

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1716	Case Officer:	Catherine Cardin
Application Type:	Householder Application		
Proposal:	Upgrade/re-model existing conservatory, ground floor re-configuration, fenestration and roof works with balcony together with associated internal and external alterations.		
Site:	39 Oathall Road, Haywards Heath, West Sussex, RH16 3EG, , , ,		
Validation Date	14 Jul 2026	Overall Expiry Date:	23 Sep 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	6 Oct 2026
Target Date:	8 Sep 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>Joanne Fisher</i>	Date:	7 Oct 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1716

**39 Oathall Road, Haywards Heath, West Sussex, RH16 3EG, , ,
Upgrade/re-model existing conservatory, ground floor re-configuration, fenestration and roof
works with balcony together with associated internal and external alterations.
Mr And Mrs Boardman**

SUMMARY OF REPRESENTATIONS

One letter of representation was received raising concerns regarding:

- Overlooking
- Loss of privacy
- Disturbance
- Overbearing
- Unnecessary intrusion
- Deficiencies in the Design and Access Statement

Upon receipt of revised plans, a further letter of representation was received raising concerns regarding:

- Overlooking
- Loss of privacy
- Harm to the Conservation Area
- Loss of seclusion
- Undesirable precedent

SUMMARY OF CONSULTEES

MSDC Conservation Officer

No objection, subject to conditions.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks planning permission to re-model the existing conservatory, ground floor re-configuration, changes to fenestration and roof works with balcony.

RELEVANT PLANNING HISTORY

13/00033/FUL- Proposed two storey extension and porch to front. Two storey and single storey additions to rear, including proposed conservatory. Alterations to the existing property. Permission.

SITE AND SURROUNDINGS

The application property is a detached two-storey dwelling. The property is characterised by red brick, tile hanging to the first-floor elevation, white uPVC fenestration and a pantile roof.

The property lies within the built-up area boundary of Haywards Heath and is within the Heath Conservation Area. Neighbouring properties are located to the south and west. The public highway lies to the north and east.

APPLICATION DETAILS

The proposed conservatory remodel / extension would measure approximately 4.2 metres in width and 5.2 metres in depth. This would have a flat roof with a maximum height of approximately 3.1 metres. This would incorporate a door and two side windows on the rear (north-western) elevation, two further windows on the side (south-western) elevation and a roof lantern.

In addition, the proposal seeks to construct a balcony at first-floor level on the rear (north-western) elevation. This would measure approximately 3 metres in width and 3.5 metres in depth. This would incorporate a privacy screen on the south-western side and a balcony railing on the north-western elevation. This louvred screen would have a maximum height of approximately 1.7 metres whilst the balcony railing would have a maximum height of approximately 1.2 metres. This would be finished in dark grey powder coated steel and timber battens. The proposed balcony railing would be finished in wrought iron.

The proposal also seeks to install seven windows on the rear elevation, an obscure glazed window on the side (north-eastern) elevation at first floor level and a further window at ground floor level. It also seeks to install a single glazed door on the side (south-west elevation) at first floor level, providing access to the proposed balcony.

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 the 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

DP37 - Trees, Woodland and Hedgerows

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.

Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made in 2016.

Relevant policies:

Policy E9 - Promoting Good Design

Policy H9 - Extensions

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

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 has consulted on Main Modifications which are required to ensure the plan is legally compliant and sound with further Hearings taking place in November 2026. 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

DPB3 - Conservation Areas

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 character and appearance of the area and heritage assets
- Neighbouring Amenities
- Impact on Trees
- Other Matters
- Biodiversity Net Gain

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

The site is located within the Heath 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 preserving or enhancing the character or appearance of that area.*'

Policy DP26 of the District Plan relates to character and design. Policy E9 and H9 of the Neighbourhood Plan contain a similar ethos. However, these policies are considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy DP3 of the NPPF.

With regard to the Conservation Area, Policy DP35 of the District Plan seeks to conserve and enhance the special characteristics of the area. However, this policy is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to policy HE9 of the NPPF.

Principle DG49 of the Mid Sussex Design Guide relates to general principles for extensions and requires that extensions should fit in with both the existing house and its surroundings, appearing as a subordinate addition rather than overwhelming or competing with the original building.

Principle DG51 of the Mid Sussex Design Guide relates to rear extensions and requires that rear extensions can be more modern or innovative in design, particularly when they are hidden from public view, but they should still relate well to the existing house, respect neighbouring properties, and avoid appearing disconnected from the original building.

Policy DP3 of the NPPF sets out the key principles for well-designed places. This sets out in part that proposals should respond to their context, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

Policy HE9 of the NPPF sets out that development proposal should *'retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible.'*

The Conservation Officer was consulted on the application and has provided a response. They consider that the property makes a neutral contribution to the character and appearance of the Conservation Area. They consider that the majority of the proposed works, including the remodelling of the conservatory, alterations to fenestration and the majority of the extensions and alterations, are considered relatively minor in nature and would not adversely affect the character or appearance of the Conservation Area. The Conservation Officer considers that whilst the conservatory alterations would increase its apparent bulk, it would not become unduly prominent or oversized. Similarly, although the proposed first-floor balcony and associated privacy screen would be visible from outside the site, the scale and rearward position of these elements is such that they would not give rise to unacceptable harm to the character or appearance of the Conservation Area.

With regard to the replacement windows, no objection is raised to the proposed alterations to window openings, the use of uPVC in this particular instance, or the adoption of a Georgian-style casement design. However, concerns were raised regarding the proposed anthracite grey finish, which was considered unsympathetic to the prevailing character of the wider Conservation Area. The Conservation Officer recommended that the front elevation windows be finished in white instead. During the course of the application, revised plans were received which removed the works to the front elevation windows. Subject to conditions relating to materials, brickwork and joinery details, the Conservation Officer concluded that the proposal would preserve the character and appearance of the Conservation Area and accord with the relevant heritage policies of the NPPF. These findings are accepted and agreed upon.

The Conservation Officer recommended a condition requiring further details of the privacy screen and balcony railing. However, as these were provided during the course of the application, such a condition is not considered necessary. Whilst the proposed privacy screen and balcony railing would be constructed from materials not found elsewhere on the dwelling, their scale and design are considered subordinate and appropriate to the host dwelling. Accordingly, it is not considered that the privacy screen would result in harm to the character or appearance of the Conservation Area and would be acceptable to the design and character of the existing dwelling.

Taking the above into account, it is considered that the proposal would preserve the character and appearance of the Heath Conservation Area and would therefore satisfy the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, the proposal is of an appropriate design and scale sensitive to the existing dwelling. The proposal is considered to accord with Policies DP26 and DP35 of the District Plan, the Mid Sussex Design Guide and Policy HE9 of the NPPF.

Neighbouring Amenities

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. Policy H9 of the Neighbourhood Plan requires that *the privacy, daylight, sunlight and outlook of adjoining residents are*

safeguarded.. However, these policies are considered to have very limited weight as they are 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(b) of this policy requires proposals *'not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site'*.

To the south-west of the application site lies No. 37 Oathall Road. The proposed first-floor balcony would introduce a new external area from which views towards neighbouring properties and gardens could be obtained. Accordingly, consideration has been given to the potential impact on the living conditions of neighbouring occupiers, with particular regard to privacy and overlooking.

During the course of the application, concerns were raised regarding the potential for overlooking into the private amenity space of No. 37. Revised plans were subsequently received which incorporated a 1.7m high louvred privacy screen along the south-western side of the balcony.

The balcony would be positioned approximately 9.5m from the shared boundary with No. 37 and approximately 10.9m from the neighbouring patio area. Whilst the balcony would introduce opportunities for views towards parts of the neighbouring garden, the proposed privacy screen would substantially restrict direct views from both the balcony and the associated glazed doorway towards No. 37 and its principal areas of private amenity space.

As a consequence, views towards No. 37 would largely be oblique in nature and would primarily be obtained from the north-western edge of the balcony. Existing boundary treatment, together with the orientation of the balcony and the absence of any significant changes in ground levels, would further limit opportunities for harmful overlooking. Furthermore, the host dwelling already contains a first-floor side window facing towards No. 37, such that a degree of overlooking and intervisibility between the properties already exists. Whilst some additional perception of overlooking of parts of the wider garden area may arise, the extent of any additional harm is limited having regard to the proposed screening and separation distances. A condition is recommended requiring the 1.7m high louvred privacy screen to be installed prior to the first use of the balcony and retained thereafter in the interests of safeguarding neighbouring residential amenity.

Taking account of the separation distances involved, the orientation of the balcony, and the mitigating effect of the 1.7m high louvred privacy screen, it is accepted that occupants of the balcony would retain some ability to perceive activity within parts of the neighbouring garden. However, views towards No. 37 would be predominantly oblique in nature and direct overlooking of the patio area and principal habitable room windows would be prevented. The resulting relationship would therefore not give rise to a level of overlooking or loss of privacy so harmful as to warrant refusal.

Concerns have also been raised regarding the potential for noise and disturbance arising from the use of the proposed first-floor balcony. The balcony would provide an area for residents to sit and enjoy the garden and is considered ancillary to the residential use of the dwelling. Whilst some increase in activity and associated noise may occur compared to the existing arrangements, the use of external amenity space by occupants is a normal and expected component of residential living. Given the relatively modest scale of the balcony, its ancillary relationship to a single dwellinghouse and its separation from neighbouring properties, any increase in noise and disturbance is not considered to exceed that reasonably associated with the lawful residential use of the site.

In terms of outlook, the proposed balcony would be an open structure incorporating a balcony railing and privacy screen and would not introduce a significant increase in built form when viewed from neighbouring properties. Given its relatively limited scale, open appearance and separation from adjacent dwellings and garden areas, the proposal would not appear unduly dominant or overbearing. Accordingly, it is not considered that the development would result in any unacceptable harm to the outlook enjoyed by neighbouring occupiers.

To the east of the application site lies No. 45 Oathall Road. Given that the development would be offset from the shared boundary by approximately 8.9 metres, and that views towards No. 45 would be

predominantly oblique in nature, it is considered that the proposal would not result in an unacceptable level of overlooking or loss of privacy for the occupiers of No. 45.

To the north-west of the application site lies No. 41 Oathall Road. The balcony would be offset from the shared boundary by approximately 23m. Given the substantial degree of separation between the balcony and neighbouring land, together with existing boundary treatment, it is considered that the proposal would not result in an unacceptable level of overlooking or loss of privacy for the occupiers of No. 41 Oathall Road.

The proposal is therefore considered to have an acceptable impact on neighbouring residential amenity and accords with the objectives of Policy DP26 of the District Plan and Policy P3 of the NPPF.

Impact on Trees

Policy DP37 of the District Plan relates to trees. This is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to policy N2 of the NPPF.

Policy N2 of the NPPF relates to improving the natural environment. Part 1 (a) of this policy requires that proposals should *'consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply).'*

There are three trees within proximity of the development. The Tree Protection Plan (TPP) shows that the existing hardstanding and the existing boundary fence would remain during construction. It also shows that no machinery, tools, plant or equipment would enter the RPAs. In addition, the TPP also indicates a Construction Exclusion Zone to the northwestern and southeastern sides of the application site. As such, it is considered that the existing trees would be protected for the duration of the development.

The proposal is therefore considered to comply with the relevant criteria of policy DP37 of the District Plan and Policy N2 of the NPPF.

Other matters

A letter of representation raised concerns regarding deficiencies in the Design and Access Statement in failing to acknowledge that the balcony would be overbearing and intrusive. Whilst supporting documents assist in explaining and justifying a proposal, the acceptability of the development is ultimately determined through the Local Planning Authority's assessment of the proposal against the development plan and other material considerations. This matter has been considered in detail within the Neighbouring Amenities section above. For the reasons set out in that assessment, having regard to the balcony's limited scale, open appearance, orientation and separation from neighbouring properties, it is not considered that it would appear unduly dominant, overbearing or intrusive when viewed from any neighbouring property.

Concern has also been raised that the proposal may establish an undesirable precedent. Each planning application must be determined on its own merits having regard to the particular circumstances of the site, the development proposed and the relevant planning policy framework. The determination of this application would not oblige the Local Planning Authority to reach the same conclusion on future proposals where the circumstances may differ.

Reference has also been made to a condition attached to a previously approved planning permission requiring a side window to be obscure glazed in the interests of neighbouring amenity. The condition related to a separate planning permission and was imposed having regard to the circumstances of that particular proposal. The current application has been assessed on its own merits, taking account of the proposed balcony, separation distances, orientation, boundary screening and the proposed 1.7 m high louvred privacy screen. For the reasons set out in the residential amenity assessment above, it is considered that the proposal would not result in an unacceptable level of overlooking or loss of privacy. The existence of the previous condition does not, in itself, preclude the grant of planning permission for the development now proposed.

Concerns have also been raised regarding a loss of seclusion within the Conservation Area. Matters relating to privacy and overlooking have been considered within the residential amenity assessment above. While the spatial character and pattern of private gardens may contribute to the character and appearance of a Conservation Area, the private enjoyment or seclusion of an individual garden is principally a residential amenity consideration. For the reasons set out above, the proposal is not considered to result in unacceptable harm to neighbouring privacy or to the character, appearance or significance of the Conservation Area.

The matters raised have been carefully considered but do not alter the overall assessment or recommendation in respect of the 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

The proposed development is considered acceptable in terms of its design and scale with the existing dwelling and surrounding area. It would preserve the character and appearance of the Heath Conservation Area and would therefore satisfy the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal would not result in unacceptable harm to the amenities of neighbouring occupiers in terms of outlook, light, privacy, noise or disturbance. It would also have an acceptable impact on nearby trees.

Overall, the development accords with the objectives of Policies DP26, DP35 and DP37 of the District Plan, Policies E9 and H9 of the Neighbourhood Plan, the Mid Sussex Design Guide, and Policies DP3, P3, N2 and HE9 of the NPPF. It is therefore recommended that planning permission be granted, subject to conditions.

Decision: Permission

Case Officer: Catherine Cardin