

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1172	Case Officer:	Katherine Williams
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition nos 2 and 4 relating to planning application DM/24/2716 - to allow design changes to rear extension flat roof.		
Site:	31 Hurst Road, Hassocks, West Sussex, BN6 9NL, , , ,		
Validation Date	6 May 2025	Overall Expiry Date:	30 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 Jun 2025
Target Date:	1 Jul 2025	Recommending Officer Signature:	Katherine Williams

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

MID SUSSEX DISTRICT COUNCIL

DM/25/1172

**31 Hurst Road, Hassocks, West Sussex, BN6 9NL, , ,
Variation of condition nos 2 and 4 relating to planning application DM/24/2716 - to allow design changes to rear extension flat roof.
Dr David Gatey**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

None received

PARISH COUNCIL OBSERVATIONS

Recommend Approval

INTRODUCTION

Variation of conditions 2 and 4 of planning application DM/24/2716 - to allow design changes to rear extension flat roof.

RELEVANT PLANNING HISTORY

CN/035/88 - Demolition of garage, erection of double garage, internal/external alterations. Granted

DM/24/2716 - Rear single storey extension to include a balcony with glass balustrade and part two storey side extension to the West. Replacement windows throughout existing dwelling and alterations to existing roof. Granted

DM/25/1485 - Non Material Amendment to application DM/24/2716 - to remove the wording (Amended plans received 22.11.2024). Granted

SITE AND SURROUNDINGS

The application property is a two detached dwelling located on the southern side of Hurst Road, within the countryside.

The locality is characterised by detached dwellings of varying designs and forms, set back evenly from the highway which creates distinct front building lines on both sides of the highway with no existing ancillary outbuildings located to the front of the dwellings. Along both sides of the highway there are visual gaps between the lines of dwelling which consists of fields and mature front boundary hedging which obscures some of the properties from view, this gives the locality a semi-rural locality.

The application property has a pitched hip roof and a symmetrical front elevation with a central front projection and porch canopy with roof forms to reflect the existing dwelling. The property has previously benefited from a single storey flat roof extension to the western side of the dwelling and a double garage to the eastern side which is connected by a link. The proposal also benefits from a modest rear balcony. The area to the front of the dwelling consists of a driveway, soft landscaping and mature front boundary hedging which partly screens the property from view of the highway.

The property is constructed in cream painted brick, interlocking roof tiles and white upvc fenestration.

The property is also located within a Red Archaeological Notification Area for a section of the Hardham to Barcombe Mills Roman Road.

APPLICATION DETAILS

As this is a section 73 application, national advice is that the LPA should focus attention on any material changes since the previous permission.

The application seeks planning permission to enable the substitution of plans to allow for changes to the design of the flat roof rear extension, which would include a reduction in the size of the proposed roof terrace to solely to the western side. The rest of the roof would be separated from the roof terrace by a glass balustrade.

This change would also result in the removal of the timber screen to the eastern side of the extension and a reduction in the height of the screen to the west to 1.8 metres above the 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.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD and Hassocks 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 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.

Hassocks Neighbourhood Plan (made June 2020)

Relevant policies:

Policy 5 - Enabling Zero Carbon

Policy 9 - Character and Design

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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

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)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states ' *The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states ' *Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available,*

including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide/Code

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that *'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.'

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

- Design and Character
- Impact on the amenities of neighbouring properties

Design and Character

Policy DP26 of the Mid Sussex District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*

- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Hassocks Neighbourhood Plan Policy 9 states:

'Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:

1. *Is of high quality design and layout;*
2. *Contributes positively to the private and public realm to create a sense of place;*
3. *Respects the character and scale of the surrounding buildings and landscape;*
4. *Protects open spaces and gardens that contribute to the character of the area;*
5. *Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
6. *Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
7. *Creates safe, accessible and well connected environments;*
8. *Protects existing landscape features and contributes to the village's Green Infrastructure network;*
9. *Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
10. *Positively responds to the local vernacular character of the defined Local Townscape Character Area.'*

Principle DG49 of the Mid Sussex Design Guide states: *'Extensions should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach.'*

Principle DG50 relates to side extensions and states: *'Side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building. The gaps between dwellings can sometimes positively contribute to articulating (for example, through the consistent rhythm of repeated houses) and adding interest in a street frontage or by providing views / visible connections to the surrounding countryside. Side extensions will therefore need to appropriately respond to the character of the street form and will not normally be accepted where they close an important gap and view.'*

Principle DG51 specifically relates to rear extensions and states that *'rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens.'*

The proposed alterations would be of forms and designs which would reflect the existing appearance and proportions of the building and the existing permission. The proposed changes would be located to the rear of the dwelling and would not be visible from the streetscene. It is therefore considered that the proposed changes would be in keeping with the character of the locality and surrounding properties and would comply with policy DP26.

Impact on the amenities of neighbouring properties

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);'

Policy 9 of the Hassocks Neighbourhood Plan states that proposals will be supported when it: *'does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security.'*

Policy 9 states that proposals should not "unacceptable harm" amenities of existing nearby residents and future occupants whereas policy DP26 of the MSDP states that development should not cause "significant harm". There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy 9 of the Hassocks Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.

To the western side is No. 33 Hurst Road which is positioned closer to the highway than the application property with mature planting and hedging in between. The proposed changes would maintain a 1.8 metre timber screen along the side of the proposed roof terrace. This would prevent overlooking and a loss of privacy for this neighbour. Taking this into account, it is considered that the proposal would not cause unacceptable harm to the amenities of this neighbour.

On the eastern side is No. 29 Hurst Road which is some 11 metres from the application dwelling and some 21 metres from the proposed roof terrace. Given the set away position of the roof terrace it is not considered that the timber screen on the eastern side would be required. The remaining flat roof would be separated by a glass balustrade to ensure it would not be used as a roof terrace. Given this, it is considered that the proposal would not cause unacceptable harm to the amenities of this neighbour.

CONCLUSION

In conclusion, the proposed alterations are considered to be appropriate in terms of design and the impact on the character of the area, would not cause significant harm to the amenities of neighbour properties or the future occupiers of the dwelling. Therefore, the proposal complies with Mid Sussex District Plan policy DP26, policies 5 and 9 of the Hassocks Neighbouring Plan, and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Katherine Williams