

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0704	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Part retrospective application for a front porch and proposed single storey rear wrap around extension		
Site:	3 Oathall Avenue, Haywards Heath, West Sussex, RH16 3ES, , , ,		
Validation Date	21 Mar 2025	Overall Expiry Date:	28 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	30 May 2025
Target Date:	16 May 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

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

Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	30 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0704

**3 Oathall Avenue, Haywards Heath, West Sussex, RH16 3ES, , ,
Part retrospective application for a front porch and proposed single storey rear wrap around extension
Mr And Mrs Harrell**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the current proposal.

SUMMARY OF CONSULTEES

Southern Water: No objection.

HAYWARDS HEATH TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks part retrospective planning permission for the development of a front porch, a single storey side and rear extension as well as a garage conversion.

RELEVANT PLANNING HISTORY

There is no recent planning history relating to the site.

SITE AND SURROUNDINGS

The application relates to 3 Oathall Avenue, a two-storey detached property featuring a pitched roof and set to the northern side of the road. The dwelling is set back from the roadside by a tarmacked front driveway and front garden amenity space. To the rear, the site is afforded ample garden amenity space where a single storey shed outbuilding is sited. The existing dwelling is composed of a brickwork exterior, composite timber cladding, a tiled roof and uPVC windows.

With regards to the site's locality, there are primarily detached two storey dwellings set to the northern side of the highway with regular intervals between each building.

The site is within the built-up area for Haywards Heath as defined in the District Plan (DP). The sites western boundary abuts the Heath Conservation Area.

APPLICATION DETAILS

The proposal seeks retrospective permission for a front porch which measures at approximately 1.5m in length, 2.4m wide, 2.3m high to the eaves and 3m high to the ridge. The porch utilises a brick plinth, wood beams under a tiled roof.

A proposed single storey rear extension would be developed as part of the proposal which would measure at approximately 2.9m in depth, 9.7m wide, 2.8m high to the eaves and 3.5m high to the ridge.

A proposed single storey side extension would also be developed which would measure at circa 2.9m in length, 2.3m wide and 2.8m high. Both the proposed side and rear extension would be composed of brickwork walls and a single ply flat roof membrane.

Whilst the existing plans do not show a car port to the side (eastern) elevation, it is considered that this is already in existence and does not form part of the description of development. The existing garage space would be converted as part of the development proposal, with the existing garage door removed and bricked up with a new window opening installed.

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 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:

DP21: Transport

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 March 2016)

Policy E9 - Protection and Reinforcement of Local Character

Policy H9 - Domestic Extensions

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

DPB3 - Conservation Areas

DPT4 - Parking and Electric Vehicle Charging Infrastructure

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, 114-117, 131, 135, 139, 189, 207, 208, 209, 212-215, 219 & 220.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) - Special attention to be paid to preserving or enhancing the character or appearance of a conservation area.

ASSESSMENT

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

- Impact on Character, Appearance and Heritage Assets
- Impact on Neighbouring Amenities
- Highways Impact
- Biodiversity Net Gain

Impact on Character, Appearance and Heritage Assets

In terms of the impact on the Heath Conservation 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;*
- 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."

Significance is defined in Annex 2 of the NPPF as *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

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.

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 E9 of the Haywards Heath Neighbourhood Plan 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 sites 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.

Furthermore, Policy H9 of the Neighbourhood Plan 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 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 pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area in accordance with the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.'

Additionally, Principle DG50 as set out within the Design Guide, relates to front extensions:

Front extensions are more likely to be acceptable where the building line is staggered or where the dwelling is set well back from the road. They are less likely to be acceptable in streets with a strong consistent building form as they risk disrupting the underlying order.

In terms of rear extensions, principle DG51 states:

'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'

Whilst the site is not sited within the Heath Conservation Area, it does form its immediate setting. It is noted that other dwellings within the sites locality have previously been altered and extended through single storey extensions to their respective rear elevations.

The proposed rear extension would utilise a single ply flat roof membrane and a pitched roof element whilst spanning the entirety of the rear elevation. It is considered that the single storey size and scale

would ensure that the extension would remain subservient towards the existing. Furthermore, the use of matching external materials such as facing brickwork walls are considered to help the extension assimilate towards the existing.

In terms of the front porch extension, whilst this element is retrospective, it is considered that the limited size would appear visually subservient towards the main dwelling. The pitched roof feature is considered to help establish the main entrance to the dwelling and would not appear overly incongruous amongst the rest of the principal elevation.

The main dwelling would be reclad in bison composite vertical cladding at first floor level to the principal and rear elevations. It is considered that the previously used tile hanging was of limited architectural merit and such an alteration would be acceptable in this instance.

In terms of the garage conversion, the removal of the existing garage door is considered to be acceptable provided that this will be bricked up with matching brickwork and a uPVC window. These materials are considered to help embed this proposed element in with the rest of the development and would not appear out of place within its immediate context.

The proposal is therefore considered to result in a neutral impact towards the Heath Conservation Area and comply with Policies DP26 and DP35 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

Policy H9 of the Haywards Heath Neighbourhood Plan states that proposals should 'safeguard' neighbouring amenities with regard to privacy, daylight, sunlight and outlook 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 conflict 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 Mid Sussex District Plan 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.

The proposal would not introduce any additional side elevation windows however, there would be side facing rooflights to the proposed rear extensions pitched roof element. It is considered that these would be used more to supply light than offer outlook and would be positioned at a high level. As such, it is not considered that these would give rise to a significant overlooking impact.

To the northeastern corner of the site, the proposed side extension would be set within a close proximity to the adjacent neighbouring property at No.5 with an offset of approximately 0.3m. There is an existing ground floor side (west) elevation window at No.5 which would likely face back towards the proposed extension. This neighbouring window serves a bathroom and is finished in obscure glazing. As such, it is not considered that the proposed extension would be significantly overbearing towards the neighbouring dwelling.

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

Highways Impact

Policy DP21 of the District Plan among other matters requires that:

The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable.

The existing integral garage measured at approximately 5.1m in length by 2.9m wide and therefore falls below the parking standards as outlined within the Manual for Streets. As such, the loss of this space is not considered to result in the loss of an on-site parking space and the existing front driveway is considered to provide further off-road parking.

Accordingly, the proposed development is not considered to result in the net loss of an off-road parking space and would not be contrary to Policy DP21 of the District 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

In conclusion, the proposal is appropriate in terms of design, will not negatively impact on the host dwelling nor its immediate setting, will not harm neighbouring amenities and have an acceptable highways impact.

The proposal will comply with Policies DP21, DP26 and DP35 of the District Plan, Policies H9 and E9 of the Haywards Heath Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas