

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/2011	Case Officer:	Catherine Cardin
Application Type:	Householder Application		
Proposal:	First floor rear extension over existing ground floor and repositioning of first-floor side window		
Site:	7 Shenstone, Lindfield, Haywards Heath, West Sussex, RH16 2PU, , ,		
Validation Date	17 Aug 2026	Overall Expiry Date:	18 Sep 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	25 Sep 2026
Target Date:	12 Oct 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Steven King</i>	Date:	29 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/2011

**7 Shenstone, Lindfield, Haywards Heath, West Sussex, RH16 2PU, ,
First floor rear extension over existing ground floor and repositioning of first-floor side window
Ann Pearce**

SUMMARY OF REPRESENTATIONS

Two letters were received: one from a neighbouring occupier and one from the applicant.

The neighbouring occupier raised concerns regarding:

- Overshadowing and loss of light
- Overbearing and unneighbourly impact

In response, the applicant responded that the proposal had been reduced in scale and massing compared with the scheme dismissed at appeal in 2008 and would not result in unacceptable overshadowing.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The application site is an unlisted detached house located within a cul-de-sac to the north of Hickman's Lane in Lindfield. It is not within the Conservation Area, but is within its immediate setting, as the boundary runs along the southern side of the garden to the property.

Shenstone is a cul-de-sac development of modest, detached properties constructed during the second half of the 20th century on the site of an early 20th century property of the same name, and an adjacent field. The development is consistent in style but not of any particular architectural interest, and makes at best a neutral contribution to the setting of the Conservation Area. However, the trees and vegetation to the western side of the development (including the rear boundary of the application site), which sit along the adjacent PROW which runs northwards from Hickman's Lane, form an attractive backdrop to the period properties at Hollycroft and Rosemary House, which are within the Area, and contribute positively to its setting and significance, which lies primarily in its nature as the core of a historic Sussex village.

The current proposal is for the construction of a first-floor level extension over an existing single storey rear addition to the property. The proposed extension would sit across almost the full width of the rear elevation at first floor, meaning that when viewed in conjunction with the existing ground floor level addition the original rear elevation of the house would be almost entirely concealed, notwithstanding the slight set down in ridge height of the proposed extension in comparison to the main roof.

In my opinion, the proposal raises concerns in terms of compliance with the Council's adopted Design Guide and of the impact on the setting of the adjacent Conservation Area.

The height and bulk of the addition are such that when viewed in conjunction with the existing ground floor level extension, the additions to the property would appear to overwhelm the original house, such that its form could no longer be perceived in views from the rear (noting that partial views are obtainable from the adjacent public footpath). This would be contrary to the requirements of the Design Guide, which states at Principle DG49 that extensions should 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.

Furthermore, the extended side elevation of the building at first floor would be visible looking northwards from Hickman's Lane, detracting from the currently verdant backdrop of the period houses mentioned above. This would detract from the setting of this part of the Conservation Area and hence from its

character and appearance. There would also be some adverse impact on the approach to the Conservation Area along the PROW, due to the potentially overbearing nature of the addition.

For these reasons, in my opinion the proposal results in a low level of harm, falling within the scale lying beneath substantial harm or total loss of significance, to the Lindfield Conservation Area. As such, the balancing exercise set out in paragraph HE6.4 of the new NPPF will apply.

In undertaking this exercise, which is a matter for the Case Officer, it should be noted that the NPPF requires that substantial weight should be given to an asset's conservation (HE6.1), and that any harm to a designated asset shall be of considerable importance and weight (HE6.3).

Paragraphs HE4.1 and HE4.2 will also be relevant. HE4.1 requires that development proposals should avoid or minimise harm to the significance of heritage assets, and instead conserve this significance. HE4.2 requires that any harm to, or loss of significance of a heritage asset should have a clear and convincing justification.

The proposal is also contrary to the requirements of District Plan Policy DP35 and of the Council's adopted Design Guide.

PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council defer to the opinion of the planning officer taking into account the neighbours objection.

INTRODUCTION

The application seeks planning permission for the erection of a first-floor rear extension above an existing single-storey rear extension.

RELEVANT PLANNING HISTORY

08/00385/FUL- Two storey rear extension to improve living accommodation. Refused.
AP/08/0061 - Two storey rear extension to improve living accommodation. Dismissed.
DM/17/0567- Widening of front flat dormer to create second first floor bathroom. Permission.
DM/23/1099- Proposed flat roof rear extension and garage conversion. Permission.

SITE AND SURROUNDINGS

The application property is a two-storey detached dwelling. The property is characterised by red brick, white uPVC fenestration and a plain tile roof. The property benefits from a rear single-storey extension and a front flat roof dormer. The application dwelling is positioned close to the northern boundary of the site, with the garden wrapping around the building in a L-shape, with the main part to the south of the dwelling.

The property lies within a cul-de-sac within the built-up area boundary of Lindfield, within the Area of Townscape Character and within the setting of Lindfield Conservation Area. Neighbouring properties are located to the north, south and east. The public highway also lies to the east, whilst a public footpath lies to the west.

APPLICATION DETAILS

The proposed extension would measure approximately 9.7 metres in width and 4 metres in depth. This would incorporate a hipped roof with a maximum height of approximately 6.9 metres and an eaves height of approximately 5.3 metres. This would incorporate three windows on the rear (western) elevation. The extension would provide two bedrooms at first floor level.

It is also proposed to move the position of the existing window on the side (northern) elevation at first floor level.

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 Lindfield 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.

No relevant policies

Neighbourhood Plan

Lindfield Neighbourhood Plan was made in 2016.

Relevant policies:

Policy 7 - Areas of Townscape Character

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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report. Until that time 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

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) (August 2026)

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 character and appearance of the area and heritage assets
- Neighbouring Amenity
- Parking Arrangements
- Biodiversity Net gain

Impact on the character and appearance of the area and heritage assets

The application site lies immediately adjacent to Lindfield Conservation Area and therefore forms part of its setting.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Policy DP35 of the District Plan relates to Conservation Areas. However, this policy is afforded very limited weight as it is materially inconsistent with the NPPF, and greater weight is given to Policy HE6 of the NPPF.

Policy DP26 of the District Plan relates to character and design. However, this policy is afforded very limited weight as it is materially inconsistent with the NPPF, and greater weight is given to Policy DP3 of the NPPF.

Policy 7 of the Lindfield Neighbourhood Plan relates to Areas of Townscape Character and requires development to demonstrate regard for its impact on the character and appearance of the area and the retention, where appropriate, of features important to local character as identified within the Lindfield Village Design Statement.

Principle DG49 of the Mid Sussex Design Guide requires extensions to respect both the existing dwelling and its surroundings, appearing as a subordinate addition that does not overwhelm or compete with the original building.

Principle DG51 relates to rear extensions and requires consideration of the character of the existing building and the relationship of the extension to side boundaries, neighbouring buildings and gardens.

Policy DP3 of the NPPF sets out the key principles for well-designed places and requires development to respond positively to its context and integrate with its surroundings through, amongst other things, the arrangement of buildings, use of materials and architectural detailing.

Policy HE6 of the NPPF requires substantial weight to be given to the conservation of designated heritage assets and requires any harm to be clearly justified and weighed against any public benefits resulting from the proposal.

The Conservation Officer was consulted on the application and has provided comments.

The officer noted that the existing development within Shenstone makes a largely neutral contribution to the Conservation Area; however, the mature trees and vegetation along the western boundary adjoining the public right of way contribute positively to the setting and significance of the heritage asset.

The Conservation Officer raised concerns regarding the scale, bulk and massing of the proposed first-floor rear extension. The officer advised that, when viewed alongside the existing ground-floor addition,

the proposal would largely obscure the original rear elevation of the dwelling and would result in the additions appearing to overwhelm the host building, contrary to Design Guide Principle DG49, which seeks to ensure that extensions remain subordinate to the original dwelling. The officer further advised that the extended side elevation would be visible from Hickman's Lane and the adjacent public footpath, interrupting the currently verdant backdrop to nearby heritage assets within the Conservation Area. As a result, the proposal was considered likely to detract from the setting, character and appearance of the Conservation Area and to have an adverse effect on views approaching the Conservation Area. Overall, the Conservation Officer concluded that the proposal would result in a low level of harm which is not substantial to the significance of the Lindfield Conservation Area. Accordingly, the Conservation Officer concluded that the proposal would conflict with District Plan Policy DP35 and principle DG49 of the Council's adopted Design Guide.

The proposed extension would span almost the full width of the rear elevation and, when viewed in conjunction with the existing ground-floor extension, would materially increase the perceived massing of the dwelling. Whilst largely confined to the rear, the development would erode the visual dominance of the original building and would introduce a more prominent built-form within views from the adjacent public right of way. For these reasons, the concerns raised by the Conservation Officer are shared.

Having regard to the scale, bulk and massing of the proposed extension, it is considered that the development would result in a low level of harm, which is not substantial, to the significance of the Lindfield Conservation Area through its adverse impact on the setting of the heritage asset. In undertaking the balancing exercise required by the NPPF, it is acknowledged that considerable importance and weight must be given to the conservation of the Conservation Area. The proposal relates solely to the extension of a private dwelling and would not deliver any public benefits capable of outweighing the identified heritage harm.

The site is located within the Sunde Avenue/Hickmans Lane/Denmans Lane Area of Townscape Character designated under Policy 7 of the Lindfield & Lindfield Rural Neighbourhood Plan. The proposal comprises a substantial first-floor extension above an existing ground floor extension. Although no changes are proposed to the site's mature landscaping, boundary treatments or areas of open space, the scale, bulk and prominence of the additional built form would erode the verdant suburban character of the area, particularly in views from the adjacent public right of way and Hickmans Lane. The proposal would therefore fail to preserve the established character and appearance of the locality and would conflict with Policy 7 of the Neighbourhood Plan.

Consequently, the identified harm is not outweighed by public benefits and weighs against the proposal. The development is therefore contrary to Policies HE6 and DP3 of the NPPF, Policy 7 of the Lindfield Neighbourhood Plan, District Plan Policies DP26 and DP35 and principles DG49 and DG51 of the Mid Sussex Design Guide.

Neighbouring Amenity

Policy DP26 in part seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. However, this is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to Policy P3 of the NPPF.

Policy P3 of the NPPF relates to living conditions and pollution. Part 2(a) of this policy requires proposals to *'Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;*

Immediately to the north of the application site lies No. 9 Shenstone.

A previous proposal for a two-storey extension at the property was dismissed at appeal in 2008. In reaching that decision, the Inspector concluded that, whilst loss of light and overshadowing would not result in unacceptable harm, the development would significantly increase the sense of enclosure experienced from the garden of No. 9 and would represent a visually intrusive and overbearing form of

development. Significant weight is afforded to this appeal decision as it relates to the same site, neighbouring property and amenity considerations.

The current proposal would also introduce substantial additional built-form at first-floor level above the existing single-storey extension, adjacent to the boundary shared with No. 9. The extension projects approximately 4 metres beyond the existing rear elevation and would be separated from No. 9 by approximately 1.6 metres. Given this close relationship, the development would appear as a prominent and dominant feature when viewed from the neighbouring garden.

The Inspector previously noted that the relationship between the buildings, the limited depth of the rear gardens and the boundary treatments already contributed to a degree of enclosure experienced within the garden of No. 9. It is considered that the proposed extension would further increase this sense of enclosure through the introduction of substantial additional built-form at first-floor level, with greater height and massing retained towards the shared boundary. The proposal would appear visually intrusive and overbearing when viewed from the garden of No. 9, resulting in unacceptable harm to the living conditions of the occupiers of that property.

Consistent with the findings of the previous Inspector, the proposal is not considered to result in an unacceptable loss of light or overshadowing to No. 9. The identified harm instead arises from the visually intrusive and overbearing relationship of the development and the resulting sense of enclosure.

The proposal also includes the repositioning of an existing first-floor window within the northern side elevation facing towards No. 9. Although a window already exists in this elevation, it currently serves a landing, whereas the repositioned window would serve a bedroom. The proposal would therefore introduce a bedroom window facing towards No. 9 at a separation distance of approximately 1.6 metres. Given this close relationship, the window would provide direct views towards the neighbouring property and would result in unacceptable overlooking and loss of privacy for the occupiers of No. 9. While obscure glazing could restrict these views, this would leave the bedroom without an acceptable outlook and would not provide satisfactory living conditions for its future occupiers. The harm could not therefore be adequately addressed by condition.

The proposed extension would also include three first-floor windows within the rear elevation. These would face west towards the adjacent public right of way rather than directly towards the private amenity space or windows of a neighbouring dwelling. Accordingly, they would not result in unacceptable overlooking or loss of privacy to neighbouring occupiers.

Whilst the proposal differs in design from the scheme dismissed at appeal, the current extension would still project approximately 4 metres beyond the existing rear elevation and would remain in close proximity to the shared boundary with No. 9. The dismissed scheme incorporated a catslide roof which sloped away from No. 9, thereby reducing its height and massing towards the shared boundary. By contrast, the hipped roof of the current proposal would retain greater height and bulk adjacent to No. 9. The current proposal would therefore not improve the relationship between the properties or overcome the Inspector's concerns regarding enclosure and overbearing impact. It would result in an unneighbourly form of development and would adversely affect the living conditions of the occupiers of No. 9.

To the south of the application site lies Rosemary House. Given the separation distance of approximately 23 metres between the proposed extension and Rosemary House, the proposal is not considered to result in an unacceptable loss of light, overshadowing, loss of outlook or overbearing impact. Furthermore, as no windows are proposed within the southern elevation, the proposal would not result in unacceptable overlooking or loss of privacy to the occupiers of Rosemary House.

Accordingly, having regard to the findings of the 2008 appeal decision and the close relationship between the proposed extension and No. 9 Shenstone, the scale, projection and proximity of the development to the shared boundary would create a visually intrusive and overbearing form of development and an unacceptable sense of enclosure within the neighbouring garden. Furthermore, the proposed first-floor bedroom window in the northern elevation would, by reason of its close proximity and orientation towards No. 9, result in direct overlooking and an unacceptable loss of privacy. As this would be the sole window serving the bedroom, the harm could not satisfactorily be mitigated through obscure

glazing without providing an unacceptable outlook for future occupiers. The proposal would therefore fail to provide healthy living conditions for existing and future occupiers, contrary to Policy P3 of the National Planning Policy Framework and Policy DP26 of the Mid Sussex District Plan.

Parking Arrangements

Policy DP21 of the District Plan seeks development to provide adequate car parking taking into account accessibility of development, the type, mix and use, and the availability and opportunities for public transport. It is considered that this policy has very limited weight as it is considered to be materially inconsistent with the NPPF and greater weight should be given to policies TR4 and TR6 of the NPPF.

Policy TR4 of the NPPF relates to street design, access and parking. Part TR4(1e) requires proposals to *'Provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), any locally-set standards in the development plan, and including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations.'*

Policy TR6 of the NPPF relates to assessing transport impacts. Policy TR6(4) states *'Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.'*

It is noted that the proposal would create an additional bedroom, increasing the property from three to four bedrooms. West Sussex County Council Parking Standards Guidance (2020) indicates that a dwelling of this size and in this location should provide 3 parking spaces. The site currently provides one usable off-street parking space, comprising a driveway. Although this would result in a shortfall of two spaces against the guidance, regard is had to the availability of unrestricted on-street parking within the surrounding residential cul-de-sac. Site observations indicate that sufficient kerbside capacity is available without obstructing access or vehicle turning movements. Given the nature of the proposal and the surrounding parking conditions, there is no evidence that the additional parking demand would result in obstructive parking, an unacceptable impact on highway safety or a severe adverse impact on the operation of the highway network.

As such the proposal is considered acceptable in terms of highway safety and parking provision. The proposal therefore complies with policies TR4 and TR6 of the NPPF and policy DP21 of the 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.

CONCLUSION

In conclusion, the proposed first-floor rear extension, by reason of its scale, projection and proximity to the shared boundary with No. 9 Shenstone, would appear visually intrusive, dominant and overbearing when viewed from the neighbouring property and would result in an unacceptable sense of enclosure, to the detriment of the living conditions of its occupiers. Furthermore, the proposed first-floor bedroom window within the northern elevation, by reason of its close proximity and orientation towards No. 9, would result in direct overlooking and an unacceptable loss of privacy. As this would be the sole window serving the bedroom, the harm could not satisfactorily be mitigated through obscure glazing without providing an unacceptable outlook and unsatisfactory living conditions for future occupiers of that room. The proposal would therefore fail to provide healthy living conditions for existing and future occupiers, contrary to Policy P3 of the National Planning Policy Framework and, insofar as it remains relevant, Policy DP26 of the Mid Sussex District Plan.

Furthermore, by reason of its scale, bulk and massing, the proposed extension would fail to remain subordinate to the host dwelling and would introduce a more prominent built form within the setting of the Lindfield Conservation Area. The development would thereby cause a low level of less than substantial harm to the significance of the Conservation Area through its adverse impact on its setting. The identified harm would not be outweighed by any public benefits arising from the proposal and the development is therefore contrary to Policies DP3 and HE6 of the National Planning Policy Framework, Policy 7 of the Lindfield Neighbourhood Plan, District Plan Policies DP26 and DP35 and Principles DG49 and DG51 of the Mid Sussex Design Guide.

Accordingly, the application is recommended for refusal.

Decision: Refusal

Case Officer: Catherine Cardin