

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2896	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Proposed first floor rear extension		
Site:	5 Orchard Road, Burgess Hill, West Sussex, RH15 9PG, , , ,		
Validation Date	11 Nov 2025	Overall Expiry Date:	2 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	4 Feb 2026
Target Date:	6 Jan 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Stephen Ashdown	Date:	5 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2896

**5 Orchard Road, Burgess Hill, West Sussex, RH15 9PG, , ,
Proposed first floor rear extension
Mrs Maggie Simkins**

SUMMARY OF REPRESENTATIONS

Neighbouring Nos 3 and No.7 have objected to the proposal on the following grounds:

- Light and loss of outlook
- Overbearing Impact
- Lack of light assessment

CONSULTEE COMMENTS

None received

TOWN COUNCIL OBSERVATIONS

Committee recommend Refusal in relation to:

DP26 Character and Design in relation to overbearing impact on adjacent residents.
DG49 General Principles for Extensions - The size of the extension overwhelms the original dwelling.
(Extensions should respond to the design of the original dwelling, and expected to demonstrate how local character has informed the design proposal; complement and coordinating with the scale, form and massing of the original dwelling.)

INTRODUCTION

Planning permission is sought for a first-floor rear extension.

RELEVANT PLANNING HISTORY

02/02367/FUL - Loft conversion. (approved)
03/02426/FUL - Rear single storey extension and conservatory. (approved)
04/00546/FUL - Proposed single storey gabled roof rear extension. (approved)

SITE AND SURROUNDINGS

5 Orchard Road is a two storey mid terrace cat slide plain tiled roofed dwelling. The walls are a mix of painted brickwork and upvc cladding with upvc doors and windows. The dwelling is characterised by an existing rear cat slide roofed extension.

To the north of the site is the adjoining No.3, to the south of the site is the adjoining No.7, to the east of the site is the rear garden with close boarded fencing to neighbours in Orchard Way beyond, and to the west of the site is the driveway to highway beyond

The site is within the built-up area of Burgess Hill.

APPLICATION DETAILS

The proposed first floor rear extension approximately measures 2.85m in depth, 3.35m in width with a height to eaves of 4.8m and an overall height of 6.55m. This serves an enlarged bedroom.

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 Burgess Hill 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 (Design and Character)

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.

Burgess Hill Neighbourhood Plan

Burgess Hill Neighbourhood Plan was formally 'made' as of 28th January 2016.

Relevant policies include:

None relevant

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 the majority of Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

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. Paragraphs 8, 11, 131 and 135.

ASSESSMENT

Design and Character

DP26 of the District Plan, in part, states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- 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'*

In addition, the Council's Design Guide SPD is a material planning consideration. Design principles DG49 and DG51 are deemed relevant.

DG49 relates to extensions generally and states:

'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.'

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'.

Rear extensions characterise the streetscene including a ground floor extension at No.3 (DM/24/0972) and a first-floor extension at No.1 (DM/25/1228).

The proposed first floor storey rear extension is subservient to the ridge height and would use matching materials. The size of the proposed first floor floor enlargement would be no deeper than the existing ground floor rear extension.

Therefore, in terms of character and design the proposal is deemed to comply with DP26 of the Mid Sussex District Plan, the relevant principles of the Mid Sussex Design Guide and the relevant paragraphs of the NPPF.

Impact on neighbouring amenities

In terms of impact upon neighbouring amenities Policy DP26 in part seeks to ensure that development:

'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'

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'.

The BRE 45-degree rule of thumb can be a useful tool when determining the impact on neighbouring amenities and it has been utilised to assess the impact of the proposed. As north to the adjoining No.7, the impact on sunlight is not deemed significant, the elevation drawings show that the proposed extension does not intersect this 45-degree rule of thumb on elevation form.

The BRE 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' outlines "For sloping or horizontal rooflights a similar approach can be used, with a horizontal or sloping sky component. If the value with the new development in place is less than 0.80 times the value before, there would be a noticeable reduction in the light entering the rooflight".

Concern has been raised regarding the impact on neighbouring No.3, with the most affected room being the ground floor open plan living room/dining room was constructed under permitted development rule (DM/24/0972) which gets significant light from the flat rooflights.

In terms of this impact on the adjoining No.3, a sunlight and daylight assessment has been which outlines that the impact is not less than 0.8 times the existing Vertical Sky component and therefore is seen to comply with BRE guidance.

Therefore, in terms of outlook and light, the level of harm is not considered significantly harmful to either property.

In terms of overlooking and loss of privacy, a degree of overlooking is to be expected within the built-up area but the impact will be no more than that caused from the existing first floor windows.

Due to the domestic nature of the proposed development, it is considered that there would not be a harmful impact in terms of noise, air or light pollution although short term harm is noted and expected during the build.

Therefore, in terms of neighbouring amenities the proposal is deemed acceptable and complies with 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

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The proposed alterations are considered be sensitive to the existing design of the dwelling, the wider streetscene and will not cause significant detriment to the amenities of the neighbouring properties. The

application therefore complies with Policy DP26 of the District Plan, the adopted Mid Sussex Design Guide as well as the requirements of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell