

Delegated Decision  
Sign off Sheet

|                                       |                                                                                     |                                 |                    |
|---------------------------------------|-------------------------------------------------------------------------------------|---------------------------------|--------------------|
| Ref. No:                              | DM/25/1454                                                                          | Case Officer:                   | Katherine Williams |
| Application Type:                     | Removal/Variation of Condition                                                      |                                 |                    |
| Proposal:                             | Variation of conditions 2 and 3 relating to DM/22/1805 to allow for design changes. |                                 |                    |
| Site:                                 | 215 Chanctonbury Road, Burgess Hill, West Sussex, RH15 9HG, , , ,                   |                                 |                    |
| Validation Date                       | 6 Jun 2025                                                                          | Overall Expiry Date:            | 1 Jul 2025         |
| Pre-Commencement Conditions Required: |                                                                                     | Pre-Com Conditions Date Agreed: |                    |
| Recommendation:                       | Permission                                                                          | Recommendation Date:            | 3 Jul 2025         |
| Target Date:                          | 1 Aug 2025                                                                          | Recommending Officer Signature: | Katherine Williams |

|                                                 |  |                        |   |
|-------------------------------------------------|--|------------------------|---|
| Date Legal Agreement Completed: (if applicable) |  | No of Representations: | 0 |
|-------------------------------------------------|--|------------------------|---|

|                       |                 |       |            |
|-----------------------|-----------------|-------|------------|
| Signed and Agreed By: | Stephen Ashdown | Date: | 3 Jul 2025 |
| Comments:             |                 |       |            |

## MID SUSSEX DISTRICT COUNCIL

**DM/25/1454**

**215 Chanctonbury Road, Burgess Hill, West Sussex, RH15 9HG, , ,  
Variation of conditions 2 and 3 relating to DM/22/1805 to allow for design changes.  
Lee James**

### SUMMARY OF REPRESENTATIONS

None received

### SUMMARY OF CONSULTEES

None received

### TOWN COUNCIL OBSERVATIONS

The Committee of the 24th June would Recommend Approval.

### INTRODUCTION

Variation of condition 2 and 3 relating to planning application DM/22/1805 to allow for design changes.

### RELEVANT PLANNING HISTORY

DM/22/1805 - Proposed hip-to-gable roof extension with flat roof rear dormer, new Velux roof windows in front roof slope, and proposed single storey flat roof rear extension. Granted

### SITE AND SURROUNDINGS

The application property is a semi-detached bungalow located on the southern side of Chanctonbury Road, within the built up area boundary of Burgess Hill.

The locality is characterised semi-detached bungalows of the same form and design, but varying materials. The dwellings are set back evenly from the highway with off street parking and open frontages. Many of the properties within the locality have benefited from extensions of varying forms including rear flat roofed dormer windows. The application property forms part of a symmetrical semi-detached pair with mirroring front bay windows with gable projections and a shared pitched hipped roof form. The dwelling shares a driveway with the adjacent neighbour, No. 217 Chanctonbury Road, which extends to the single flat roofed garage to the rear of the application property. The property has previously benefited from a rear conservatory which has infilled the original staggered rear elevation and a rear flat roofed dormer window.

The application property is constructed in white render, brick to the rear, interlocking roof tiles and white upvc fenestration.

### APPLICATION DETAILS

As this is a section 73 application, national advice is that the LPA should focus attention on any material changes since the previous permission.

The application seeks planning permission to enable the substitution of plans to allow for changes to the materials of the gable end from brickwork to off white render.

From a site visit to the property works have begun, however, the proposed alterations have not been constructed.

## **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.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

*'In dealing with such an application the authority shall have regard to:*

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

*'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD and Lindfield and Lindfield Rural 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.

### **Burgess Hill Neighbourhood Plan (made January 2016)**

None relevant

### **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:

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 NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

## National Planning Policy Guidance

### *National Design Guide/Code*

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

## ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that *'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'*

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 the amenities of neighbouring properties
- Biodiversity Net Gain

### Design and Character

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.'*

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.'*

Principle DG52 relates to dormer windows and roof enlargements and states: *'Roof accommodation is normally reliant on dormer windows and rooflights to provide light and ventilation. However, if they are out of scale or out of character with the roofscape and proportions of a dwelling they can have an adverse impact on the character of both the dwelling and the streetscape. The roof pitch and form are intrinsic to a building's character and roof extensions should be sensitive to this. Roof extensions and dormer windows that alter the existing ridge of the roof or significantly alter the roof profile of a building will not normally be acceptable, particularly on the front roof slope, and where there is a strong established roofline. Where a clear rhythm of fenestration is established, the position and proportion of dormer windows should respond to existing windows and / or doors.'*

The proposed alterations would be of a design and appearance which would be appropriate to the existing appearance and proportions of the building and the existing permission. The proposed changes would be visible from the streetscene, and although render is not currently present on the dwelling there are examples of render within the immediate locality and considered acceptable in this instance. It is therefore considered that the proposed changes would be in keeping with the character of the locality and surrounding properties and would comply with policy DP26.

### **Impact on the amenities of 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);'*

The proposed alteration to the materials of the extension would not result in changes to the form or massing of the approved extension, nor the position of the fenestration. Due to this it is considered that the proposed alterations would not cause harm to the amenities of the neighbouring properties.

### **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 planning permission is being granted on an application made under Section 73 of the Town and Country Planning Act 1990 and the original planning permission to which the Section 73 planning permission relates was granted before 12th February 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

### **CONCLUSION**

In conclusion, the proposed alterations are considered to be appropriate in terms of design and the impact on the character of the area, would not cause harm to the amenities of neighbour properties or the future occupiers of the dwelling, Therefore, the proposal complies with Mid Sussex District Plan policy DP26 and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision:       Permission

Case Officer: Katherine Williams