

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1528	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/25/0490 - to allow design changes		
Site:	Chylowen, Tylers Green, Cuckfield, Haywards Heath, West Sussex, RH17 5EA, ,		
Validation Date	18 Jun 2026	Overall Expiry Date:	14 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	31 Jul 2026
Target Date:	13 Aug 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	5 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1528

**Chylowen, Tylers Green, Cuckfield, Haywards Heath, West Sussex, RH17 5EA,
Variation of condition no 2 relating to planning application DM/25/0490 - to allow design changes
Mr M Sears**

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

None received.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No response received.

INTRODUCTION

The application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 2 of planning permission DM/25/0490. The proposal would raise the ridge height of the roof extension above the existing garage and would change the roof type from a crown roof to a barn hip.

RELEVANT PLANNING HISTORY

00/01340/FUL - New porch and brick built garage to replace existing front door canopy and timber garage. Permission 21.07.2000.

DM/24/1184 - Proposed outbuilding. Permission 29.07.2024.

DM/25/0490 - Roof extension above existing garage, including the addition of a rear dormer. Enlargement of existing porch. Permission 22.04.2025.

SITE AND SURROUNDINGS

Chylowen is a two storey detached dwelling with a cross hipped roof design and set to the north-eastern side of the highway. The existing dwelling appears to have previously been extended and altered in varying forms over time to both the rear and the side. The existing dwelling displays Flemish bonded brickwork walls with tile hanging at first floor level, clay roof tiles, uPVC windows and GRP/ timber doors. The existing property is set back from the roadside by a front garden area and a tarmacked driveway. The site is linear in plot form, with a patio area to the rear and ample rear garden amenity space.

With regards to policy constraints, the site is not located within any built up area boundary.

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 2 of planning permission approved DM/25/0490.

Condition no. 2 of planning permission DM/25/0490 states that:

'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 proposal would extend the existing single storey side elevation element upwards at roof level and would raise the existing eaves from circa 1.7m to 2.5m high and raise the ridge from 3.2m to 5.8m high.

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 Cuckfield Neighbourhood Plan (made May 2014)

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

Cuckfield Neighbourhood Plan (Made May 2014)

Policy CNP1 - Design of New Development and Conservation

CNP10 - Building Extensions Within and Outside the Built-Up Area Boundary

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

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, 115-117, 131, 135 & 139.

ASSESSMENT

This application seeks permission to develop land without compliance with condition no. 2 previously attached to planning permission DM/25/0490, 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.'

it is only necessary to consider the specific changes that are proposed to the previously approved development. The following issues are considered to be relevant:

- Design and Character
- Impact on Neighbouring Amenities
- Biodiversity Net Gain

Design and Character

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 CNP1 of the Cuckfield Neighbourhood Plan states that:

New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) *Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. *height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. *the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) *Is sympathetic to the setting of any heritage asset and*
- c) *Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) *Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) *Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) *Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) *Makes best use of the site to accommodate development.*

Additionally, Policy CNP10 of the Neighbourhood Plan states:

Building extension will be permitted where it meets the following criteria:

- a) *The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- b) *Spacing between buildings would respect the character of the street scene.*
- c) *Gaps which provide views out of the village to surrounding countryside are maintained.*
- d) *Materials are compatible with the materials of the existing building.*
- e) *The traditional boundary treatment of an area is retained and, where feasible, reinforced and*
- f) *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*

With regard to the quoted 'map 3' within Policy CNP1, the site is not located within a specified character area.

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 DG50 of the Mid Sussex Design Guide elaborates further on what constitutes 'good design' in relation to side extensions:

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 proposed raising of the ridge to the side (north-western) would increase the overall size, scale and bulk of this element. A barn hipped roof design would be used and the previously proposed crown roof would be omitted. This alteration is considered to simplify the roof structure and would constitute a design improvement.

Whilst the ridge height would be higher than the previously consented scheme, it is considered that there would be a sufficient offset from the main dwellings ridge in order to allow for the extension to be read as subservient.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, Policies CNP1 and CNP10 of the Cuckfield 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 DP29);'*

The proposal would increase the scale of the built footprint within a close proximity to the shared boundary immediately to the north-west of the site with the garden amenity space at Tylers. This would present a blank side elevation towards the neighbouring site, whereby a circa 1.4m high fence separates the two curtilages. It is considered that the use of the barn hip to this side elevation would help minimise the extensions overall size and scale. There would be a considerable offset from the neighbouring dwelling at Tylers which is sited at a closer set back from the roadside and the proposal would not be set nearby any neighbouring habitable rooms. As such, it is not considered that the proposal would give rise to a significant overbearing impact.

There would be no additional side elevation windows added which could have the potential to directly overlook the neighbouring site.

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

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 and will not negatively impact on the host dwelling nor its immediate setting and will not harm neighbouring amenities.

The proposal will comply with Policy DP26 of the District Plan, Policies CNP1 and CNP10 of the Cuckfield Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas