

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1011	Case Officer:	Caroline Grist
Application Type:	Householder Application		
Proposal:	Replacement single storey side extension and single storey extension to the rear, incorporating existing offshoot.		
Site:	1 Commercial Road, Burgess Hill, West Sussex, RH15 8QL, , , ,		
Validation Date	15 Apr 2025	Overall Expiry Date:	7 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 Aug 2025
Target Date:	10 Jun 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Steven King</i>	Date:	15 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1011

**1 Commercial Road, Burgess Hill, West Sussex, RH15 8QL, , ,
Replacement single storey side extension and single storey extension to the rear, incorporating existing offshoot.
Mr And Mrs Garside**

SUMMARY OF REPRESENTATIONS

One representation has been received in response to this application. It requests that contractors do not use the car park of the Cherry Tree Centre for access, storage or parking of vehicles during the building process. This is due to a large footfall using the centre during the week and at weekends.

A further re-consultation was issued, following the submission of revised plans, and no representations have been received at this time.

It should be noted that the granting of any planning permission does not override any other civil or legislative requirements, including during the construction period, that the applicant would need to follow. As such, relevant permissions would still need to be obtained relating to access, parking or the storing materials on private land.

SUMMARY OF CONSULTEES

Conservation Officer

First Response

1 Commercial Road is an end of terrace late 19th/early 20th century house located within the Fairfield Conservation Area of Burgess Hill. It is part of a short terrace of similar properties, which is adjacent to a further similar terrace to the west, both of which face north onto the Fairfield Recreation Ground. The terraces have a characteristic rhythm of plot width, and are of handed pairs of houses with projecting canted bay windows at ground floor, shared chimney stacks, and consistency of elevational treatment in terms of spacing and proportions of window openings, front doors, and detailing including polychrome brickwork. The properties retain a number of original features and despite some unfortunate alterations such as unsympathetic replacement windows make a strong positive contribution to the character and appearance of the Conservation Area, which is typified by a 'concentration of small Victorian terraced houses, many of which are bay-fronted, with small front gardens enclosed by low boundary walls' (from the Council's document 'Conservation Areas in Mid Sussex').

The current proposal is for a two storey side extension, single storey rear extension and dormers to the rear roof slope. In my opinion, this raises a number of concerns:

o The proposed two storey side extension is in my opinion contentious in principle, due to the adverse impact on the established rhythm and consistency of proportion of the house frontages within the terrace, which would be disrupted by the increased width to the elevation and roof of no. 1. This would be harmful to a key characteristic of the terrace. Due to its scale, and lack of appropriate subordination to the existing house, the extension would also be contrary to the Council's Design Guide, specifically principles DG49 (General Principles for Extensions) and DG50 (Front and Side Extensions).

o This harm would be exacerbated by the unsympathetic detailing of the proposed side addition, which includes windows to the façade and to the rear elevation which do not match the proportions of the existing- as noted above the consistency of this detailing along the terrace is another key characteristic of the street scene. The greater width of the proposed new windows in comparison to the existing adds to the undue visual prominence of the addition.

o Although a rear ground floor infill addition sitting in the angle of the main rear elevation and the original two storey rear wing may be acceptable in principle, as shown this extends also across the width of the proposed two storey side addition, so that the extensions to the house would in combination wrap around the rear corner of the building. In combination with the scale of the two storey side addition, this results in the extensions appearing over dominant in relation to the original house, undermining the integrity of the original architecture, including the terrace form. This will be contrary to the requirements of the Council's adopted Design Guide, specifically Design Principles DG49 (as above) and DG51 (Rear Extensions).

o A single dormer to the rear of the property may be acceptable in principle (to the existing rear roof slope), but as shown the dormers are excessive in scale, and as a consequence too prominent within the roof slope. This will also be contrary to the Design Guide, specifically paras. 6.3.5 -6.3.8 which refer to dormer design.

In summary, although there may be scope for a more modest rear addition and rear dormer, the proposal as shown has a significance adverse impact on the character and appearance of the house, the terrace of which it is part, and the Conservation Area. This will be contrary to the requirements of District Plan Policy DP35 and the Council's Design Guide. In terms of the NPPF the proposal would result in a mid level of less than substantial harm, so that paragraph 215 will apply.

Second response

The proposal has been revised to omit the two storey side addition in favour of a replacement single storey side extension. The addition to the rear has been revised to a single storey lean-to wrapping around the existing rear range. The two additions are separate and do not wrap around the rear corner of the main house. The previously proposed rear dormers have been omitted from the scheme.

As revised the proposed extensions are as revised considered acceptable. The side extension sits on a similar footprint to the existing structure, with the same generous set back from the front elevation. The revised roof form results in a slight increase in height, but this is not considered contentious. The proposed rear extension although it does wrap around the rear range, remains appropriately subordinate to the host building. The omission of the dormers addresses the concerns with this aspect of the scheme.

In summary the revised plans address the concerns previously raised, so that the proposal is considered to preserve the character and appearance of the building, the terrace of which it is part, and the wider Conservation Area. This meets the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

I would recommend the following conditions:

- o Details of facing and roofing materials
- o New brickwork to match existing adjacent work in colour, texture and bonding pattern and colour, texture and style of pointing
- o Detailed drawings at an appropriate large scale including sections and annotated to show materials and finishes of the following:
 - o typical examples of new windows and external doors
 - o typical eaves detail
- o New rainwater goods and other external pipework to be of painted metal
- o New rooflights to be flush fitting, metal framed, conservation style rooflights

TOWN COUNCIL OBSERVATIONS

First Response

Recommend approval.

Second Response

The Committee noted the latest comments from the Mid Sussex DC Conservation Officer and felt that the application has changed since it was first submitted.
It was felt the application now contravenes:

Mid Sussex Design Guide:
DG49 - General Principles for Extensions
DG50 - Front and Side Extensions

Mid Sussex District Plan:
DP26 - Character and Design
DP35 - Conservation Areas

INTRODUCTION

Planning permission is sought for a replacement single storey side extension and single storey extension to the rear, incorporating existing offshoot.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

SITE AND SURROUNDINGS

1 Commercial Road is a north facing, end of terrace, two storey dwelling, with accommodation in the roof. The dwelling is constructed of red brick, with a pan tile roof and white upvc windows. It is characterised by a bay window to the front and decorative brick work. The dwelling benefits from a single storey addition to the side and a two storey offshot to the rear.

The property is located within the built up area of Burgess Hill and the Fairfield Conservation Area. Neighbouring dwellings are located to the south, east and west of the site and the Cherry Tree Centre is to the west as well. To the north is Fairfield Recreation Ground and a footpath that provides access to the property.

APPLICATION DETAILS

Following revisions to the development, during the course of the planning application, planning permission is now sought for a replacement single storey side addition and a single storey rear extension.

The side extension is to be some 2.5 metres wide and 4.2 metres deep. A lean to roof is proposed that would measure approximately 2.2 metres to the eaves and 3.4 metres to the ridge.

With regards to the rear extension, it has been designed to incorporate the existing offshot. It would protrude some 1.5 metres beyond the side elevation and 2.0 metres beyond the rear of this projection. A hipped roof is proposed around this area that would measure approximately 2.0 metres to the eaves and 3.1 metres to the ridge.

It is proposed for the facing and roofing materials to match the host dwelling.

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 Burgess 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

DP35 - Conservation Areas

Site Allocation Development Plan Document

The Site Allocation DPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made in January 2016.

Relevant policies:

H1 - Protecting and enhancing heritage assets and conservation areas

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

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 the majority of 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

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)

ASSESSMENT

Design and impact on the character and appearance of the conservation area

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: *'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area'.*

This legislative requirement is reflected in Mid Sussex District Plan policy DP35.

Policy DP35 of the Mid Sussex 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'.

Policy H1 of the Burgess Hill Neighbourhood Plan also sets out that proposals in conservation areas will be required to *'preserve and enhance their special characteristics'.*

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.'

Policy DP26 of the Mid Sussex District Plan relates to 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:

- 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 DP27);*
- 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.'*

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'.

Principle DG50 relates specifically to side extensions and states that:

'Front and side extensions are typically visible from the public realm and will be resisted where they have an adverse impact on the street scene or the appearance of a dwelling.

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'.

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.'

The application relates to an end of terrace dwelling that dates from the late 19th to early 20th century. It is located within the Fairfield Conservation Area and comments have been made on the application by the Conservation Officer.

The Conservation Officer has identified that the property is part of a short terrace of similar properties, which is adjacent to a further similar terrace to the west, both of which face north onto the Fairfield Recreation Ground. The terraces are identified as having a characteristic rhythm of plot width, and are of handed pairs of houses with projecting canted bay windows at ground floor, shared chimney stacks, and consistency of elevational treatment in terms of spacing and proportions of window openings, front doors, and detailing including polychrome brickwork. The properties have retained a number of original features and, despite some unfortunate alterations, the Conservation Officer has advised that they make a strong positive contribution to the character and appearance of the Conservation Area.

Planning permission was originally sought for a two storey side extension, single storey rear extension and dormer windows to the rear roofslope. A number of concerns were raised regarding this proposal and, as such, the application has been revised. Planning permission is now sought for a single storey side extension and reduced single storey rear extension. The dormer windows have also been removed from the final scheme.

The Conservation Officer has reviewed the final scheme and has considered that the changes made are sufficient to overcome the previous objections. The proposed side extension is now to have a similar footprint to the existing single storey addition and will remain set well back from the front of the property. It is noted that the ridge height would be increased but this aspect, in this instance, is not considered to be harmful. Whilst the rear extension is to wrap around the existing two storey projection, the Conservation Officer has advised that the works would still appear appropriately subordinate. These views are shared from a design perspective.

Conditions have been recommended to secure the details of facing and roofing materials, new windows and doors as well as the eaves detailing. They are also proposed to ensure the new brickwork matches the main house, for new rainwater goods to be painted metal and for the rooflights to be conservation style. It is considered reasonable and necessary, given the visibility of the proposal and to protect the conservation area, to ensure that the materials, windows and doors are appropriate as well as the rooflights. Whilst metal rainwater goods would be desirable, those at the dwelling and along the terrace are currently upvc. As such it is considered that it would be unreasonable for this condition to be included.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan 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);'

The proposed side extension would be closest to 59 and 57 Fairfield Road. These properties back onto the application site and are set away by deep gardens. Given the reduction in scale of the side addition and the distance from these houses to the proposed addition, it is considered that there would not be a harmful impact on their light or outlook. Whilst side windows are proposed in this addition, there is a

close boarded fence along the boundary of the property that would obscure views to these neighbours. As such it is considered that there would not be a harmful impact in terms of overlooking.

With regards to the rear extension, this would be positioned along the shared boundary with 2 Commercial Road. No. 2 has a matching offshot to the application property and a single storey projection beyond this. The submitted plans show that the proposed extension would be no deeper than that at No.2. Given this depth and the single storey nature of the addition, it is considered that it would not have a harmful impact in terms of loss of light or outlook. No windows are proposed in this addition that would result in any direct overlooking.

Due to the domestic nature of the proposed extension, there would not be a significant level of harm in terms of noise, air or light pollution.

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 would accord with the requirements of policies DP26 and DP35 of the Mid Sussex District Plan and policy H1 of the Burgess Hill Neighbourhood Plan. It is therefore considered that the development would be acceptable.

Decision: Permission

Case Officer: Caroline Grist