

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1314	Case Officer:	Tracie Axford
Application Type:	Full Application		
Proposal:	Renewal of existing timber balustrades with 2mm thick mild steel perforated panel held in by SHS25*25 balustrades. Renewal of rear private balcony balustrades with like for like material and design. Installing new deep-flow guttering to the property.		
Site:	101 - 123 Orchard Way, East Grinstead, West Sussex, RH19 1AU, , , ,		
Validation Date	17 Jun 2026	Overall Expiry Date:	13 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	29 Jul 2026
Target Date:	12 Aug 2026	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	3 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1314

**101 - 123 Orchard Way, East Grinstead, West Sussex, RH19 1AU, , ,
Renewal of existing timber balustrades with 2mm thick mild steel perforated panel held in by SHS25*25 balustrades. Renewal of rear private balcony balustrades with like for like material and design. Installing new deep-flow guttering to the property.
Tara Battledore**

SUMMARY OF REPRESENTATIONS

None

SUMMARY OF CONSULTTEES

None

EAST GRINSTEAD TOWN COUNCIL

No comment

INTRODUCTION

Planning permission is sought for the renewal of existing timber balustrades with 2mm thick mild steel perforated panel held in by SHS25*25 balustrades, the renewal of rear private balcony balustrades with like for like material and design and the installation of new deep-flow guttering to the property.

RELEVANT PLANNING HISTORY

None

SITE AND SURROUNDINGS

The property at 101-123 Orchard Way is is a detached, north facing, four storey block of flats. It is constructed of red brick, with a plain tile roof and upvc windows. The site comprises a block of mid-20th century maisonette units. External walkways provide accesses to each of the dwellings and to the rear each property has a balcony.

The application site is located within the built up area of East Grinstead. Neighbouring dwellings are located to the east and west of the site, whilst the highway is to the north with a play area beyond. To the south of the site is Queens Road Cemetery.

APPLICATION DETAILS

Planning permission is sought to replace the existing timber balustrades on the front elevation with perforated steel panels, held in place by balustrades. It is to be sited where the existing balustrade is positioned, with a height of approximately 1.1 metres.

It is also proposed to renew the existing rear balcony balustrades to match the existing in terms of material and design.

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 East Grinstead 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 on 28th March 2018. The relevant policies are:
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.

East Grinstead Neighbourhood Plan

Relevant Policies:
Policy EG3 - Promoting Good Design

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 hearings were concluded on 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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
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 Amenities
- Biodiversity Net Gain

Design and Character

Policy DP26 of the Mid Sussex District Plan relates to character and design and 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."

Policy EG3 of the East Grinstead Neighbourhood Plan relates to promoting good design and states, 'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and
- h) Proposals make provision for green infrastructure and biodiversity enhancement.

It is proposed to replace the existing timber balustrades with metal along the front elevation. Currently the timber balustrades are arranged vertically and allow a level of transparency to the front doors. The proposal seeks to replace these with metal panels. This would provide a more solid structure that would also be perforated, which would still provide a lightness across the elevation. The whole frontage is to be treated in the same manner, again retaining uniformity over the building. They are also to be no higher than the existing balustrades. This will match the balustrades at 1-49 Orchard Way which were recently replaced (ref: DM/24/2568) Other neighbouring blocks of flats vary in design and, as such, it is considered that this change in material and design would not have a significantly harmful impact on the streetscene.

It is therefore considered that the proposal complies with policy DP26 of the MSDC District Plan, and EG3 of the neighbourhood plan.

Impact on neighbouring amenity

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 EG3 states that proposals should "not harm" 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.

With regards to the impact on amenity, the balustrades are to remain at a low level to the front which would still allow light and outlook to the flats. The balustrades to the rear are to be replaced on a like for like basis, which would not affect the light or outlook available.

Due to the nature of the proposal it would not affect the privacy of surrounding residents. Given the domestic nature of the proposal, it is considered that there would not be an harmful impact in terms of noise, air or light pollution. It is therefore considered that the proposal complies with policy DP26 of the Mid Sussex 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. Under the statutory framework for biodiversity net gain this application is comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposal is considered to be appropriate in terms of design and appearance of the building. It is also considered to be in-keeping with the character of the wider locality. In addition, the alterations would not cause significant harm to the amenities of the neighbouring properties. The application therefore complies with Policies DP26 of the District Plan, Policies EG3 of the Neighbourhood Plan, the adopted Mid Sussex Design Guide as well as the requirements of the NPPF.

Decision: Permission

Case Officer: Tracie Axford