

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2997	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Upgrade and improve the windows and kitchen door.		
Site:	The Slatch, 50 Hickmans Lane, Lindfield, Haywards Heath, West Sussex, RH16 2PX, ,		
Validation Date	17 Jan 2025	Overall Expiry Date:	21 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	6 May 2025
Target Date:	14 Mar 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	6 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2997

**The Slatch, 50 Hickmans Lane, Lindfield, Haywards Heath, West Sussex, RH16 2PX,
Upgrade and improve the windows and kitchen door.
Mrs Elisabeth Anna Frances Kerr**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

MSDC Conservation Officer: The application site is an unlisted detached house located within the Lindfield Conservation Area. Just to the east, fronting onto the High Street, are the Well House and the Barn which are grade II* listed and grade II listed respectively. The house dates from the mid 20th century, but is in a loosely vernacular style, with brick and timber clad elevations and pan tiled roofs, and timber casement windows to the front elevation. It therefore relates sympathetically to the more traditional buildings around it, and makes a neutral contribution to the character and appearance of the Conservation Area and to the settings of the Well House and the Barn.

The current proposal is for the replacement of the existing small pane timber framed casement windows to the façade of the building with uPVC windows with a white woodgrain effect finish. The proposal also includes replacing an external uPVC door to the house frontage with a new uPVC unit.

In my opinion, notwithstanding that the house is quite modern, replacement of existing timber windows to the front elevation with uPVC will unfortunately be unacceptable in principle. uPVC is not a material which is generally appropriate for use within a Conservation Area, particularly as here on a building of a relatively traditional form and materials, within the setting of listed buildings, one of which is II* listed. I would recommend that this aspect of the proposal is amended to show replacement timber framed windows, which could be double glazed to improve their thermal performance.

The proposed new uPVC door on the other hand replaces an existing uPVC unit- in this context it is considered that the use of uPVC will be hard to resist.

As it stands the proposal is considered because of the inclusion of uPVC windows to the front elevation of the house to detract from the character and appearance of house and of the wider Conservation Area, and from the setting of the adjacent listed buildings. This will fail to meet the requirements of District Plan Policies DP34 and DP35.

PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council has no objection to this application.

INTRODUCTION

Planning permission is sought for the Upgrading and improvement to the windows and kitchen door.

RELEVANT PLANNING HISTORY

CU/176/83 - Two storey rear extension, new double garage and store. (Approved)
07/03751/FUL - Boundary wall alterations and replacement of conservatory (approved)

SITE AND SURROUNDINGS

The Slatch is a detached pitched roofed dwelling. The walls are a mix of face brickwork and timber cladding (first floor) with an existing front gable and a front pitched roofed dormer. The windows are a mix of white painted timber and upvc windows and doors.

To the north-west of the site is close boarded fencing and woodland to neighbouring 42 Compton Road, to the north-east is the driveway to highway, to the south-west of the site is the rear garden with brick wall to rear garden of 91 High Street beyond and to the south east is the side garden with hedging and close boarded fencing with detached garages to neighbouring The Barn, Hickmans Lane beyond.

The site is within the built-up area of Lindfield and the Lindfield Conservation Area. The area is also subject to an Article 4 Direction that removes certain Permitted Development Rights.

APPLICATION DETAILS

External alterations to the property include the replacing of discoloured yellow uPVC kitchen door with white wood grain uPVC.

To the front of the property the kitchen windows are to be changed from timber to White wood grain uPVC, the front lounge window is to be changed from timber to white wood grain uPVC, the front guest bedroom first floor window is to be changed from timber to white wood grain uPVC and the front first floor dormer window to be changed from timber to white wood grain uPVC.

To the south-east side elevation, the first floor guest bedroom window is to be changed from timber to white wood grain uPVC and to the north-west side elevation the first floor bathroom window is to be changed from timber to white wood grain uPVC.

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 Lindfield and Lindfield Rural 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)
DP34 (Listed Buildings and Other Heritage Assets)
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.

Lindfield and Lindfield Rural Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan was formally made on 23 March 2016
Relevant policies:

None relevant

Other Legislation

Planning (Listed Building and Conservation Areas) Act 1990

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 'In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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*'.

Mid Sussex District Plan 2021-2039 Consultation Draft

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:

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

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)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8, 11, 131, 135 and 207 - 215 are considered to be relevant to this application.

ASSESSMENT

Impact to Setting of Listed Building

The site is deemed to be within the setting of the listed buildings on the High Street (The Barn and Wells House).

The LPA is under a duty by virtue of s.66(1) of the Planning (Listed Building and Conservation Area) (LBCA) Act 1990:

'In considering whether to grant planning permission...for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Policy DP34 of the District Plan is relevant and states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*
- o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Paragraphs 207, 212 - 215 of the NPPF are most relevant and state:

'207. In determining planning applications, local planning authorities should take account of:

- o the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- o the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- o the desirability of new development making a positive contribution to local character and distinctiveness.*

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* 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;*

- c) *and conservation by grant-funding or some form of 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.'

As the application is deemed by the Conservation Officer to be within the setting of a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest must be taken into account when making any decision. In addition, in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

As noted above, the Conservation Officer sees the proposal as within the setting of listed buildings, one of which is II* listed to the south-east (The Barn and Well House). The Conservation Officer sees the proposal as detracting from their setting.

The planning officer sees no reason to disagree with the conservation officer.

Therefore, the proposal is deemed harmful to the setting of the nearby listed buildings and therefore the proposal is deemed to be contrary to DP34 of the Mid Sussex District Plan and the relevant paragraphs of the NPPF.

Design and Character and Impact on the Conservation 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.'*

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.'

Principle DG11 of the Mid Sussex Design Guide states:

'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.

Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric. There may be potential to introduce a new character / development form and massing:

- On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.*
- In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'*

The applicant states the windows at the property are no longer functional, draughty and in a deteriorating condition, and such it seems reasonable to support their replacement in principle. The replacement of single glazing with double glazing is also considered to be uncontentious and acceptable in principle.

Although it is noted that the applicant has taken care to source what is considered to be a high-quality uPVC unit, the replacement of the existing timber windows with uPVC represents a clear departure and a retrograde step from the traditional timber framing, especially to the front elevation as its highly visible from the streetscene.

The applicant has stated that nearby properties in Shenstone use uPVC windows, however it is noted that these properties are outside of the Lindfield Conservation Area.

For these reasons, this aspect of the proposal is considered harmful to the character and appearance of Slatch, 50 Hickmans Lane and of the wider Lindfield Conservation Area. This will be contrary to the requirements of District Plan Policy DP35. In terms of the NPPF, the proposal is considered to result in less than substantial harm, at around the mid range of that scale. This harm stands, under paragraph 215 of the Framework, needs to be weighed against the public benefits of the proposal.

Although it is accepted that there will be some very limited public benefit arising from potential improvements to the energy efficiency of the property, this is not considered to outweigh the harm

caused to the Conservation Area, particularly bearing in mind that paragraph 212 of the Framework requires that 'great weight' must be given to the conservation of a heritage asset.

The proposed front door is considered to be similar in appearance to the pre-existing door and considered to be in-keeping with the character of the area.

The proposal is therefore considered to be contrary with policies DP26 and DP35 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and paragraph 212 of the NPPF.

Neighbouring Amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states that it must be demonstrated that any 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.

Principle DG47 of the Mid Sussex Design Guide SPD relates to neighbouring amenities in terms of light and states:

'All dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards'.

Given the nature of the proposal, neighbouring amenities is not deemed to be harmed.

Therefore, in terms of neighbouring amenities, the proposal are not deemed significantly harmful and complies with this element of policy DP26 of the Mid Sussex District Plan.

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

The proposal to use uPVC windows to replace existing timber windows is considered to be a material that does not conserve the special character and appearance of the Conservation Area and protect the setting of the neighbouring Listed buildings. In terms of neighbouring amenities, the proposal is deemed to be acceptable.

Therefore, the proposal is considered to be contrary to policies DP26, DP34 and DP35 of the Mid Sussex District Plan, the Lindfield Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant paragraphs of NPPF.

Decision: Refusal

Case Officer: Andrew Horrell