

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2863	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Single storey extension to side/rear garden with associated alterations.		
Site:	2 Diamond Cottages, Snowdrop Lane, Lindfield, West Sussex, RH16 2QE, , ,		
Validation Date	11 Feb 2025	Overall Expiry Date:	17 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Apr 2025
Target Date:	8 Apr 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
--	--	-------------------------------	---

Signed and Agreed By:	Stephen Ashdown	Date:	4 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2863

**2 Diamond Cottages, Snowdrop Lane, Lindfield, West Sussex, RH16 2QE, ,
Single storey extension to side/rear garden with associated alterations.
Mr And Mrs S Brooks**

SUMMARY OF REPRESENTATIONS

Comments from neighbour 1 Diamond Cottages was received to the original plans on the following grounds:

- Parking
- Light
- Wildlife

CONSULTEE COMMENTS

MSDC Tree Officer:

I have reviewed the Arboricultural Impact Assessment (AIA) for this proposal, and I have no objection. Please do condition the AIA, particularly in regard to tree protection,

Southern Water:

Southern water has determined the Flow rate for the above site will remain the same/similar as capacity is not an issue and no southern water assets will be affected. Therefore, Southern water has no objections to this proposal.

Surface water should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations.

Drainage and waste disposal:

Approved Document H - GOV.UK (www.gov.uk)

Any new connections to the public sewerage system will require a New Sewer Connection application (we sometimes refer to this as a Section 106) to be submitted and approved by Southern Water.

Due to changes in legislation that came in to force on 01 October 2011 regarding the future ownership of sewers it is possible that some previously owned private sewers now deemed to be public could also be crossing the above property which are not shown on the Southern Water records. Therefore, should any other sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on site.

TOWN COUNCIL OBSERVATIONS

No comment

INTRODUCTION

Planning permission is sought for a single storey side/rear extension.

RELEVANT PLANNING HISTORY

None relevant

SITE AND SURROUNDINGS

2 Diamond Cottages is a two storey semi-detached pitched roofed dwelling with a two storey hipped roofed extension. The walls are a mix of face brickwork and hanging tiles, upvc doors and windows. There is also an existing single storey hipped roofed extension.

To the north-east of the site is close boarded fencing to the garage with neighbouring Kantara beyond, to the south-west of the site is close boarded fencing to neighbouring Woodstock beyond, to the north-east of the site is the adjoining No.1 Diamond Cottages which is extended and to the south-west is close boarded fencing to neighbouring in Marlow Drive beyond.

The site is within the built-up area of Haywards Heath.

APPLICATION DETAILS

The proposed side/rear extension approximately measures 5.6m in maximum depth, 6.6m in maximum width with a flat roofed 2.6m high link with a height to eaves of 2.2m and an overall height of 3.5m. This will serve an en-suite, bathroom and bedroom with a flat roofed roof light to the link.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP21 - Transport

DP26 - Design and Character

DP37 - Trees, Woodland and Hedgerows

WSCC Guidance on Parking at New Developments - September 2020

Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 - Design

H9 - Residential Extensions

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.

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) was published for public consultation on 12th January 2024 for six weeks and as a result of this consultation there are unresolved objections to some of the Policies in the draft District Plan. 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:

DPN4 - Trees, Woodland and Hedgerows

DPB1 - Character and Design

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)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131 and 135.

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."*

Policies Policy H9 and E9 of the Haywards Heath Neighbourhood Plan are most relevant.

Policy H9 states:

'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'.*

Policy E9 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'.*

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 DG50 of the Mid Sussex Design Guide SPD relates specifically to side extensions states the following:

'Side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building.

The gaps between dwellings can sometimes positively contribute to articulating (for example, through the consistent rhythm of repeated houses) and adding interest in a street frontage or by providing views / visible connections to the surrounding countryside. Side extensions will therefore need to appropriately respond to the character of the street form and will not normally be accepted where they close an important gap and view'

Principle DG51 of the Mid Sussex Design Guide SPD relates specifically to rear extensions states the following:

'Rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens'.

A rear/side extension characterises adjoining 1 Diamond Cottages (DM/22/2710).

The existing dwelling is characterised by extensions. The proposal is a modest and subservient enlargement to the existing dwelling, that will use matching materials and will not be visible from the streetscene.

Therefore, the proposal is deemed to comply with DP26 of the Mid Sussex District Plan and E9 and H9 of the Haywards Heath Neighbourhood Plan.

Impact on neighbouring properties

Policy H9 states that proposals should "safeguard" adjoining neighbours amenity 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 MSDP 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.

Given the single storey nature of the proposal, privacy and overlooking is not deemed to be harmed.

In terms of impact on the adjoining No.1 Diamond Cottages, there will be a degree of impact as the proposal is to be south-west.

The BRE 45-degree rule of thumb can be a useful tool when determining the impact on neighbouring amenities and it has been utilised to assess the impact of the proposed. The level of harm in terms of light and outlook to the adjoining neighbouring No.1, BRE guidance outlines that a significant amount of light is likely to be blocked if the centre of the door/window lies within the 45° angle on both plan and elevation. Given the distance and location of the proposal in relation to the rear doors and window at the adjoining neighbour does not intersect this 45-degree rule of thumb on plan form. Therefore, the harm to this neighbouring dwelling is not deemed to be significant.

Therefore, in terms of neighbour amenities, the proposal is deemed to comply with policies DP26 of the Mid Sussex District Plan and H9 of the Haywards Heath Neighbourhood Plan.

Parking Provision

As a new bedroom is to be created, parking standards has to be assessed.

West Sussex County Council Guidance on Parking sets out the minimum parking standards for residential houses. For a 5-bed property in this location in Haywards Heath 2.5 parking spaces should be provided. The garage and parking spaces within the driveway provides at least three off street parking spaces and therefore the proposal has sufficient parking provision.

Therefore, the proposal will accord with the WSCC parking standard requirements for a 3-bed house in this part of Haywards Heath and would comply with DP21 of the Mid Sussex District Plan.

Impact on trees

DP37 of the Mid Sussex District Plan states the following:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

o incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and
o prevents damage to root systems and takes account of expected future growth; and
o where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and
o has appropriate protection measures throughout the development process; and
o takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and
o does not sever ecological corridors created by these assets.

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties'.

The MSDC tree officer has confirmed that they have no objection to the proposal subject to condition.

The proposed therefore subject to condition is deemed to comply with DP37 of the Mid Sussex District Plan.

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

The proposal is considered to be of an appropriate design that are in keeping with the existing dwelling and will not cause harm to the surrounding area, would provide sufficient parking provision, would not be harmful to nearby trees and significant harm is not deemed to be caused to neighbouring amenities.

In conclusion, the proposal would accord with the requirements of policies DP21, DP26 and DP37 of the Mid Sussex District Plan as well as policies E9 and H9 of the Haywards Heath Neighbourhood Plan, WSCC Parking Guidance for New Developments, Mid Sussex Design Guide SPD and the requirements of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Andrew Horrell