

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0477	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	Proposed off road parking bay.		
Site:	19 College Lane, East Grinstead, West Sussex, RH19 3LY, , , ,		
Validation Date	24 Feb 2025	Overall Expiry Date:	29 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 Jun 2025
Target Date:	21 Apr 2025	Recommending Officer Signature:	<i>Peter Davies</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	20 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0477

**19 College Lane, East Grinstead, West Sussex, RH19 3LY, , ,
Proposed off road parking bay.
Mr John M**

REPRESENTATION RECEIVED

2 letters of representation were received for this application from the neighbours each side of the application property, 1 in support and 1 with no objection. However, both raised concerns with the application.

No. 17 College Lane raised concerns about the boundary wall being weakened as a result of the engineering works to lower the ground level and raising questions on loss of bike parking which was conditioned in the original application for the property to be built.

No. 21 College Lane raised concerns about the manhole cover situated on the edge of the plot close to the highway as well as raising if enhancements can be made to the highway due to vehicles going faster than 20 mph.

SUMMARY OF CONSULTEES

WSCC Highways

1.1 The LHA has reviewed the submitted information. Whilst the LHA would raise no objection to the principal of the application, should the LPA grant planning consent the works involved will require the applicant to enter into a section 278/Minor highways works agreement, to deliver the access works on to the highway. This will not be able to be done under a vehicle cross over license (VCO) due to the significant works involved in the ground levels, and possibly drainage works. These works may also affect the neighbouring boundary wall and the foundations of 19 College Lane. Alterations will be required to the drainage cover located in the highway that looks to be damaged and not to a suitable standard for a vehicle to pass over.

1.2 It appears the dwelling was approved and built in 2008 after a couple of refused applications on the site. The LHA's mapping shows that someone applied to have the land at the front of the two properties stopped up (removed as maintainable public highway), for some reason this never concluded and as such the land up to the front of the dwellings is adopted highway land, this includes the raised paved area right up to the front doors. This is rather unusual and not something that the LHA would support by today's standards.

The approved planning drawing under 08/0175 (Drawing no:07/31/1 Rev A) shows a 2m wide flat tarmacked footway to be provided in front of the properties, the planning decision notice states that the specification and agreement for the footway works is to be obtained from development planning at County Hall Chichester (WSCC). The LHA can find no record of these works having been agreed by WSCC, at present it is unknown who carried out these works and who agreed to them.

1.3 We have discussed the proposal with the s278 agreements team, ideally the land should be stopped up by the applicant to remove the land from the publicly maintained highway, or the works will need to be agreed and carried out under a s278 agreement, where technical approval will be required to review if the works are considered acceptable to be carried out to the highway and maintained as highway, this would include matters such as materials used, gradient of the footway and how the raised area will be phased down to join the proposed driveway.

The following should be added to any grant of planning consent for this application.

o Works within the Highway - Implementation Team (s278 Agreement/Minor Works license)
The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

o Stopping Up Order
The applicant is advised that the existing public highway to be incorporated into the development should be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process:

MSDC Conservation Officer

Comments received 21/03/2025

The application site is a modern, unlisted semidetached house located within the East Grinstead Conservation Area. The house and its attached neighbour are not of any particular historical or architectural merit and make at best a neutral contribution to the character and appearance of the Conservation Area. The house pair sit in very modest gardens backing onto a steep slope leading up to the Chequer Mead Car Park and the Grade II listed Sackville Water Tower.

The current proposal is for the creation of an off street car parking space to the south side of the house. This is currently a garden space, but the contribution which this makes to the street scene is limited by a high close boarded fence to the roadside boundary. The garden space to the other half of the house pair (no. 21) has a similar side garden and enclosing fence. This is not in either case a particularly attractive arrangement and makes a neutral or negative contribution to the street scene.

In most circumstances the creation of off street parking to a garden area within a Conservation Area is unlikely to be favourably viewed. However in this particular instance, given the lack of visual quality and low level of contribution made to the street scene by the existing side garden, and the presence of off street parking to the directly adjacent garden space to no. 17 College Lane, as well as to the majority of properties further north along the road to the opposite side (which are outside the Conservation Area but affect its immediate setting), it is my opinion that the principle of the proposal would be difficult to resist.

To mitigate for any harm caused I would suggest that as far as is possible, given the limited space, some soft landscaping should be introduced around the new parking space, possibly in the form of planters. I would suggest that the plan is amended to show this, with further detail required by condition as necessary.

Subject to this, I consider that the proposal will preserve the character and appearance of the Conservation Area, meeting the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

Apologies, additional comments on the above application as I have just noticed that a bin and bike store to the rear of the parking space is part of the proposal.

Further details including elevations, and an indication of facing and roofing materials of the proposed bin and bike store should also be provided. The form and footprint of this store should be considered in light of the requirement for some planting around the car parking space- enough space for planting should be left, and planters or beds also indicated on the plan. There may be scope, for example, to mask the front elevation of the store by planting (possibly including climbers) between this and the car space.

Comments received 05/06/2025

Further comments on the above application following the receipt of revised plans.

The proposal has been revised to show a narrow planting bed to one side of the parking space. This will in my opinion do little to soften the appearance of the development, particularly in views looking across the new parking space from the road towards the rear of the site, and I would suggest that the scheme is

further revised to show the planter continued along the side and rear of the bike/bin store area. It would be helpful if the plans could include details of a planting scheme (to avoid a condition), which I would suggest should include climbers.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks planning permission for the creation of an off road parking bay.

RELEVANT PLANNING HISTORY

08/01075/FUL - Erection of two three bedroomed semi-detached houses. Permission

SITE AND SURROUNDINGS

The application property is a two-storey semi-detached dwelling located on the west side of College Lane, within the built-up area boundary of East Grinstead and located within the East Grinstead Conservation Area.

The application property has a pitched roof and is constructed from brick with hanging tile at first floor level, plain roof tiles and white fenestration. The dwelling is set close to the highway with pavement to the front with a courtyard to the side.

APPLICATION DETAILS

The application seeks planning permission for the creation of a parking bay on the south side of the dwelling. This will require the existing courtyard to be lowered by approximately 0.40 metres. This will create a parking space with a width of 2.50 metres at the back and 2.90 metres at the front, and a depth of 4.97 metres. Along the south side will include a raised planting bed. The parking space will be a permeable sub-base with Aldridge Clay Pavers laid in a herringbone pattern. To the rear of the dwelling a timber close board fence is proposed with a height of 1.50 metres to create a bin and bike store at the back of the property

Amended plans have been received to include planting.

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 East Grinstead 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:

DP21 - Transport

DP26 - Character and Design

DP35 - Conservation Areas

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.

East Grinstead Neighbourhood Plan (made November 2016)

Relevant policies:

EG3 - Promoting Good Design

EG4 - Designated and Non designated Heritage Assets

EG12 - Car Parking

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) - Special attention to be paid to preserving or enhancing the character or appearance of a conservation area

Other Material Considerations

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 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

DPB3 - Conservation Areas

DPT4 - Parking and Electric Vehicle Charging Infrastructure

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)

Paragraphs 8, 11, 131 and 135 are considered to be relevant.

National Planning Policy Guidance

ASSESSMENT

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

- Impact on the Conservation Area
- Design and Character
- Impact on neighbouring properties
- Highway Safety
- Other Matters
- Biodiversity Net Gain

Impact on the 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.'

In terms of the impact on the East Grinstead Conservation Area, policy DP35 of the Mid Sussex District Plan 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.

Policy EG4 of the East Grinstead Neighbourhood Plan notes that: *'Applications affecting designated and non-designated heritage assets must be supported by an appropriately detailed assessment of their heritage significance and the impact of the proposals on that significance.'*

Paras 210, 212-215 of the NPPF state:

'210. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

c) the desirability of new development making a positive contribution to local character and distinctiveness.

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 application relates to an unlisted, semi-detached dwelling located within the East Grinstead Conservation Area. The proposal has been reviewed by the Council's Conservation Officer, who has commented on the application. It was advised that the application property and attached neighbour are not of any historical or architectural merit and at best make a neutral contribution to the character and appearance of the Conservation Area. It is noted that area subject to this application currently makes a limited contribution to the street scene due to the close board fence along the highway boundary, and it is not considered to be particularly attractive, making a neutral or negative contribution to the street scene.

The Conservation Officer notes that in most circumstances the creation of off street parking to a garden area within a Conservation Area is unlikely to be favourably viewed. However, in this instance due to the lack of visual quality and low level of contribution made to the street scene by the side garden, along with the presence of off street parking to the adjacent no. 17 and on the opposite side of the road, outside of the Conservation Area, make the principle of the proposal difficult to resist.

The Conservation Officer suggested to mitigate harm and given the limited space, some soft landscaping should be included around the new parking space by using planters.

Following on from the Conservation Officers comments, amended plans were submitted which included some raised planters. Additional comments were received from the Conservation Officer with the opinion that these planters will do little to soften the appearance of the development, particularly in views looking across the new parking space from the road towards the rear of the site with the suggestion that the plans are further revised with the planter continued along the side and rear.

The Conservation Officers comments are noted, however as the existing is not considered to be particularly attractive and with the proposal to include some planting, it is considered it would have a

neutral impact on the East Grinstead Conservation Area. However, a suitability worded condition will be added to require a planting scheme to be submitted and approved.

As such it is considered that the proposal would not have a harmful impact on the East Grinstead Conservation Area and accords with policy DP35 of the Mid Sussex District Plan, policy EG4 of the East Grinstead Neighbourhood Plan and the NPPF.

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."*

Also relevant in the determination of the application is Policy EG3 of the East Grinstead Neighbourhood Plan, which states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) *The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) *The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) *The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) *The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) *The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) *New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) *The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) *Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

Dropped kerbs serving hardstanding driveways are widespread within the street scene including the adjacent no.17 College Lane. Therefore, the proposed works is not considered to cause harm to the visual amenity of the street scene and character of the area. Therefore, the application is considered to comply with policy DP26 of the Mid Sussex District Plan and policy EG3 of the East Grinstead Neighbourhood Plan Neighbourhood Plan.

Impact on neighbouring properties

DP26 of the Mid Sussex District Plan 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);*'

Policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity whereas policy DP26 of the Mid Sussex District Plan 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 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 works would be to the side of the property, visible from the street scene. The works would be up to the shared boundary with no. 17 College Lane however it would not create any additional overlooking into neighbour's amenity space.

Given the adjacent parking space at No.17, it is not considered that proposed parking area would result in any unacceptable impact in respect of noise and disturbance to this neighbouring property.

Therefore, the proposal is not considered to cause significant harm to the amenities of nearby residents taking account of loss of outlook, overlooking, loss of privacy and reduction in sunlight and daylight and air, light and noise pollution. The proposal is therefore, considered to comply with the above-mentioned part of policy DP26 of the Mid Sussex District Plan.

Highway Safety

Policy DP21 in part states:

'The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;'

Furthermore, Policy EG12 of the East Grinstead Neighbourhood Plan in part states:

Planning permission will only be granted where vehicle-parking provision, including cycle parking, is in accordance with West Sussex County Council adopted parking standards and it does not dominate the street scene..

West Sussex County Council Highways were consulted as outlined above and raised no objection, subject to informative.

The licence is a matter separate to planning and as there are no highway safety concerns this is not a reason to withhold a planning permission. This will be formalised via an informative.

The application property has 3 bedrooms and is located within parking behaviour zone 3 which requires 1.8 spaces. The existing dwelling has 0 spaces, and the proposal will create 1 new space resulting in an increase in off street parking.

Given that there is an increase of parking and no unacceptable harm to highway safety. It is considered that the application complies with policy DP21 of the Mid Sussex District Plan and policy EG12 of the East Grinstead Neighbourhood Plan Neighbourhood Plan.

Other Matters

The neighbours' comments relating to their boundary wall being structurally weakened or damaged as a result of the works is a private matter. Additionally, the comments raised by the same neighbour regarding loss of bike storage is noted however bike storage is to be retained at the back of the dwelling.

The comments from the other neighbour at no. 21 are noted however works to the manhole cover will be covered by a section 278 Minor highways works agreement. Additionally, enhancements to the highway such as filling potholes are not a relevant matter for this application.

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, due to the scale, position and nature of the proposal it would be in keeping with the character of the area, would not have a harmful impact on the East Grinstead Conservation Area, it would not cause significant harm on the amenities of nearby residents, it would protect the safety of road users and pedestrians and provide an increase in car parking. Therefore, the proposal complies with policies DP21, DP26 and DP35 of the Mid Sussex District Plan, policies EG3, EG4 and EG12 of the East Grinstead Neighbourhood Plan and with the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Peter Davies