

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2077	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Demolish existing conservatory and replace with a single storey rear extension		
Site:	23 Valentine Drive, Burgess Hill, West Sussex, RH15 8UE, , , ,		
Validation Date	4 Sep 2025	Overall Expiry Date:	3 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	28 Oct 2025
Target Date:	30 Oct 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	29 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2077

**23 Valentine Drive, Burgess Hill, West Sussex, RH15 8UE, , ,
Demolish existing conservatory and replace with a single storey rear extension
Lindfield**

SUMMARY OF REPRESENTATIONS

There were two letters of representation received in response to the proposed development. Both letters sought to object to the proposal for the following reasons:

- The height of the proposed extension would restrict light into the neighbouring kitchen.
- There being an overlooking impact from windows looking towards the neighbouring garden.
- During the proposals construction phase working hours should be restricted with access kept clear at all times.
- The existing overhanging gutter into No.22 must be avoided in the proposed design to avoid damage.
- The elevation plans being incorrect as well as the plan of access into the garden.

SUMMARY OF CONSULTEES

Drainage: The submitted information is currently insufficient and doesn't meet the minimum requirements as set out in the MSDC Flood Risk and Drainage Information Check List.

Ecology Consultant: No objection.

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: *'The Committee of the 15th September noted that this was a legal decision to be made by Mid Sussex Planning Officers'*

INTRODUCTION

The application seeks planning permission for the demolition of the existing conservatory and the development of a single storey rear extension.

RELEVANT PLANNING HISTORY

BH/097/99 - Demolition of single garage. Construction of double garage and ground floor rooms, bedroom over. Permission 09.06.1999.

SITE AND SURROUNDINGS

The application relates to 23 Valentine Drive, a two-storey end of terrace residential dwelling featuring a pitched roof to the main element and a half hip to the side extension. The existing dwelling is set back from the pavement edge by front garden amenity space and garden amenity space to the rear. The existing dwelling has previously been extended through the development of a conservatory and a first-floor side extension. In terms of existing materials, the property is composed of brick external walls, a tiled roof and uPVC windows.

With regard to the sites locality, there are primarily brick built residential properties with front ground floor bay windows featuring prominently throughout the streetscene. Front gable ends add further visual interest throughout.

The site is within the built-up area for Burgess Hill as defined in the District Plan (DP).

APPLICATION DETAILS

The proposal would demolish the existing rear conservatory and would develop a single storey rear extension partly in its place. The proposed extension would measure at approximately 5.7m in depth, 7.8m wide and 2.8m high. The proposal would utilise matching brickwork to the walls, a single ply flat roof membrane to the roof and a skylight. No details have been provided regarding the proposed window materials.

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 the 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.

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Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP26: Character and Design

DP41: Flood Risk and Drainage

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.

Neighbourhood Plan

Burgess Hill Neighbourhood Plan (Made January 2016)

Relevant Policies:

None relevant.

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 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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPS4- Flood Risk and Drainage

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 2, 8, 11, 39, 48, 131, 135, 139, 170 & 181.

ASSESSMENT

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

- Design and Character
- Impact on Neighbouring Amenities
- Other Matters
- Biodiversity Net Gain

Design and Character

DP26 of the 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 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 DG49 of the Mid Sussex Design Guide states:

'Extensions should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise, it should demonstrate the appropriateness of the alternative approach.'

In terms of rear extensions, principle DG51 states:

'Rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens'

The proposal would be positioned to the dwellings rear elevation and would likely be visible from the south along West Street when looking to the north. It is noted that other properties along Valentine Drive have previously been extended to their rear elevations, for example at No.21.

A flat roof design would be utilised for the proposed single storey rear extension and is considered to appear subservient towards the main two storey dwelling. The extension would likely be read as a later add-on due to the proposed form of the development, and the contrast between the existing dwellings roof design and the proposed flat roof. The use of matching brickwork to the exterior walls would likely help the proposal assimilate with the existing.

The proposal would be of a relatively significant footprint within the context of the existing garden amenity space. A remaining garden area of 35 square meters would remain on site which would be a significant reduction from the original garden amenity space offered on site when the property was originally developed. It is therefore considered that the extension would be an overdevelopment of the residential site.

Accordingly, whilst the proposal would be of a single storey size and scale, the proposed footprint would present an overdevelopment of the existing plot. The proposed development would therefore fail to comply with the provisions of DP26 of the District Plan.

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 DP29);'

The proposal would introduce an expanse of 5.7m directly on the shared boundary with No.22 to the east. The neighbouring dwelling at No.22 has not previously been extended and is also bounded to its eastern boundary by a circa 3m single storey lean to roof extension at No.21. As observed by the Case Officer's site visit, the garden at No.22 already experiences an enclosing impact from the nearby neighbouring extensions. It is considered that the proposal would further exacerbate this issue and would create a tunnelling effect on this narrow garden.

The proposed single storey rear extension would be set within a close proximity to the rear elevation kitchen windows at No.21. In terms of light impact to the rear windows, Principle DG47 of the Design Guide states among other matters that all dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards. Further guidance is set out within the "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" document. The "45 degree approach" should be taken whereby a 45 degree line is drawn from the top of the elevation and a second 45-degree line is taken from the end of the projection. If the neighbouring properties window lies within the centre of both lines, then the building will likely cause a significant reduction in light received to the concerned window. This guidance is taken as a rule of thumb, and each planning application is assessed based on its own merits.

When taken from elevational format, the proposal would not likely fall within the 45-degree line. However, due to the significant depth of the proposed extension, the proposed extension would likely fall within the 45-degree line when taken in plan format. Particularly as the existing rear kitchen windows at No.22 is south facing, the loss of light experienced will likely be discernible. Accordingly, it is considered

that the proposal would result in an adverse impact with regard to the overshadowing of these lower floor windows.

With regard to overlooking, there would be no side (east) elevation windows facing back towards the neighbouring plot. As such, it is not considered that the proposal would give rise to a significant overlooking impact.

As per the conclusions of the Design and Character segment of the Officer Report, the proposal would also retain an area of 35 square meters which would likely constitute an overdevelopment of the original plot. Whilst it may be desired to extend the property into the garden amenity space by the current occupiers, it is not considered that the remaining area would be sufficient to meet the needs of the site's future occupiers.

In light of the above, the proposal is considered to result in significant harm with regard to overshadowing on the neighbouring ground floor windows, would give rise to a tunnelling and enclosing effect on the neighbouring garden and result in insufficient remaining garden amenity space. The proposal would therefore be contrary to the provisions of DP26 of the Mid Sussex District Plan.

Other Matters

Concerns were raised with regard to land ownership as shown on the submitted plans. Whilst the red line appears to include part of the neighbour's garden access to the west, the land ownership of this is considered to be a civil matter. In any circumstance, certificate B has been served by the Applicant on the adjoining neighbouring occupier.

Policy DP41 of the District Plan states among other matters that:

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Upon consultation with the Drainage Engineer, it was raised that the application site is within an area subject to high surface water flood risk. The application has been submitted without the support of a Flood Risk Assessment. This detail has not been provided by the Applicant and it is therefore considered that it cannot be determined whether the proposal would result in an adverse flood risk impact.

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

It is considered that whilst the proposed extension would be single storey, the proposed projection into the rear garden coupled with the existing extension at No.21 would result in significant harm through a tunnelling and enclosing impact on the neighbouring garden. The proposal is also considered to result in an unacceptable overshadowing impact towards the neighbouring ground floor windows due to the proposed length and siting alongside the shared boundary. The extension would constitute an overdevelopment of the existing plot and would not retain sufficient garden amenity space to meet the needs of future occupiers. Furthermore, there is currently insufficient information submitted to ascertain whether the proposal would exacerbate the flood risk on site. As such, the proposal would fail to accord with the provisions of DP26 of the Mid Sussex District Plan and Paragraph 135(f) of the National Planning Policy Framework.

Decision: Refusal

Case Officer: Stefan Galyas