

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0986	Case Officer:	Catherine Cardin
Application Type:	Householder Application		
Proposal:	Replacement of a conservatory, decking, and an external stair to allow the construction of a rear extension and rear terrace		
Site:	22 Lucastes Avenue, Haywards Heath, West Sussex, RH16 1JX, , , ,		
Validation Date	10 Apr 2025	Overall Expiry Date:	16 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Jun 2025
Target Date:	5 Jun 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	24 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0986

**22 Lucastes Avenue, Haywards Heath, West Sussex, RH16 1JX, , ,
Replacement of a conservatory, decking, and an external stair to allow the construction of a rear extension and rear terrace
Mr Shane Woodroffe**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The application site is an unlisted detached mid 20th century house located within the Lucastes Conservation Area of Haywards Heath. The house is of brick construction with a hipped tiled roof, and appears to have been extended to the front and rear. The house itself if not of any particular interest, and makes at best a neutral contribution to the character and appearance of the Conservation Area, but the gardens within which it is set, which are fairly generous and include a deep front garden space, contribute positively to the open and verdant character of the Area.

The current proposal is for works to the rear of the house to demolish and replace an existing raised ground level conservatory (the ground falls away to the back of the house) and the associated decking and steps. The existing conservatory is not of any particular interest, and its demolition and replacement are not considered contentious in principle.

The proposed replacement extension and associated steps and decking are similar in footprint and bulk to the existing, and remain appropriately subservient to the house.

The extension is more solid in construction than the existing conservatory, and has a flat as opposed to a hipped roof. The associated steps and decking are also of a more contemporary appearance. Arguably, this relates less well to the original house than the existing structures, however given the position of the extension to the rear of the house, away from public views and the surrounding screening in terms of views from neighbouring gardens, it is my opinion that an objection on these grounds would be difficult to sustain.

The proposal is therefore considered to preserve the character and appearance of the Conservation Area, meeting the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

I would recommend the following conditions:

- Details of roofing and facing materials
- New brickwork should be to match existing adjacent work in colour, texture and bonding pattern, and colour, texture and style of pointing
- Detailed drawings, at an appropriate large scale, including sections, and annotated to show materials and finishes, of the following:
 - typical examples of new windows and external doors
 - typical eaves detail
 - typical balustrade detail

MSDC Tree officer

No objection.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Planning permission is sought for a single storey rear extension, decking and external stair.

RELEVANT PLANNING HISTORY

CU/328/82- First floor extension to form larger bedroom and bathroom en-suite and enlargement of existing garage. Permission.

01/00916/FUL- Conservatory and terrace. Refused.

02/01303/FUL- Conservatory and terrace and wine cellar in existing space below ground floor. Permission.

03/01344/FUL- Amendment to planning permission HH/02/1303/FUL boundary wall to be timber instead of brick as shown. Permission.

09/03315/FUL- Proposed new flue to new wood burning stove. Permission.

SITE AND SURROUNDINGS

22 Lucastes Avenue is a west facing, detached three-storey dwelling. It is constructed of red brick, with white fenestration and a plain tile roof. The property has been extended several times and benefits from a conservatory, terrace and wine cellar. The dwelling has a wraparound garden which slopes downwards to the north-east.

The site is located within the built-up area of Haywards Heath. Neighbouring properties are located to the north-west and south-east. Highway is located to the west. To the north-east of the application site is a leisure centre.

APPLICATION DETAILS

The application seeks to replace an existing conservatory with a single storey rear extension on the ground floor.

Firstly, it is proposed to construct a rear extension on the rear (eastern) elevation which is proposed to be used as a dining area. The extension would be some 6.5 metres in width and some 4.1 metres in depth. This would have a flat roof with a maximum height of some 2.9 metres. It is also proposed to install two rooflights. The extension would have corner sliding doors and brickwork to match this existing.

Secondly, it is proposed to construct a storeroom at the basement level. This would measure some 3.8 metres in width and some 4.2 metres in depth. This would have a garden door on the rear (eastern) elevation. It is proposed to clad the basement level with larch timber cladding. It is also proposed to install paving to the east of the proposed store. This would measure some 5.2 square metres.

