

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1163	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	The proposal includes replacement of the existing balustrades on all balconies for Chaucer and Byron Court. (Proposed materials - glass and stainless steel).		
Site:	Byron Court And Chaucer Court, Paddockhall Road, Haywards Heath, West Sussex, , , ,		
Validation Date	2 May 2025	Overall Expiry Date:	30 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 Jun 2025
Target Date:	27 Jun 2025	Recommending Officer Signature:	Catherine Cardin

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	20 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1163

Byron Court And Chaucer Court, Paddockhall Road, Haywards Heath, West Sussex, , ,
The proposal includes replacement of the existing balustrades on all balconies for Chaucer and
Byron Court. (Proposed materials - glass and stainless steel).
Mr Jim Marston

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The application site consists of two adjacent blocks of flats, which are part of a wider development located just to the north of the junction between Paddockhall Road and Lucastes Avenue. The blocks are not listed, but are within the setting of the Lucastes Conservation Area, the boundary of which runs just to the north of Lucastes Avenue, taking in the vegetation to that side of the road.

Byron Court and Chaucer Court each consist of two attached three storey blocks, each block being of 6 flats. The blocks appear to be brick built, with hipped tiled roofs, and to the façade central glazed stairwells, flanked by partly recessed, partly projecting balconies, and glazing with coloured infill panels. In this way the blocks are typical of the Modernist architecture of the mid 20th century. The remainder of the development, known as Winnals Park, is similar in scale and form, but later in date. The southern side of the Park (which does not include Byron or Chaucer Court, which are set to the north eastern side) is relatively prominent in views from Lucastes Avenue, at the entrance to the Conservation Area. The buildings make at best a neutral contribution to the setting of the Area, but the surrounding green landscaping is complimentary to its open and verdant character.

The current proposal is for works to Byron and Chaucer Court comprising replacement of the existing balcony rails with a modern stainless steel and glazed railing system.

The existing balcony rails are apparently original and contribute positively to the character of the development. The loss of these is therefore considered regrettable, as is the proposal to replace them with balcony rails which are not sympathetic to the original architecture of the buildings. However, in terms of the impact on the setting of the Conservation Area, the works will be both relatively minor and well screened by intervening development. In these terms, the proposal is not considered contentious.

The proposal is therefore considered to meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Planning permission is sought for the replacement of the existing metal and timber balustrades with glass and stainless steel balustrades.

RELEVANT PLANNING HISTORY

HH/115/94- The formation of suitable turning heads and the widening of existing internal driveways within the winnalls park estate to facilitate improved access/egress for emergency services and other heavy utility vehicles. Withdrawn.

HH/136/97- Widening of access ramp/formation of new turning head to facilitate access for emergency services to kipling/shelley courts. Permission.

09/01391/FUL- Proposed Groundsmans Shelter. Permission.

SITE AND SURROUNDINGS

Byron Court and Chaucer Court are two detached, three storey blocks of flats, with each block containing 6 flats. They are constructed of red brick, with hipped plain tile roofs and white upvc windows. External walkways provide access to each of the blocks and each property has a balcony to the front. The flats benefit from wrap around gardens and a central parking area.

The application site is located within the built-up area of Haywards Heath and is located to the east of the Lucastes Conservation Area. Neighbouring dwellings are located to the west and south, whilst the highway is to the east and north. The building is set back from the highway and there is a mature hedge boundary to the east of the site. The wider street scene consists of predominantly blocks of flats that are characterised by a variety of external materials and were constructed in a variety of designs.

APPLICATION DETAILS

Planning permission is sought to replace the existing metal and timber balustrades on the front elevation with metal and glass balustrades. They are to be sited where the existing balustrades are positioned, with a height of some 1.1 metres. It is proposed to install tinted grey glazing between fixings, fixed to the face of balcony slab.

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 Allocations Development Plan Document (DPD) and 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

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.

No relevant policies.

