

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1273	Case Officer:	Caroline Grist
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 1 of planning application DM/23/2956 - to allow for design changes.		
Site:	Kimberley, High Street, Handcross, Haywards Heath, West Sussex, RH17 6BJ, ,		
Validation Date	23 Jun 2025	Overall Expiry Date:	25 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	27 Aug 2025
Target Date:	18 Aug 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	<i>Steven King</i>	Date:	29 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1273

**Kimberley, High Street, Handcross, Haywards Heath, West Sussex, RH17 6BJ,
Variation of condition no 1 of planning application DM/23/2956 - to allow for design changes.
Tony Popham**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Conservation Officer

As I understand it, the proposal is for a slight increase in the roof height of the extension at first floor level and also to the rear single storey extension? The plans are not particularly clear, but the changes appear to be relatively minor and are unlikely to have a significant impact on the character and appearance of the Conservation Area.

The proposal also includes an increase in the number of solar PV panels proposed at roof level. These are located the side of the main roof, and to the rear extension. Those to the side of the main roof are visible from the High Street due to the manner in which the house is set forward of the adjacent properties. Could you let me know please whether this work would be considered PD, as I do have some concerns about the impact on the appearance of the building arising from this?

PARISH COUNCIL OBSERVATIONS

SPC - No objection.

INTRODUCTION

This application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 1 of planning permission DM/23/2956.

RELEVANT PLANNING HISTORY

01/00298/FUL - Conservatory. Permission.

DM/22/0503 - Proposed second floor rear extension to include open balcony, dormer windows and skylight windows. Alterations to the front ground floor bay window. New pitched roof to the rear ground floor with skylight windows. Withdrawn.

DM/23/2956 - Alterations to the front ground floor bay window, relocation of front door, proposed pitched roof to existing ground floor and first floor extensions. Skylight windows and solar panels to roof space and proposed rendered exterior walls and replacement windows. Permission.

SITE AND SURROUNDINGS

Kimberley is a mid terrace, 3 storey residential dwelling located to the north western (side) of Handcross, High Street. The dwelling is attached to Lavender Cottage to the north/north eastern (side), while being attached to Heyford to the south/south western (side). The dwelling benefits from a long rear garden which leads onto the Handcross Sports and Social Club to the north western (rear) boundary.

The existing dwelling shows signs of extensions and alterations, with a two storey flat roofed extension to the rear, together with a UPVC wrap around conservatory to the rear. In addition, the existing windows to the dwelling have been changed at some point and are now white UPVC casement windows.

The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of Handcross, it is also within the Handcross Conservation Area and within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 1 of planning permission approved DM/23/2956.

Condition no. 1 of planning permission DM/23/2956 states that:

'1. 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 revised works firstly relate to the rear of the property. Planning permission was previously granted for the existing two storey rear extension to have its flat roof replaced with a pitched roof and to replace the existing conservatory with a more solid structure, which would have a dual pitched roof. Changes have been made to this aspect of the proposal to accommodate the box gutter and damp proof course. It is also proposed to increase the width of the doors in the conservatory from 2.4 metres to 3.0 metres.

Changes are also proposed to the solar panels approved on the southern elevation. On the original roof, two rows of three solar panels were shown and it is now proposed to increase this to two rows of five. The rooflight on either side of the panels would also be repositioned to accommodate this change. The approved plans also show solar panels and rooflights on the new side roofslope of the first floor extension. It is proposed to increase the solar panels and, again, rearrange the solar panels accordingly.

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 Slaugham 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:

DP16 - High Weald Area of Outstanding Natural Beauty

DP26 - Character and Design

DP35 - Conservation Areas

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.

Slaugham Neighbourhood Plan

The Slaugham Neighbourhood Plan was made on the 2nd February 2017.

Relevant policies:

Policy 1 - Protecting the Area of Outstanding Natural Beauty

Policy 4 - Conservation Areas

Other Legislation

Countryside and Rights of Way Act 2000

Levelling-Up and Regeneration Act 2023

Listed Building and Conservation Area 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 (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

DPC4 - High Weald Area of Outstanding Natural Beauty

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.

High Weald AONB Management Plan 2024 - 2029

National Planning Policy Framework (NPPF) (December 2024)

ASSESSMENT

This application seeks permission to develop land without compliance with condition no. 1 attached to planning permission DM/23/2956, 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:

- Impact on the High Weald Area of Outstanding Natural Beauty,
- Design and impact on character of area, and
- Impact to amenity.

Impact on the High Weald Area of Outstanding Natural Beauty

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB. This is also reflected in Policy 1 of the Slaugham Neighbourhood Plan.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

The application property is within the built up area and the submission seeks to make alterations to the existing dwelling. As such the proposal would not form an isolated development within the wider landscape. The development would not have any adverse impact on the landscape quality of the AONB due to it being viewed in context with the existing built forms. As such the proposal would comply with the requirements of Policy DP16 of the Mid Sussex District Plan, Policy 1 of the Slaugham Neighbourhood Plan, The High Weald Management Plan and paragraph 189 of the NPPF.

Design and impact on character of the conservation area

The application site is within the Handcross Conservation Area, therefore, this application needs to be considered with reference to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the character or appearance of Conservation Area, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Mid Sussex District Plan policy DP35 concerns conservation areas and the setting thereof, which 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;*
- o 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'.

A similar ethos is found within Policy 4 of the Slaugham Neighbourhood Plan.

In terms of design, 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.'*

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'.

In terms of the works to the rear extensions, the proposed changes would not result in the footprint or building heights previously approved being substantially changed. Overall the shape and form of the extensions would remain consistent with the original application and the Conservation Officer has confirmed that these revisions would be unlikely to have a significant impact on the character and appearance of the Conservation Area.

With regards to the solar panels, these are proposed in two groups. Those on the new roof are to be set towards the rear of the property and would be screened from the majority of public views. Those to the front, however, would be more readily visible, although this would be mainly in views northwards along High Street. It is noted that the Conservation Officer has raised some concern regarding this aspect of the proposal, however it is also acknowledged that a similar scheme could be constructed without the need for planning permission. It is therefore concluded that, on balance, this aspect of the proposal would preserve the character of the conservation area.

Impact to neighbouring amenity

Policy DP26 of the Mid Sussex District Plan 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);'

Given that the footprint and overall building heights are to remain, essentially, as previously approved, it is considered that there would not be a significantly harmful impact to the light and outlook available to neighbouring properties. The changes to the glazing in the ground floor, rear extension is such that it would not result in any direct overlooking nor would the revised positions of the rooflights.

PLANNING BALANCE AND CONCLUSION

The proposed variation to planning permission DM/23/2956, in respect of the changes around the guttering, glazing, solar panels and rooflights, is considered acceptable. The proposal would not result in changes that would harm the conservation area or have an adverse impact in design terms. The proposal would not harm the amenities of neighbouring dwellings. The proposal therefore accords with policies DP16, DP26 and DP35 of the Mid Sussex District Plan, policies 1 and 4 of the Slaugham Neighbourhood Plan and relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Caroline Grist