously approved and constructed raised deck to the rear garden		
Site:	Laurels, 15A Harlands Close, Haywards Heath, West Sussex, RH16 1PS, , ,		
Validation Date	31 Mar 2025	Overall Expiry Date:	22 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	22 May 2025
Target Date:	26 May 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	23 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0752

**Laurels, 15A Harlands Close, Haywards Heath, West Sussex, RH16 1PS, ,
Minor alteration to the previously approved and constructed raised deck to the rear garden
Mr And Mrs Taylor**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

None received.

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: No comment.

INTRODUCTION

The application seeks planning permission for the extension of a raised rear decking area.

RELEVANT PLANNING HISTORY

DM/18/4332 - Proposed detached 3 bedroom chalet style bungalow located on land adjacent to 15 Harlands Close. Permission 19.12.18.

DM/20/4475 - Erection of a level garden area to the rear. Amended elevations received 03.02.2021 showing corrected height of gabion cages. Corrected location and block plans received 12.04.2021. Permission 19.05.21.

DM/21/1126 - The application is to introduce a stepped arrangement in order to reduce the steepness of the slope on the driveway by the use of a brick clad retaining wall and the inclusion of a small paved level seating area to the end of the rear garden. Amended plans received 20.05.2021 to include sectional drawings showing change in land levels. Additional plans received 01.07.2021 and 06.07.2021 showing further landscaping works to side and rear of property. Permission 12.08.21

SITE AND SURROUNDINGS

The application relates to Laurels, a two-storey chalet style property featuring a pitched roof. The property is set to the northern side of the road and is set back from the highway edge by a front driveway space. The property is afforded garden amenity space to the rear which slopes downwards in topography moving to towards the rear boundary. The site abuts the ancient Penland Wood to the north and the Scrase Stream skirts the northern boundary.

With regards to the sites locality, there are a number of other residential chalet style dwellings positioned to either side of the cul-de-sac with front garden spaces setting properties back from the roadside edge.

The site is within the built-up area for Haywards Heath as defined in the District Plan (DP). The property has previously had its permitted development rights restricted through its original permission under DM/18/4332 which restricted extensions, alterations, roof extensions and alterations and the erection of outbuildings on site.

APPLICATION DETAILS

The proposal would extend the existing raised decked area by altering the existing dog leg layout into a squared off decked area. The existing decked area would be extended outwards by circa 0.91m in length and 3m wide. Proposed external materials would comprise a reconfigured glass balustrade, composite decking and angled steel posts connected to the existing structure.

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

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

Haywards Heath Neighbourhood Plan (Made March 2016)

Policy E9 - Protection and Reinforcement of Local Character

Policy H9 - Domestic Extensions

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 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

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.

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
- Biodiversity Net Gain

Design and Character

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'*

Policy E9 of the Haywards Heath Neighbourhood Plan states that:

Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- o height, scale, spacing, layout, orientation, design and materials of buildings,*
- o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- o creates safe, accessible and well-connected environments that meet the needs of users,*
- o will not result in unacceptable levels of light, noise, air or water pollution,*
- o Makes best use of the sites to accommodate development,*
- o Car parking is designed and located so that it fits in with the character of the proposed development.*

Furthermore, Policy H9 of the Neighbourhood Plan states that:

Extensions to existing dwellings will be permitted where it meets the following criteria:

- o The scale, height and form fit unobtrusively with the existing building 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 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.*

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.'

The proposal would increase the area of decking to the rear of the existing property and would utilise matching external materials throughout. It is considered that this would help the proposed development assimilate towards the existing and would not give rise to an incongruous appearance. The level of decking would present a marginal increase from the existing arrangement and is considered to retain an appropriate appearance within the context of the existing dwelling.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, Policies E9 and H9 of the Haywards Heath Neighbourhood Plan and the relevant principles of the Mid Sussex Design Guide SPD.

Impact on Neighbouring Amenities

Policy H9 of the Haywards Heath Neighbourhood Plan states that proposals should 'safeguard' neighbouring amenities with regard to privacy, daylight, sunlight and outlook whereas policy DP26 of the MSDP states that development 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, Policy DP26 of the Mid Sussex District Plan is considered to take precedence and therefore the test in this instance is whether the development causes 'significant harm' to neighbouring amenities as outlined above.

The proposed extension to the raised decking area would increase the floor space when compared to the existing arrangement. It is considered that the decking area leads directly out from the rear doorway and is not set in a significantly elevated position. As such, it is not considered that the proposal would provide significant views towards the neighbouring sites. Moreover, the side boundary treatment such as mature boundary planting and a closeboard timber fence help obscure views from the raised decking towards the adjacent sites.

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

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, will not negatively impact on the host dwelling nor its immediate setting, will not harm neighbouring amenities and result in an acceptable highways impact.

The proposal will comply with Policy DP26 of the District Plan, Policies H9 and E9 of the Haywards Heath Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas