

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0734	Case Officer:	Caroline Grist
Application Type:	Householder Application		
Proposal:	Two storey side extension incorporating the existing garage and a dormer window within the side roofslope (revised description agreed 08.04.2026)		
Site:	Mulberries, Lewes Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7DP, ,		
Validation Date	25 Mar 2026	Overall Expiry Date:	8 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	19 May 2026
Target Date:	20 May 2026	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	20 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0734

**Mulberries, Lewes Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7DP,
Two storey side extension incorporating the existing garage and a dormer window within the
side roofslope (revised description agreed 08.04.2026)
Mr Frank Marckus**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Southern Water

Southern Water has determined that the flow rate for the above site will remain consistent, so capacity is not an issue and no Southern Water assets will be affected. Therefore, Southern Water has no objections to this proposal.

Conservation Officer

The site, Mulberries, is an unlisted detached house located within the Horsted Keynes Conservation Area. Adjacent to the site to the north east is Rixons, a Grade II listed timber framed house dating from the 17th century. Mulberries, which from historic map regression dates from the mid 20th century, is in a loosely vernacular style, with brick and hung tile elevations, and a tiled roof with a catslide to the eastern end, and a recessed porch with tiled hood. The building has been extended and altered, including by the addition of a flat roofed garage to the east.

The current proposal is for an extension to the eastern side of the building over its full height, effectively partially moving the catslide roof over to sit above and incorporate the garage. The proposal includes a flat roofed box dormer to the extended eastern roof slope.

We have previously commented on pre-application proposals at this property for alternative schemes to extend to this side of the house, comprising in both cases a hip to gable extension, with in one instance the addition of a lean-to roof above the garage. Neither of these proposals received a favourable response, due to concerns relating to the loss of the characteristic catslide roof and the increased bulk and visual prominence of the building within the setting of Rixons, including in views from the direction of the village green, which would decrease the sense of separation between the listed building and the more modern development along Lewes Road.

The current proposal differs from these pre-application schemes in terms of the form of the extension and roof and first floor level, in that the catslide is replicated. This does address the concern regarding the loss of this feature, and would also to an extent reduce the apparent bulk and visual prominence of the addition in views from the east. However, I continue to have concerns about the proposal for the following reasons:

- The extension, which is to the full height of the existing roof ridge, is also aligned with the façade to the building without any set back. It therefore fails to be appropriately subservient to the existing building, or to allow the original form of the house to continue to be read.
- Due to its scale and form it unbalances the elevation of the building, which at present, notwithstanding the catslide, is a balanced composition.
- The existing flat roofed garage is not a positive feature of the property and detracts from the character and appearance of the house and of the Conservation Area. However, incorporating the

garage into the extended house creates an integral garage, a suburban feature which further detracts from the vernacular character of the building and its contribution to the Area.

- The box dormer to the eastern roof slope is over-scaled and unsympathetic in its design. It interrupts and detracts from the characteristic sweep of the catslide, and adds to the apparent bulk of the extension including in views from the east.

- The treatment of the rear of the extension creates an awkward juxtaposition of roof forms, and an unattractive blank rear elevation at both ground and first floors.

- Notwithstanding the retention of the catslide, the proposed extension will result in an increase in the bulk and proximity of Mulberries relative to the listed building at Rixons, including in important views from the direction of The Green. This impact will be exacerbated by the east facing box dormer.

In summary, notwithstanding the further revisions made since pre-application stage, the proposal remains contentious in terms of its scale, form and design, and will adversely impact both the character and appearance of the Conservation Area and the setting of Rixons. This will be contrary to the requirements of District Plan Policies DP34 and DP35. The proposal will result in less than substantial harm to both of the affected assets, at around the low-mid range of that scale in respect of the Conservation Area, and within the lower range in respect of Dixons. In both cases the balancing exercise set out in paragraph 215 will apply.

As noted above the proposal is also contrary to the requirements of the Council's adopted Design Guide, specifically Design Principle DG49 'General Principles for Extensions' which requires that *'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'*. DG50 'Front and Side Extensions' which 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'*, and DG52 'Loft Conversions and Roof Extensions' which states that *'Roof extensions and dormer windows that alter the existing ridge of the roof or significantly alter the roof profile of a building will not normally be acceptable, particularly on the front roof slope.'* Figure 9H and sections 6.3.5-6.3.8 will also apply in relation to the proposed box dormer.

The application documents reference an approval from 1987 for a similar scheme which was not constructed. However, this is far outside the current policy context, and predates the NPPF, the current District Plan, and the Council's adopted Design Guide. As this approval was given in a materially different policy context, I do not feel that it holds any significant weight in the consideration of the current proposal.

PARISH COUNCIL OBSERVATIONS

No objection but request upstairs dormer window is frosted to protect overlooking of neighbouring property.

INTRODUCTION

Planning permission is sought to construct a two storey side extension, incorporating the existing garage, and a dormer window within the side roofslope.

RELEVANT PLANNING HISTORY

HK/015/87 - Ground and first floor addition. Permission.

HK/015/88 - Ground first floor rear addition and conversion of garden shed to bedroom with linking corridor. Permission.

07/01823/FUL - Single storey conservatory. Permission.

DM/20/3933 - Retrospective application for the removal of existing pedestrian gate and hedge and construction of new vehicular access over existing grass verge. Refused. Dismissed at appeal.

DM/24/0873 - A new garden outbuilding. Demolition of existing front porch and replaced with a new front porch. Withdrawn.

DM/25/0411 - Proposed side extension replacing existing conservatory and new porch replacing existing canopy. Permission.

DM/25/2289 - Proposed demolition of existing chimney. Permission.

SITE AND SURROUNDINGS

Mulberries is a south facing, detached, two storey dwelling, angled away from the highway. It is constructed of brick, with tile hanging at the first floor level, a plain tile roof and upvc windows. The dwelling is characterised by a cat slide roof to the side, with an adjoining flat roof garage and car port. The porch previously granted permission has been constructed.

The site is located within the built up area of Horsted Keynes. It is also within the High Weald Area of Outstanding Natural Beauty, now known as National Landscape, and the Horsted Keynes Conservation Area. Neighbouring dwellings are located to the north and south, whilst Lewes Road is to the east and Rixons to the west. The dwelling is set back from the highway by a gravel frontage and garden. It should also be noted that the neighbour to the north, Rixons, is a Grade II listed building.

APPLICATION DETAILS

Planning permission is sought to construct a two storey side extension, incorporating the existing garage, and containing a dormer window. The proposed extension would bring the existing garage forwards some 0.9 metres, flush with the front elevation, giving an overall depth of some 6.0 metres. It would remain approximately 2.9 metres wide. This would be replicated on the first floor to enlarge an existing bedroom. A catslide roof is proposed over the extension, which would continue the existing eaves and ridge lines.

The proposed dormer window is to be of a flat roof design that would contain an en-suite. It is to be some 3.4 metres wide and 1.7 metres high.

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 Allocation Development Plan Document (DPD) and Horsted Keynes 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:

DP16 - High Weald Area of Outstanding Natural Beauty

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets

DP35 - Conservation Areas

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.

Horsted Keynes Neighbourhood Plan

The Horsted Keynes Neighbourhood Plan was formally made on 4th May 2023.

Relevant policies:

HK4 - Maintaining Local Character and Good Quality Design

HK5 - Infill Development and Domestic Extensions

HK6 - Conserving Local Heritage

HK9 - The High Weald Area of Outstanding Natural Beauty

Legislation

Countryside and Rights of Way Act 2000

Levelling-Up and Regeneration Act 2023

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 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:

DPS2 - Sustainable Design and Construction

DPS6 - Health and Wellbeing

DPC4 - High Weald Area of Outstanding Natural Beauty

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.

High Weald AONB Management Plan 2024 - 2029

National Planning Policy Framework (NPPF) (December 2024)

ASSESSMENT

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, as well as policy HK9 of the Horsted Keynes Neighbourhood Plan.

Paragraph 189 of the NPPF 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 conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular:

- o the identified landscape features or components of natural beauty and to their setting;*
- o the traditional interaction of people with nature, and appropriate land management;*
- o character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and*
- o the conservation of wildlife and cultural heritage'.*

The application relates to extending an existing dwelling, sited within the built up area of Horsted Keynes, and therefore would not form an isolated development within the wider landscape. The proposal would not have any adverse impact on the landscape quality of the AONB due to it being viewed in context with existing built forms within the village. As such the proposal would comply with the requirements of Policy DP16 of the District Plan, policy HK9 of the Horsted Keynes Neighbourhood Plan, The High Weald Management Plan and paragraph 189 of the NPPF.

Design and impact upon heritage assets

The application site is within the Horsted Keynes 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'.*

Policy DP35 of the Mid Sussex District Plan relates to development within Conservation Areas:

'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'.

To the north of the application site is Rixons, a Grade II listed building. 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'.*

Policy DP34 of the District Plan is relevant in terms of listed buildings 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'.*

Policy HK6 of the Horsted Keynes Neighbourhood Plan relates to conserving heritage and reflects the aims of policies DP34 and DP35. It goes on to state:

'In particular, development proposals should have regard to the following special features of the two conservation areas:

Horsted Keynes

- o the spacious character of The Green, the attractive groupings of buildings around The Green and the sense of enclosure created by both buildings and landscaping*
- o the variety of age and style of buildings, several of which are listed buildings*
- o the use of traditional and natural building materials*
- o the extensive views of the countryside from within the Conservation Area, especially around St Giles Church and the views of the church from within the village*
- o the hedgerows, trees and banked verges, including those in Church Lane, Bonfire Lane and Wyatts Lane'.*

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'.

In terms of design, 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 HK4 of the Horsted Keynes Neighbourhood Plan reflects this ethos. Policy HK5 of the Horsted Keynes Neighbourhood Plan specifically relates to extensions:

'Proposals for infill development and domestic extensions within the built-up area boundary will be supported where they comply with the following criteria:

- o the spacing between buildings reflects the character of the street scene (in the case of domestic extensions, the scale, height and form must fit unobtrusively with and be subservient to the existing building); and
- o existing gaps between buildings which provide important views out of the village to the surrounding countryside (as referenced within paragraph 5.29 above) are retained; and
- o materials are compatible with materials of existing/surrounding buildings; and
- o suitable access and on-site parking is provided without detriment to neighbouring properties; and
- o there is no unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained.
- o Preserving and enhancing heritage assets and their wider settings, including conservation areas, listed buildings and areas of archaeological interest (see also policy HK6)'.

Principle DG49 of the Mid Sussex Design Guide establishes general principles for extensions:

'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.

Extensions should typically use simple, uncomplicated building forms to complement 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.

Extensions should not result in a significant loss to the private amenity area of the dwelling.

There are two general approaches to extending a property:

- o *Designing in the style of the existing building by closely matching its facing materials, architectural features, window sizes and proportions; and*
- o *Designing in a contemporary style that takes its cues from key aspects of the existing building that might include its underlying form and proportions, facing materials, window design and other specific architectural features. The success of this approach is particularly reliant on high quality facing materials and finishes, and this will normally need to be demonstrated through detailed elevations and section drawings.*

Both approaches can create successful, well-designed extensions that can be mutually beneficial to both the house and the wider area'.

With regards to side extensions, principle DG50 sets out that as these additions are typically visible from the public realm they will be resisted where they have an adverse impact on the streetscene or the appearance of a dwelling. It goes on to state:

'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 DG52 of the Design Guide relates to loft conversions and roof extensions:

'A loft conversion is a space efficient means of extending the amount of living accommodation in a dwelling. Roof accommodation is normally reliant on dormer windows and rooflights to provide light and ventilation. However, if they are out of scale or out of character with the roofscape and proportions of a dwelling they can have an adverse impact on the character of both the dwelling and the streetscape.

The roof pitch and form are intrinsic to a building's character and roof extensions should be sensitive to this. Roof extensions and dormer windows that alter the existing ridge of the roof or significantly alter the roof profile of a building will not normally be acceptable, particularly on the front roof slope, and where there is a strong established roofline.

Where a clear rhythm of fenestration is established, the position and proportion of dormer windows should respond to existing windows and / or doors.

Further guidance on dormer windows and rooflights is provided in chapter 6 under sections 6.3.5 to 6.3.8'.

Paragraphs 6.3.5 to 6.3.7 relate to dormer windows:

'6.3.5 While dormer windows can sometimes be prominent features in the streetscene, care needs to be taken with their design, proportions and position on the roof. The choice of design should be informed by the character and appearance of the local vernacular.

6.3.6 Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the main roof to remain visible. Excessively wide dormers are likely to look unsatisfactory as they will often be out of proportion with the existing roof.

6.3.7 Dormer windows should normally be positioned below the ridge-line, and above the eaves line'.

The application relates to a detached, unlisted, dwelling that is situated within the Horsted Keynes Conservation Area. To the north east of the site is Rixons, a Grade II listed timber framed house that dates from the 17th century. Given the position of the dwelling in relation to heritage assets, the Conservation Officer has commented on this application.

Mulberries, as identified by the Conservation Officer, dates from the mid 20th century and is of a loosely vernacular style. With regards to the current proposal, the proposed extension seeks to replicate the existing cat slide roof. It is noted that this roof form would retain this characteristic of the building and would have less bulk and visual prominence than an extension of a more traditional hipped or gable design. Concerns have still been raised, however, regarding the impact of the proposal in relation to the listed building and conservation area.

These concerns relate to the two storey extension not appearing subordinate and not allowing the original form of the house to be read. It would also unbalance the front elevation and the incorporation of the garage would create a more suburban appearance that would detract from the vernacular character of the building and its contribution to the conservation area. There also concerns surrounding the box dormer window that would be over-scaled and of an unsympathetic design. Additionally the dormer would detract from the sweep of the catslide and add to the bulk of the extension, particularly in views from the east. Concerns also related to the rear elevation, around the roof forms and blank elevation. Overall the proposed extension was still considered to result in an increase in bulk and the proximity of Mulberries relative to the listed building at Rixons, including in important views from the direction of The Green. This impact would also be exacerbated by the east facing box dormer.

The views raised by the Conservation Officer are shared from a design perspective. Whilst a more recently constructed dwelling in the conservation area, Mulberries is not considered to detract from the character of the area. The dwelling is of a vernacular character, with vertical proportions, that has a balanced frontage with the porch forming a central feature. It is noted that the dwelling has been previously extended but these characteristics remain. The proposed side extension would result in the dwelling appearing elongated and harmfully unbalanced, which is reinforced by the new first floor window. Furthermore the addition would not appear subordinate in design terms and would bring the existing garage forward so it is flush with the front elevation, not allowing the original form of the house to be read. Furthermore the proposed box dormer window would not be sympathetic in design terms, would disrupt the catslide roof and add to the bulk of the proposed extension. The proposed extension would be visible in public views of the property, where the identified harms would be noticeable and would have

a harmful impact on the character of the area. This would include the increased bulk and prominence, which would be exacerbated by the dormer window facing onto Lewes Road.

It is therefore concluded that the scale, form and design of the proposed extension would not result in a subordinate or sympathetic addition to the dwelling and would adversely impact the character and appearance of the Conservation Area as well as the setting of Rixons. The Conservation Officer has identified that the harm to these heritage assets would be less than substantial, at around the low-mid range of that scale in respect of the Conservation Area and within the lower range in respect of Rixons.

Where the harm would be less than substantial, in terms of the NPPF, the criteria set out in paragraph 215 of that document would apply. This is the balancing exercise that must be undertaken by the decision maker, ensuring that considerable importance and weight is given to the less than substantial harm to the heritage asset that has been identified. It should be noted that National Planning Practice Guidance states that public benefit 'should not just be a private benefit'. The property remains in its original use, as a dwelling, and is not considered to be currently at risk. As no public benefits have been identified that would outweigh the harm identified in heritage terms, the proposal would fail the assessment within the NPPF and would not comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, policies HK4, HK5 and HK6 of the Horsted Keynes Neighbourhood Plan, the Mid Sussex Design Guide and the NPPF.

Impact on neighbouring amenity

Policy HK5 of the Horsted Keynes Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity whereas policy DP26 of the Mid Sussex District Plan states that development should not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on access, noise, privacy, daylight, sunlight and outlook. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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 HK5 is considered to take precedence and therefore the test in this instance is whether the development causes harm to neighbouring amenities as outlined above.

Due to the position of the property in relation to neighbouring dwellings it is considered that the proposal would not result in a loss of light or outlook to neighbouring properties. With regards to overlooking, it is noted that Rixons is the closest neighbour to the proposal however no new windows are proposed in the rear elevation. A window is shown in the dormer window, however any views towards Rixons would be oblique. Furthermore as the window would be associated with an en-suite a condition could be attached to ensure that it is obscure glazed and any openings are above 1.7 metres in height. Due to the domestic nature of the development there would not be a harmful impact in terms of noise, air or light pollution.

Other Matters

The Design, Access and Heritage Statement for this application has set out that this application seeks to gain planning permission for works that were approved in 1987 and not built. It sets out that the Conservation Area was designated in 1985 and Rixton was listed in 1983 which shows that

'heritage and conservation viewpoints would have been well considered by Mid Sussex Council at the time the 1987 application was originally approved, and sets a precedent for the same design being approved now'.

Whilst these matters are noted, planning policy has materially changed since 1987 and the Local Planning Authority is required to assess the application against the current policies set out in the National Planning Policy Framework, District Plan, Neighbourhood Plan and the Design Guide SPD. It is considered that as the original planning permission was granted consent under a materially different policy context it needs to be fully assessed under the current policy requirements, which is set out above.

Revised plans were provided during the course of the application. These removed the dormer window, the suggested rear flat roof on the extension and included a rear first floor window. In writing it was advised that setting back the extension could also be possible, but would result in poor detailing architecturally and technically. The inclusion of the application property within the conservation area was also questioned and set out that extensions in much greater proximity to Rixons should also be taken into account.

As the suggested change to the submitted plans would not address the fundamental concerns with the proposal they were not accepted. The determination of a planning application must be made having regard to the circumstances that apply at the point of making a decision and as a matter of fact, the site is within the Conservation Area and the Conservation Officer, in her response, notes the relationship between the dwelling and the conservation area. No specific references are made to other planning applications and the Local Planning Authority are required to assess each application based on its own merits. The most recent planning permissions identified in neighbouring dwellings, however, relate to single storey extensions at Mulberries, the application property, and 2 Victoria Cottages. It is therefore considered that these points would not provide material considerations that would outweigh the harms identified above.

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 be acceptable regarding neighbouring amenity. However, the scale, form and design of the proposed extension would not result in a subordinate or sympathetic addition to the dwelling and would adversely impact the character and appearance of the Horsted Keynes Conservation Area as well as the setting of Rixons, a grade II listed building. The harm is considered to be less than substantial and thus para 215 of the NPPF applies. In this case there are not considered to be any material public benefits resulting from the development that would outweigh the identified harm. The proposal is therefore considered to be contrary to the requirements of policies DP26, DP34 and DP35 of the Mid Sussex District Plan, policies HK4, HK5 and HK6 of the Horsted Keynes Neighbourhood Plan, the Mid Sussex Design Guide and the relevant paragraphs of the NPPF.

Decision: Refusal

Case Officer: Caroline Grist