Neighbourhood Plan

Haywards Heath Neighbourhood Plan made in 2016.

Relevant policies:

Policy E9- Design

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:

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPB3 - Conservation Areas

DPS6 - Health and Wellbeing

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

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

- Design and Impact on character of the area
- Neighbouring Amenities
- Biodiversity Net Gain

Design and Impact on character of the area

The site is located within the setting of the Lucastes Conservation Area, as designated in 1989. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

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.*'

Policy DP35 of the 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;*
- 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."*

Paragraphs 212 - 215 of the NPPF states:

'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.'

Policy DP26 of the Mid Sussex District Plan relates to Character and Design and 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 protects valued townscapes and the separate identity and character of towns and villages;*
- 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 (see Policy DP27);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed; o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development'.*

Haywards Heath Neighbourhood Plan policy E9 relates to design and states:

'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 site to accommodate development,*
- o Car parking is designed and located so that it fits in with the character of the proposed development. Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.*

Policy H9 of the Haywards Heath Neighbourhood Plan relates to extensions and 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.*

The Mid Sussex Design Guide is also considered to be relevant and principle DG49 states that:

'Extensions should respond to the design of the original dwelling and applicants will be expected to demonstrate how local character has informed the design proposal. 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'.

The application relates to a residential area within the built-up area of Haywards Heath. Located to the west are further blocks of flats which form part of the Winnals Park development, which are similar in scale and design.

Planning permission is sought to replace the existing metal and timber balustrades with glass and stainless-steel balustrades. The Council's Conservation Officer was consulted on the application and has provided a response. It has been advised that the application property dates from the mid-20th century and that the buildings make a neutral contribution to the setting of the Conservation Area, whilst the surrounding green landscaping complements its open and verdant character. The Conservation Officer

regrets the loss of the existing balcony rails, considering the positive contribution they make to the character of the development. Whilst the Conservation Officer has advised that the proposed balcony rails would not be considered sympathetic to the original architecture of the building, given the relatively minor nature of the proposed works and that they would be screened, it has been advised that there would be no harm to the Conservation Area.

The view is shared that the loss of the current railings is regrettable, in design terms, however the proposed balcony rails are considered acceptable due to the variety of materials found within the wider street scene. It is considered that the proposed balustrades would provide a solid structure that would still provide lightness across the elevation. The whole frontage is to be treated in the same manner, retaining uniformity over the building. They are also to be no higher than the existing balustrades. Furthermore, as the balconies of the flats face inwards to the central parking area of the development and are well screened, there would only be glimpsed views from the street scene so this proposal would not be considered harmful to the character of the area. Details of the proposed materials can be secured by a suitably worded condition.

The proposal is therefore considered to address the character of the existing dwelling, the surrounding buildings and would not harm the character or appearance of the Lucastes Conservation Area. The proposal is therefore deemed to comply with the above part of policies DP26 and DP35 of the District Plan, policies E9 and H9 of the Haywards Heath neighbourhood Plan and principle DG49 of the Mid Sussex Design Guide SPD.

Neighbouring Amenities

Policy DP26, in part, states that development proposal will need to demonstrate that it:

'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);'

With regards to the impact on amenity, the balustrades are to remain at a low level to the front which would still allow light and outlook to the flats. No changes are proposed to the balcony arrangement that would give rise to any overlooking concerns.

Due to the nature of the proposal, it would not affect the privacy of surrounding residents. Given the domestic nature of the proposal, it is considered that there would not be a harmful impact in terms of noise, air or light pollution.

The proposal is therefore, considered to comply with the above-mentioned policy.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposal is considered to be appropriate in terms of design, size and scale to the building and locality, and would not cause harm to the setting of the Lucastes Conservation Area or to the amenities of neighbouring properties.

In conclusion, the proposal would accord with the requirements of policies DP26 and DP35 of the Mid Sussex District Plan and policies E9 and H9 of the Haywards Heath Neighbourhood Plan and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin