

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2869	Case Officer:	Hamish Evans
Application Type:	Householder Application		
Proposal:	Proposed rear/side single storey extension		
Site:	Oldland, Oldlands Avenue, Balcombe, Haywards Heath, West Sussex, RH17 6LP, ,		
Validation Date	9 Dec 2024	Overall Expiry Date:	10 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	13 Jan 2025
Target Date:	3 Feb 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Steven King	Date:	13 Jan 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2869

**Oldland, Oldlands Avenue, Balcombe, Haywards Heath, West Sussex, RH17 6LP,
Proposed rear/side single storey extension
Mr L Thomsett**

SUMMARY OF REPRESENTATIONS

No third-party letters of representation have been received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

No objection, subject to conditions.

PARISH COUNCIL OBSERVATIONS

Balcombe Parish Council

No comment.

INTRODUCTION

The application seeks planning permission for a single storey side and rear extension and a partial garage conversion at Oldlands Oldlands Avenue Balcombe RH17 6LP.

Relevant Planning History

DM/22/2730. Proposed two storey garage conversion and single storey infill side extension to form a two bedroom annexe. PERMISSION.

SITE AND SURROUNDINGS

The site is located within the Balcombe built up area boundary, the Balcombe Conservation Area and the High Weald Area of Outstanding Natural Beauty. The existing dwelling is a two-storey detached residential property which is characterised by bare brickwork, white render and timber framed walls, brown clay roof tiles, grey felt roofing and white uPVC window and door frames. Oldlands Avenue is located to the north of the site, a public right of way is located to the west of the site, residential properties are located to the east of the site and open countryside is located to the south of the site. The dwellings within the wider street scene are characterised by a variety of external materials and are of varied designs.

APPLICATION DETAILS

The proposed single storey rear and side extension measures some 2.1 metres in width, 5.9 metres in depth and a total height 4.5 metres. The proposal also includes a roof light which measures some 0.5 metres in height. The proposed works will be characterised by similar external materials used within the existing dwelling.

The proposed partial garage conversion seeks to convert the rear element of the existing integral garage to a utility room. It would not result in any external alterations. Given the size of the proposed conversion it would not impact the existing parking arrangement within the existing garage.

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, the Mid Sussex Site Allocations DPD and Balcombe 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 (adopted March 2018)

DP16 - High Weald Area of Outstanding Natural Beauty

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.

BALCOMBE NEIGHBOURHOOD PLAN (adopted September 2016)

Policy 3 - Design

Other Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

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 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.

DPC4 - High Weald Area of Outstanding Natural Beauty

DPB1: Character and Design

DPB3: Conservation Areas

Mid Sussex Design Guide Supplementary Planning Document

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.

ASSESSMENT

Character, Design and Impact on Heritage Assets

In terms of the impact on the Balcombe 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.'

A similar ethos is contained within policy 3 of the Balcombe Neighbourhood Plan.

The NPPF states that 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.

Paragraphs 212 - 216 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 in part 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.'*

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 in part states: *'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

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.'

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 site is located within the Balcombe 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 Balcombe 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.

It has been shown that the proposed works will be characterised by external materials that match those used within the existing dwelling, details of which can be secured by a suitably worded condition.

The proposed single storey extension is modest in its nature and subservient in height to the existing dwelling. It is also of a similar design to a number of similar rear extensions within the wider street scene. The proposed partial garage conversion includes no external alterations. The Council's Conservation Officer has raised no objection to the proposal subject to the imposition of a condition to secure the details of the external materials and the details of the proposed windows. The submitted information sets out the proposed external materials and the details of the proposed windows, taking into account these details it is not considered necessary to impose the recommended conditions.

As such the proposed works are considered to address the character and scale of the existing and surrounding buildings and landscape and preserve the character and appearance of the Balcombe Conservation Area. The existing highways access and parking arrangement will remain unchanged which are considered acceptable. As such it is considered to comply with policies DP26 and DP35 of the Mid Sussex District Plan, policy 3 of the Balcombe Neighbourhood Plan, principles DG49, DG50 and DG51 of the Mid Sussex Design Guide SPD and the relevant paragraphs of the NPPF.

Impact on the High Weald Area of Outstanding Natural Beauty

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to 'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs'. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Policy DP16 of the District Plan requires proposals in the AONB to conserve or enhance natural beauty.

Paragraph 189 of the NPPF is also relevant. This states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues.'

The proposed works are relatively modest in their nature and the design and character of the proposed works are considered to address the character and appearance of the surrounding area. As such it would not have any adverse impact on the landscape quality of the AONB and the proposal complies with the requirements of policy DP16 of the District Plan, High Weald AONB Management Plan 2024-2029 and paragraph 189 of the NPPF.

Neighbouring Amenities

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);'

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

The proposed extension is of a modest single storey nature and due to the position of the proposed openings they would not have direct views into neighbouring properties private amenity spaces. The existing boundary treatment consists of some 2.0 metre high fencing. The proposed extension would not extend in depth beyond the existing rear elevation of the existing dwelling. The proposed partial garage conversion includes no external alterations. Taking the above into account, the proposed works are not considered to cause a significant detrimental impact in terms of overlooking and loss of privacy, reduction in sunlight and daylight, a loss of outlook and in terms of noise, air and light pollution. The proposal is therefore, considered to comply with the above-mentioned part of policy DP26 and the Mid Sussex Design Guide SPD.

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.

CONCLUSION

The proposal is considered to address the character and scale of the existing and surrounding buildings and landscape and preserve the character and appearance of the Balcombe Conservation Area. It would also not cause significant harm to the amenities of nearby residents and the proposal would not have any adverse impact on the landscape quality of the AONB. The application is also exempt from the requirement to provide biodiversity net gain. Therefore, the proposal complies with policies DP16, DP26 and DP35 of the Mid Sussex District Plan, principles DP49, DG50 and DG51 of the MSDC Design Guide SPD, policy 3 of the Balcombe Neighbourhood Plan, the High Weald AONB Management Plan 2024-2029, the Planning (Listed Buildings and Conservation Areas) Act 1990 and with the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Hamish Evans