

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0262	Case Officer:	Catherine Cardin
Application Type:	Householder Application		
Proposal:	Proposed single storey rear and side extension. Retrospective removal of existing leaking chimney (removed April 2023).		
Site:	30 Wivelsfield Road, Haywards Heath, West Sussex, RH16 4EW, , , ,		
Validation Date	3 Feb 2025	Overall Expiry Date:	27 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 Mar 2025
Target Date:	31 Mar 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>Steven King</i>	Date:	21 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0262

**30 Wivelsfield Road, Haywards Heath, West Sussex, RH16 4EW, , ,
Proposed single storey rear and side extension. Retrospective removal of existing leaking chimney (removed April 2023).
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SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None received.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Planning permission is sought for a single storey rear and side extension and the retrospective removal of a chimney.

RELEVANT PLANNING HISTORY

DM/22/0308- Proposed single storey rear and side extension. Permission.

DM/22/0309- Proposed hip-to-gable and flat roof rear dormer extension, and new roof windows to front roof slope. Permission.

SITE AND SURROUNDINGS

30 Wivelsfield Road is a semi-detached, two storey dwelling, located on the western side of Wivelsfield Road. To the rear is an existing single storey projection which is shared with the attached neighbour. The dwelling is constructed in brick, portions of hanging tiles, plain roof tiles and white uPVC fenestration.

The property is located within the built-up area of Haywards Heath. These properties are positioned on gently sloping ground level. The properties on the eastern side of the highway are narrower proportions and positioned closer to the highway. Neighbouring properties are located to the north and south. The highway is located to the east.

APPLICATION DETAILS

Planning permission is firstly sought for a single storey, 'L' shaped extension to the side and rear of the dwelling. The proposed side extension would measure some 10.5 metres in length and some 2.2 metres in width. A flat roof, with a mono- pitch roof to the front of the garage is proposed. This would have a maximum height of some 2.9 metres and a height to the eaves of some 2.1 metres. The mono-pitch roof would have plain tiles to match the existing roof. It is proposed that the extension would have grey uPVC double doors on the rear (western) elevation.

The proposed rear extension would measure some 5.5 metres in width and some 3.9 metres in depth. This would have a flat roof, and a roof lantern measuring some 2.5 metres in length and some 1.4 metres in width. The extension would have a maximum height of some 3.1 metres. It is proposed that the extension would have grey aluminium sliding doors on the rear (western) elevation. The proposed brick walls would match the existing.

Furthermore, it is proposed to install steps down from the new extension onto a new level decking area. This would measure some 7.1 metres in width and some 5.5 metres in depth.

Finally, permission is sought for the retrospective removal of a chimney shared with the neighbour at 32 Wivelsfield Road.

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

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 was made in December 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

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

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 neighbouring properties
- Biodiversity Net Gain

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:

- 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.'

Furthermore, principle DG50 of the MSDC Design Guide relates 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.

The locality is characterised by semi-detached dwellings of similar designs and forms located on the western side. The property is part of a symmetrical pair of dwellings with a shared pitched hipped roof with mirroring front gable projection and lean-to front porch.

The proposed extension would be of a design, form and scale that would appear in proportion and appropriate to the character of the existing dwelling. The rear part of the extension would be obscured from public views by the existing dwelling; however, the side portion of the extension would be visible from the highway. The side extension would be single storey and have a modest width, which would appear subservient to the original dwelling and would not visually unbalance the semi-detached pair. It would also be set back from the front elevation, helping to define the host dwelling, and as a single storey addition would still allow the overall spacing within the streetscene to be read. It is therefore considered that the proposal would be in keeping with the character of the property and the locality.

The proposal also includes the retrospective removal of a chimney under mutual consent with the adjoining owner at 32 Wivelsfield Road. Although this is considered to be out of keeping with the character of the streetscene, as the surrounding properties on the western side of Wivelsfield road have retained their chimneys, this part of the application is not considered harmful enough to warrant the refusal of this application.

The proposal is therefore considered to comply with policy DP26 of the District Plan, policies E9 and H9 of the Haywards Heath Neighbourhood Plan, and the relevant principles of the Mid Sussex Design Guide SPD.

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 Policy DP29);'*

Policy H9 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should 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. 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 DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

To the southern side of the site is No. 32 Wivelsfield Road, which is attached to the application property through its northern side elevation and benefits from a single storey rear projection with a low boundary wall. The proposed extension would extend beyond its rear elevation by some 0.9 metres. In terms of light impact to the rear windows, Principle DG47 of the Design Guide states among other matters that all dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards. Further guidance is set out within the "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" document, which establishes the "45 degree approach". The proposed extension would cause a slight loss of light, but this is not considered significant enough to warrant the refusal of this application as the proposed extension passes the 45 degree test in the elevational assessment. It is also considered that this development would not cause significant overshadowing or enclosure as the height of the extension is limited to a single storey. In terms of outlook, although the addition would be visible from the neighbouring property, it is not considered that the proposal would cause significant harm to its amenities due to its depth. As no windows are proposed on the south side elevation, it is not considered that this would give rise to any overlooking concerns.

On the northern side of the site is No. 28 Wivelsfield Road, which has previously benefited from a single storey rear extension and has a close boarded side boundary fence. Given the boundary treatments and the single storey nature of the proposal, it is not considered that the addition would cause significant harm to the light and privacy of this neighbour. The proposed extension would not extend beyond the rear elevation of this neighbour so the extension is not considered to harm their outlook. Whilst the side extension would protrude beyond the front elevation of No. 28, given the extent of this projection, it would not be considered to cause a significant loss of amenity to this neighbour.

Due to the domestic nature of the proposed development, it is not considered that there would 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, Policy E9 and H9 of the Haywards Heath Neighbourhood Plan and the relevant principles of the Mid Sussex Design Guide SPD.

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

In conclusion, the proposal is considered to be appropriate in terms of design, size and scale to the application property and locality, and would not cause significant harm to the amenities of neighbouring properties. Therefore the proposal would comply with Mid Sussex District Plan policy DP26, and policies E9 and H9 of the Haywards Heath Neighbourhood Plan, with the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Catherine Cardin