Finally, it is proposed to remove the existing decking area and construct a new decking area. This would wrap around the proposed rear extension. This would measure some 9.2 metres wide and some 5.5 metres wide. This would have a glass balustrade on the eastern elevation and steps up to the decking area on the southern elevation. It is also proposed to install plants for screening on the northern elevation.

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 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.

There are no relevant policies.

Neighbourhood Plan

Haywards Heath Neighbourhood Plan made in 2016.

Relevant policies:

Policy E9 - Design

Policy H9 - Residential Extensions

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

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.

ASSESSMENT

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

- Impact on Heritage Assets and Character and Appearance
- Impact on neighbouring properties
- Impact on trees
- Biodiversity Net Gain

Impact on Heritage Assets and Character and Appearance

The site is located within 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 design and character 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 DP29);
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.'*

Policy E9 of the Haywards Heath Neighbourhood Plan relates to design and states that:

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 SPD also provides advice for extensions to dwellings. 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.'

In terms of rear extensions, principle DG51 states that where they:

'...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.'

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the heritage asset (the Lucastes Conservation Area), the site being within its boundary, and any features of special interest, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application site relates to a residential area of Haywards Heath. The locality is characterised by detached properties of a variety of ages and designs.

Planning permission is sought to replace an existing conservatory with a single storey rear extension, decking and external stair. The 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 house at the application property makes a neutral contribution to the character and appearance of the Conservation Area. They have further advised that the gardens contribute positively to the open and verdant character of the area. The Conservation Officer considers that the proposed flat roof relates less well than the existing conservatory hipped roof. This view is shared. However, the proposed extension would not have an adverse impact on the streetscene as it would not be visible from public viewpoints and is therefore not considered to be harmful to the Conservation Area. The proposed replacement extension and associated steps and decking are similar in scale to the existing and remain appropriately subservient to the house. As the proposal includes facing brickwork to match the existing, it is considered that the design would provide a consistent finish and responds appropriately to the application property. The Conservation Officer has not raised an objection to the proposal and has recommended that conditions relating to the proposed materials should be attached to any planning permission.

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 seeks to ensure that development:

"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);"

Regarding the neighbour at 24 Lucastes Avenue, to the north-west of the application site, the proposed terrace area will be reduced in size from the existing terrace, so it is not considered that the proposal would give rise to any significant overlooking concerns. Furthermore, the proposed fixed glass on the side (northern) elevation is similar in size to the existing glazed area so it is not considered that the proposed rear extension would give rise to any overlooking concerns. Given that the proposal would be offset from the shared boundary by some 6.7 metres, it is not considered that there would be significant harm to the light or outlook of this neighbour.

Regarding the neighbour at 20 Lucastes Avenue, to the south-east of the application site, as the proposal is single storey and has a lower maximum height than the existing conservatory, it is not considered that the proposed would cause a significant loss of light or outlook to this neighbour. As there are no windows proposed on the side (southern) elevation it is not considered that the proposal would give rise to any overlooking concerns.

Due to the domestic nature of the proposed development, it is considered that there would not be a harmful impact in terms of noise, air and light pollution.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, and the relevant principles of the Mid Sussex Design Guide SPD.

Impact on trees

Policy DP37 of the Mid Sussex Plan relates to trees and states:

'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.*

Proposals for works to trees will be considered taking into account:

- o the condition and health of the trees; and*
- o the contribution of the trees to the character and visual amenity of the local area; and*
- o the amenity and nature conservation value of the trees; and*
- o the extent and impact of the works; and*
- o any replanting proposals.*

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.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

A total of 10 trees are in proximity of the proposed extension. The MSDC Tree Officer was consulted on the application and considered the proposal. No objection has been raised providing a condition is included to secure the submitted Tree Survey, Arboriculture Impact Assessment and the Tree Constraints 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 appropriate in terms of design, size and scale to the dwellinghouse and locality, and would not cause harm to the Lucastes Conservation Area or to the amenities of neighbouring properties.

In conclusion, the proposal complies with Mid Sussex District Plan policies DP26 and DP35, 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