

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1870	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition No: 2 of planning permission DM/24/3088 to allow for design changes.		
Site:	Bramham Moor, Tylers Green, Cuckfield, Haywards Heath, West Sussex, RH17 5EA, ,		
Validation Date	2 Sep 2025	Overall Expiry Date:	24 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 Oct 2025
Target Date:	28 Oct 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	22 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1870

**Bramham Moor, Tylers Green, Cuckfield, Haywards Heath, West Sussex, RH17 5EA,
Variation of condition No: 2 of planning permission DM/24/3088 to allow for design changes.
Mr And Mrs A Henderson**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

None received.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No objection.

INTRODUCTION

The application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 2 of planning permission DM/24/3088.

RELEVANT PLANNING HISTORY

CU/342/83 - Extension to kitchen and new garage. Permission 12.12.1983.

06/02774/FUL - Side extension over existing garage and utility room (Amended plan received 23rd January 2007 showing correct position of ensuite window in side elevation). Permission 28.02.2007.

DM/15/4668 - Proposed first floor extension to side and two storey extension to rear. Permission 13.01.2016.

DM/24/3088 - Demolition of existing garage, removal of existing box dormer, rationalisation of all above ground external mounted foul surface drainage pipes, construction of two storey side front and rear extension, single storey rear extension, new loft conversion with rear dormers and detached double garage together with all associated internal and external alterations. Permission 17.02.2024.

SITE AND SURROUNDINGS

The application relates to Bramham Moor, a detached two storey dwelling which has previously been extended at loft level through the addition of a rear box dormer. There are two front hipped dormers with rooflights above to the principal roof pitch and the property has previously been extended to the side (south-eastern) elevation through the addition of a single storey garage. The existing dwelling is set substantially back from the roadside by a front driveway and garden amenity space. To the rear of the dwelling, ample garden amenity space can be located with mature boundary planting to the site's boundaries. The existing dwelling is composed of brick exterior walls with tile hanging at first floor level, plain concrete roof tiles, powder coated aluminium and uPVC windows and powder coated aluminium and timber doors.

There are a number of large, detached dwellings within the sites locality which have generous plot sizes and decent setbacks from the highway edge.

With regards to policy constraints, the site is not located within any built up area boundary.

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/24/3088.

Condition no. 2 of planning permission DM/24/3088 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.'

The proposal would alter the previously consented design from the previous approval to raise the proposed side extensions ridge height to match the existing and to raise the height of one of the proposed dormers to sit level with the other proposed pitched dormers at second floor level. Additionally, a rooflight would be added to the single storey rear extension.

The submitted Application Form notes that works have commenced on site, however these only relate to the previously permitted garage outbuilding. Accordingly, the proposal is part-retrospective.

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 Cuckfield 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.

Neighbourhood Plan

Cuckfield Neighbourhood Plan (Made May 2014)

Policy CNP1 - Design of New Development and Conservation

CNP10 - Building Extensions Within and Outside the Built-Up Area Boundary

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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 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 National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 131, 135 & 139.

ASSESSMENT

This application seeks permission to develop land without compliance with condition no. 2 previously attached to planning permission DM/24/3088, 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 Character
- Impact on Neighbouring Amenities

Design and Character

DP26 of the 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 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'*

Policy CNP1 of the Cuckfield Neighbourhood Plan states that:

New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) Is sympathetic to the setting of any heritage asset and*
- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) Makes best use of the site to accommodate development.*

Additionally, Policy CNP10 of the Neighbourhood Plan states:

Building extension will be permitted where it meets the following criteria:

- a) The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- b) Spacing between buildings would respect the character of the street scene.*
- c) Gaps which provide views out of the village to surrounding countryside are maintained.*
- d) Materials are compatible with the materials of the existing building.*
- e) The traditional boundary treatment of an area is retained and, where feasible, reinforced and*
- f) The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*

With regard to the quoted 'map 3' within Policy CNP1, the site is not located within a specified 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 of the Mid Sussex Design Guide elaborates further on what constitutes 'good design' in relation to side extensions:

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.

Whilst the proposed side extension would be increased in its overall size and scale and the proposal would match the existing ridge height, it is considered that the use of the half-hipped roof pitch would help reduce its perceived bulk. Furthermore, the use of the matching materials would help the proposal assimilate with the existing. To the proposed single storey rear extension, it is considered that the addition of the rooflight would be a visually discrete addition and would likely appear acceptable.

The repositioning of the dormer to second floor level along the rear elevation would likely result in a uniform appearance in connection with the other two rear dormers moving north-west. Accordingly, this alteration is considered to be visually acceptable.

Impact on Neighbouring Amenities

In terms of impact upon 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 DP29);'*

The proposal would raise the ridge height from the previously permitted 7.2m high ridge to circa 8m. The proposal would still maintain a hipped roof form to the side elevation which is considered to help reduce the overall bulk of the extension. A distance of approximately 1.38m would remain to the shared eastern boundary. A total of three rooflights would face back towards the proposal at the neighbouring property and these rooflights are not considered to offer a level of outlook and more so used for serving light into the internal rooms. It is considered that these rooflights would still receive ample light by virtue of their upwards facing positioning and the extension would not give rise to a significant overshadowing impact.

An additional window would be added to the side (south-eastern) elevation when compared to the previously consented scheme. The proposed first floor side windows would both serve as secondary windows to bedrooms. Provided that these windows would look out onto the side roof plane and that the window openings would be small in size in a casement style, it is not considered that these would give rise to a significant overlooking impact. As for the ground floor windows, these would be limited in outlook and permitted development rights could be used to erect a 2m high fence to obstruct views further.

Accordingly, the proposal is considered to comply with the provisions of DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

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/24/3088, in respect of the changes to the approved extensions, is considered acceptable. As such, the application is considered to comply with Policy DP26 of the Mid Sussex District Plan, Policies CNP1 and CNP10 of the Cuckfield Neighbourhood Plan, the Mid Sussex Design Guide and the National Planning Policy Framework.

Decision: Permission

Case Officer: Stefan Galyas