

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1621	Case Officer:	Hamish Evans
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 1 relating to DM/22/2872 to allow for updated drawings.		
Site:	9 Newstone Cottages, East Street, Turners Hill, Crawley, West Sussex, RH10 4PX, ,		
Validation Date	24 Jun 2025	Overall Expiry Date:	25 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	12 Aug 2025
Target Date:	19 Aug 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	14 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1621

**9 Newstone Cottages, East Street, Turners Hill, Crawley, West Sussex, RH10 4PX,
Variation of condition 1 relating to DM/22/2872 to allow for updated drawings.
Mr And Mrs Gardner**

SUMMARY OF REPRESENTATIONS

No third-party letters of representation have been received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The proposal is considered to meet the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.

TURNERS HILL PARISH COUNCIL OBSERVATIONS

Defer to Conservation Officer.

INTRODUCTION

This application seeks permission, under section 73 of the Town and County Planning Act 1990, to vary condition 1 of planning permission DM/22/2872 which was granted on the 6th January 2023 for a "Single storey rear extension and detached single storey single bay garage" at 9 Newstone Cottages East Street Turners Hill.

RELEVANT PLANNING HISTORY

DM/22/2872. Single storey rear extension and detached single storey single bay garage (description changed 26.09.2022 and amended plans 07.11.2022 and 29.11.2022). Permission.

DM/22/2893. Single storey rear extension and detached single storey single bay garage (description changed 26.09.2022 and amended plans 07.11.2022 and 29.11.2022). Permission.

DM/25/1049. Retrospective application for a single storey rear extension joined onto an existing out house and a detached single storey single bay garage. Permission.

DM/25/1622. Non Material Amendment to planning application DM/22/2872 to remove the following written commentary from the planning approval - "(description changed 26.09.2022 and amended plans 07.11.2022 and 29.11.2022)". Permission.

SITE AND SURROUNDINGS

The site is designated as being within the Turners Hill built up area boundary and the Turners Hill Conservation Area. The existing dwelling is a residential two-storey semi-detached Grade II listed building. It is characterised by a mixture of sandstone blockwork, white render and black timber walls, brown clay roof tiles and black window and door frames. The existing rear boundary treatment consists of some 1.8 metre high hedgerow and closed board fencing. East Street is located to the south of the site with residential properties to the north, east and west of the site. The application dwelling together with 10 Newstone Cottages are similar in their appearance and design to the other properties located to the north of East Street, they are also Grade II listed buildings. The residential properties to the south of East Street are varied in their design, appearance and scale.

APPLICATION DETAILS

This application seeks permission, under section 73 of the Town and County Planning Act 1990, to vary condition 1 of planning permission DM/22/2872 which was granted on the 6th January 2023 for a "Single storey rear extension and detached single storey single bay garage" at 9 Newstone Cottages East Street Turners Hill RRH10 4PX.

The proposed changes consist of:

- Increase in depth of extension, and
- increase in height of permitted rooflight.

It should be noted that the development that was permitted under DM/22/2872 has been started however it is not considered to be substantially completed.

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 Turners Hill 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
DP34 - Listed Buildings and Other Heritage Assets
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.

Turners Hill Neighbourhood Plan

The Turners Hill Neighbourhood Plan was adopted in March 2016

THP7 - Building Extensions and Infill Development

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:

DPB1: Character and Design

DPB2: Listed Buildings and Other Heritage Assets

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.

National Planning Policy Framework (NPPF) (December 2024)

Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

The application is submitted under Section 73 of the Town and Country Planning Act 1990. 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."

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 changes consist of:

- Increase in depth of extension, and
- increase in height of permitted rooflight.

Impact on Heritage Assets and Character and Design

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

While Policy DP34 seek to preserve the special interest of the Listed Building a similar ethos is found within the National Guidance contained in Paragraphs 212-216 of the NPPF.

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.'

The site is located within the Turners Hill Conservation Area, as designated in 1984. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

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 have special regard to the desirability of preserving the heritage asset (the Turners Hill Conservation Area), the site being within its boundary, and any features of special interest, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.'*

A similar ethos is contained within policy THP7 of the Turners Hill Neighbourhood Plan.

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 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 Council's Conservation Officer has commented on the application, they have raised no objection to the proposed alterations and advised that the proposal would preserve the special interest of the listed building. The proposed alterations would be modest in their nature and they would not significantly alter what was previously approved at the site.

Therefore, in line with the comments of the Conservation Officer, the proposal is considered to preserve the special interest of the listed building, address the character and scale of the surrounding buildings and landscape and conserve the character and appearance of the Conservation Area. As such it would comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, policy THP7 of the Turners Hill Neighbourhood Plan the Planning (Listed Buildings and Conservation Areas) Act 1990, principles DG49 and DG51 of the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

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);'

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The proposal would retain the previously permitted extension's single storey nature and the proposed alterations would be modest in their nature. As such the proposal would not cause significant harm to the amenities of nearby residents including taking account of the impact on overlooking and loss of privacy, reduction in sunlight and daylight and a loss of outlook. The proposal is therefore, considered to comply with the above-mentioned part of policy DP26 and the Mid Sussex Design Guide SPD.

PLANNING BALANCE AND CONCLUSION

To summarise it is considered that the proposed amendments are acceptable. As such this application can be approved and the proposal complies with policies DP26, DP34 and DP35 of the District Plan, policy THP7 of the Turners Hill Neighbourhood Plan, principles DG49 and DG51 of the Mid Sussex Design Guide SPD, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of the NPPF.

Decision: Permission

Case Officer: Hamish Evans