

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1634	Case Officer:	Caroline Grist
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition No: 2 and removal of condition No: 4 of planning permission DM/24/2113- To enable the substitution of plans and to remove Condition No: 4 as it no longer applies.		
Site:	53 Edward Road, Haywards Heath, West Sussex, RH16 4QJ, , , ,		
Validation Date	25 Jun 2025	Overall Expiry Date:	22 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	18 Aug 2025
Target Date:	20 Aug 2025	Recommending Officer Signature:	Caroline Grist

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	18 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1634

**53 Edward Road, Haywards Heath, West Sussex, RH16 4QJ, , ,
Variation of condition No: 2 and removal of condition No: 4 of planning permission DM/24/2113-
To enable the substitution of plans and to remove Condition No: 4 as it no longer applies.
Mrs Lesley Johnston**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

No comments have been received from consultees.

PARISH COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

This application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 2 and remove condition 4 of planning permission DM/24/2113.

RELEVANT PLANNING HISTORY

DM/24/2113 - Part demolition of existing garage structure and erection of single storey side/rear extension. Permission.

SITE AND SURROUNDINGS

53 Edward Road is a west facing, detached, two storey dwelling. It is constructed of red brick, with a section tile hanging, a plain tile roof and upvc windows. The dwelling is characterised by a ground floor and first floor bay window. It also benefits from a detached, pitched roof, single bay garage to the side.

The site is located within the built up area of Haywards Heath. Neighbouring dwellings are situated to the north, south and east, whilst the highway is to the west. The dwelling is set back behind a front garden and driveway.

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 2 and remove condition 4 of planning permission approved DM/24/2113.

Condition no. 2 of planning permission DM/24/2113 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'.

Condition no. 4 states that:

'The windows serving the shower room and bedroom (as shown on drawing CS008.PL.003.C) on the southern elevation at ground floor level shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H9 of the Haywards Heath Neighbourhood Plan'.

Planning permission was granted in order to replace the existing, detached, garage with a single storey extension, which linked to the house and would be a deeper structure. The proposal still seeks to replace the existing garage with a single storey extension, with a link to the house.

Internally the proposed extension sought to retain the front section of the garage as a store, whilst the remaining space was to be used to create a bedroom and shower room. Now, the storage space is to be retained at the front and the remaining footprint is to be used as a bathroom.

The approved plans showed the extension, including the link, projecting some 3.7 metres beyond the rear elevation. The latest scheme shows that the main extension would retain the footprint of the existing garage. It is to retain the same roof form and, again, measure approximately 2.3 metres to the eaves and 3.8 metres to the ridge.

The link is to be some 3.6 metres deep, 0.8 metres in width and set back 0.8 metres from the front of the extension. It is proposed to retain the same eaves as the main extension, but the ridge would be reduced to a height of approximately 3.2 metres.

The extension is to be finished in 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 Allocations Document (DPD) and the Haywards Heath 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 Development Plan Document

The Site Allocations 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.

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made on the 15th December 2016.

Relevant policies:
Policy E9 - Design
Policy H9 - Building Extensions

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 the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the 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

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

This application seeks permission to develop land without compliance with conditions no. 2 and 4 previously attached to planning permission DM/24/2113, 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.'

The principle of the development has been established by virtue of the previous permission. As such it is only necessary to consider the specific changes that are proposed to the previously approved development. The proposed amendments are for the following:

- Design and impact on character of area, and
- Impact to amenity.

Design and impact on character of area

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:

- 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'.*

This ethos is echoed within Policy E9 from the Haywards Heath Neighbourhood Plan.

Policy H9 of the Haywards Heath Neighbourhood Plan states:

'Extensions to existing dwellings will be permitted where it meets the following criteria:

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

In terms of the Mid Sussex Design Guide SPD, Principle DG49 establishes general principles for extensions and states:

'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:

'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'.

Planning permission was originally granted to replace the existing extension with a single storey extension that would connect to the house. The currently proposed extension would reduce the scale of the addition and, again, seeks to replicate the character of the existing building, including in terms of materials.

The proposal would be visible from public vantage points, however the works now more closely align with the existing garage structure and the height of the link addition has been reduced. It is considered that there would not be a loss of any important spacing and, given the acceptability of the design, would not have a harmful impact on the character of the area.

It is therefore considered that the proposed changes would still result in a proposal that would be of an appropriate design, form and scale that would be in-keeping with the character of the existing dwellinghouse and that of the surrounding area.

Impact to neighbouring amenity

In terms of the impact to neighbouring dwellings the test, as set out under policy H9 of the Haywards Heath Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded, whereas policy DP26 in the District Plan refers to avoiding significant harm. 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.

The proposed extension would be closest to 51 Edward Road. This neighbour has a conservatory to the rear, adjacent to the shared boundary. The proposed extension now seeks to replace the existing garage in terms of position, footprint and building heights, with the additional footprint now confined to the link building. As such it is considered that the revised scheme would not result in a loss of light or outlook any greater than the existing arrangement.

In terms of privacy, the originally approved scheme included a side window on the south elevation facing No. 51. Condition 4 was imposed in relation to this opening, to ensure that it would be obscure glazed. The latest scheme no longer includes any windows on the side elevations and, as such, the removal of condition 4 would not result in a harmful impact to the privacy of No. 51.

Due to the domestic nature of the proposal, there would not be a significant impact 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.

PLANING BALANCE AND CONCLUSION

The proposed variation to planning permission DM/24/2113, in respect of changes to the approved extensions, is considered acceptable. The proposal would not result in changes that would be harmful in design terms or in relation to the amenities of neighbouring dwellings. The proposal therefore accords with policy DP26 of the Mid Sussex District Plan, policies H9 and E9 of the Haywards Heath Neighbourhood Plan and relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Caroline Grist