

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1303	Case Officer:	Andrew Horrell
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/25/1861 - to allow design changes		
Site:	16 St Martin Close, Handcross, Haywards Heath, West Sussex, RH17 6DW, , ,		
Validation Date	26 May 2026	Overall Expiry Date:	18 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 Jul 2026
Target Date:	21 Jul 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	15 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1303

**16 St Martin Close, Handcross, Haywards Heath, West Sussex, RH17 6DW, ,
Variation of condition no 2 relating to planning application DM/25/1861 - to allow design changes
Mr Derek Green**

SUMMARY OF REPRESENTATIONS

None received

CONSULTEE COMMENTS

None received

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

Permission is sought to vary of condition 2 of DM/25/1861 to allow for alterations to the approved plans.

RELEVANT PLANNING HISTORY

DM/25/1861 - Removal of existing conservatory and erection of single-storey extension with flat roof and roof lantern. (approved)

SITE AND SURROUNDINGS

No. 16 St Martin Close is a two-storey pitched roofed semi-detached dwelling with a cul-de-sac off West Park Road. The dwelling is characterised by face brickwork, upvc doors and windows. The dwelling has an existing rear conservatory.

To the south-east of the site is the rear garden with close boarded fencing to fields beyond, to the north-west of the site is the driveway to the highway beyond, to the south-west of the site is the close boarded fencing to No.17 beyond and to the north-east is the adjoining No.15.

The site is within the built-up area of Handcross.

APPLICATION DETAILS

This application seeks permission to vary condition 2 of DM/25/1861.

Condition 2 stated:

'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'.

Alterations to the previously approved application include the widening of the approved rear extension from 5.31m to 5.68m, the removal of the side door and the altering of position of the side window to match the depth roof lantern.

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 Slaugham 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

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.

Slaugham Neighbourhood Plan

The Neighbourhood Plan was made on the 25th of September 2019 and forms part of the development plan.

No relevant policies.

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 the 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:

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. Relevant paragraphs include 8, 11, 131 and 135.

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary conditions 2 and 3 associated with the planning permission reference DM/25/1514 for alterations to the approved plans.

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.'

S73 applications allows for developers to amend conditions attached to planning permissions. Such an application only allows the conditions to which have been granted as part of the original planning permission and cannot amend the operative part of the planning permission i.e. the description of the development. This was recently clarified in case law of *Finney v Welsh Ministers* [2019] EWCA Civ 1868 where the Court of Appeal held that S73 applications cannot be used to obtain a varied planning permission when the change sought would require a variation to the terms of the "operative" part of the permission.

In this instance, the application is for the amendment to the approved plans to allow the widening of the approved rear extension from 5.31m to 5.68m, the removal of the side door and the altering of position of the side window to match the depth roof lantern.

The principle of the development was originally accepted through permission given under reference DM/25/1861.

Even though the result of this application would be the issuing of a new planning permission, it is not considered necessary to go through all the planning issues. The only issue that is pertinent is to consider the specific changes that are proposed from the previous approval.

It is considered that the main issues that need to be considered in the determination of this application are as follows:

- Design and Character
- Neighbouring Amenities

Design and Character

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'.

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 of the Mid Sussex Design Guide SPD relates specifically to rear extensions states the following:

'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 proposed rear extension is modestly wider than the previously approved, however it will not be visible from the streetscene and uses matching materials to the previously approved.

The fenestration changes to the dwelling are visually similar to the previous application and modest in nature as well as not being out of character with the existing dwelling and the surrounding area.

The proposal is thereby, as with the previous scheme, considered to comply with Policy DP26 of the Mid Sussex District Plan, the design principles set out in the Design Guide, and the requirements of the NPPF.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate 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 original approval stated the following:

'given the location of the rear extension in relation to No.17, the impact on light and outlook is not deemed harmed.

On the north-eastern side is No.15 St Martin Close which is attached to the application property through its side elevation. The proposed extension would extend approximately 1.5 metres beyond the rear elevation of the existing conservatory.

Given the reduction in height from the existing conservatory, the impact in terms of light and outlook is not significantly more harmful than the existing. It is noted that the extension would be visible from this neighbour over the existing boundary fence, however given the single storey nature and flat roof design it is considered that the proposal would not cause significant harm to the amenities of this neighbour.

Given the single storey nature of the proposal, harm in terms of the overlooking and loss of privacy is not deemed significant and no more than would be expected within the built-up area'.

This is unchanged from the previous approval and therefore, significant harm is not deemed to be caused in relation to the previous approval. The amended proposal is therefore deemed to comply with policy 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. As the proposal is a householder development this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

It has previously been considered that the development was acceptable through the determination of the permission reference DM/25/1861.

The proposed amendments to the previously approved plans detailed in condition 2 are considered to be sensitive to the design and character of the dwelling and not harmful to neighbouring amenities.

The proposal is thereby considered to comply with Policy DP26 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell