

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1990	Case Officer:	Caroline Grist
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/25/1039 - to allow for a revised roof pitch.		
Site:	1 Oakwood Close, Burgess Hill, West Sussex, RH15 0HY, , , ,		
Validation Date	7 Aug 2025	Overall Expiry Date:	2 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	29 Sep 2025
Target Date:	2 Oct 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	29 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1990

**1 Oakwood Close, Burgess Hill, West Sussex, RH15 0HY, , ,
Variation of condition no 2 relating to planning application DM/25/1039 - to allow for a revised
roof pitch.**

Mrs Jayne Millard

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

No comments have been received from consultees.

PARISH COUNCIL OBSERVATIONS

The Committee of 26th August would recommend approval.

INTRODUCTION

This application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 2 of planning application DM/25/1039.

RELEVANT PLANNING HISTORY

DM/21/2929 - Single storey front and side extension with roof lights, and internal alterations with 2 extra bathrooms on first floor. Permission.

DM/24/2254 - Proposed two storey side extension. Refused. Dismissed at appeal.

DM/25/1039 - Single storey side extension. Permission.

DM/25/1724 - Non-material amendment relating to planning application DM/25/1039 to change the front window from 4 window panes to 3 window panes. Permission.

SITE AND SURROUNDINGS

1 Oakwood Close is an east facing, detached, two storey dwelling that is located on a corner plot. The dwelling is finished in white render, with a plain tile roof and white upvc windows. It is characterised by two catslide roofs that project from either side of the two storey core of the dwelling. Within the northern offshoot of the building there is an integral garage.

The property is located within the built up area of Burgess Hill. Neighbouring dwellings are located to the north and west. Oakwood Close is to the east and Oakwood Road is to the south. The dwelling is set back from the highway by a driveway.

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 2 of planning permission approved DM/25/1039.

Condition no. 2 of planning permission DM/25/1039 states that:

'The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning'.

Planning permission was granted to construct a single storey side extension, which would contain a snug and utility room. This application seeks to change the approved roof form from a fully hipped roof to a crown pitch. It is proposed to have an eaves height of approximately 2.4 metres and a ridge height of 4.1 meters. The extension is to retain the same footprint and position as approved.

It is also proposed to include a change to the window in the front elevation permitted under DM/25/1724. No changes are stated to the approved materials.

During the site visit it was noted that no works had started on site.

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 Allocations Document (DPD) and the Burgess Hill 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

Site Allocations Development Plan Document

The Site Allocations DPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made in January 2016.

There are no relevant policies.

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

DPS6 - Health and Wellbeing

DPB1 - Character and Design

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)

ASSESSMENT

This application seeks permission to develop land without compliance with condition no. 2 previously attached to planning permission DM/25/1039, as set out under Section 73 of The Town and Country Planning Act 1990.

Section 73 (2) of the said Act states that:

'73 Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

The principle of the development has been established by virtue of the previous permission. As such it is only necessary to consider the specific changes that are proposed to the previously approved development. The proposed amendments are for the following:

- Design and impact on character of area, and
- Impact to amenity.

Design, impact on character of area and amenity

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:

- 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'.*

In terms of the Mid Sussex Design Guide SPD, Principle DG49 establishes general principles for extensions and states:

'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'.

Principle DG50 relates specifically to side extensions and states that:

'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'.

Planning permission was originally granted to construct a single storey side extension. The current application would not result in the addition being enlarged or re-positioned, rather the roof form would change. It is proposed to retain the eaves and ridge heights essentially as approved, but the shape would change from a hip to a crown roof.

The application sets out that proposed variation is in order to change the angle of the roof pitch, with the flat roof included so that the ridge height would remain the same as approved. This would allow the new roof tiles to match the existing and to improve the design so that it will be more in keeping with the existing building.

The proposed extension would be visible not only in the context of the host dwelling but in relation to the streetscene as well. Whilst the inclusion of a flat roof section is regrettable, it is considered that the change to the angle of the roof would better reflect the application property. It would also allow roof tiles to be used that would better match the existing building.

With regards to the impact on the streetscene, surrounding properties have benefitted from extensions and alterations and, given the appropriateness of the scale and design in relation to the main house, it is considered that the proposal would not appear incongruous within the streetscene. As the overall scale and position of the extension has remained as approved, it is considered that the spacing of the street would be again maintained.

In terms of the impact to neighbouring dwellings, given that the changes made would not affect the overall scale of the extension, there would not be any increase in harm to their light or outlook. The only change to the glazing is the previously approved reduced window in the front elevation. As such it is considered that neighbour's privacy would not be harmed.

Due to the domestic nature of the proposal, it remains the case that there would not be a significant impact in terms of noise, air or light pollution.

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 variation to planning permission DM/25/1039, in respect of changes to the approved extensions, is considered acceptable. The proposal would not result in changes that would be harmful in design terms or in relation to the amenities of neighbouring dwellings. The proposal therefore accords with policy DP26 of the Mid Sussex District Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Caroline Grist