

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0592	Case Officer:	Stuart Malcolm
Application Type:	Householder Application		
Proposal:	Retrospective planning for demolition of existing conservatory and build a new single storey rear extension		
Site:	127 Lower Church Road, Burgess Hill, West Sussex, RH15 9AA, , , ,		
Validation Date	11 Mar 2025	Overall Expiry Date:	18 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	24 Apr 2025
Target Date:	6 May 2025	Recommending Officer Signature:	<i>Stuart Malcolm</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	24 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0592

**127 Lower Church Road, Burgess Hill, West Sussex, RH15 9AA, , ,
Retrospective planning for demolition of existing conservatory and build a new single storey rear extension
Mrs S Bell**

SUMMARY OF REPRESENTATIONS

None

SUMMARY OF CONSULTEES

Southern Water: No objections

TOWN COUNCIL OBSERVATIONS

Recommend Approval.

INTRODUCTION

This application (DM/25/0592) seeks planning permission, retrospectively, for the demolition of an existing conservatory and the building of a new single storey rear extension at 127 Lower Church Road, Burgess Hill.

RELEVANT PLANNING HISTORY

(Immediately next door at 125 Lower Church Road and submitted simultaneously) DM/25/0645 - Retrospective works for a single storey extension to the south with a flat roof covering - Pending consideration

DM/25/0114 - Lawful Development Certificate - Rear extension to property was completed under permitted development in 2021 - Withdrawn - March 2025

SITE AND SURROUNDINGS

The application site is a two storey semi-detached dwelling located in a residential setting of similar brick built properties along the southern side of Lower Church Road, with St John's Park located across the road to the north.

The nearest neighbour, and that most likely to be affected by the proposals, is no. 125 which is attached to the immediate east (where application DM/25/0645 has also been submitted).

In policy terms the site is within the built up area of Burgess Hill and the St Johns Conservation Area.

APPLICATION DETAILS

The rear infill extension measures a width of 2.815 metres and a depth of 4.394 metres and has a flat roof with a rooflight to serve the new orangery.

In terms of external appearance, the materials (brickwork) match the existing house.

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, the Site Allocations Development Plan Document 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.

Mid Sussex District Plan

The District Plan was adopted in 2018. The most relevant policy is:

DP26 - Character and Design
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.

Burgess Hill Neighbourhood Plan

The Neighbourhood Plan is made so forms part of the development plan. The most relevant policy is:

Policy H1 - Protecting and Enhancing Heritage Assets and Conservation Areas

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

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 is a material consideration. Paragraphs 8, 11, 131 and 135 are considered to be relevant to this application.

ASSESSMENT

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

- Design, character and Conservation Area impacts
- Impact on neighbouring residential amenity; and
- Biodiversity net gain.

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:

- 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;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- 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);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*
- 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;*
- optimises the potential of the site to accommodate development."*

The Mid Sussex Design Guide SPD also provides advice for extensions to dwellings. Principle DG49 states that:

"Extensions should respond to the design of the original dwelling and applicants will be expected to demonstrate how local character has informed the design proposal. Extensions should also normally be designed to be well-integrated with the existing scale, form and massing allowing the original building to remain the dominant element of the property whether it has one or several additions".

Principle DG51 refers specifically to rear extensions and states that:

"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."

As noted previously the site is within the St John's Conservation Area. Policy DP35 states that *"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."* The Policy goes on to state that this will be achieved, in part, *"by ensuring that 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;...."*

Policy H1 of the Neighbourhood Plan states that *"Proposals within the Burgess Hill Conservation Areas will be required to preserve and enhance their special character or appearance."*

Paragraph 208 of the NPPF states that: *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

The minor nature of the proposal with limited visual changes means that the proposal is wholly compliant with Policies DP35 and H1 and the NPPF in respect of the effects on the heritage asset. The minor nature of the changes which are modest in scale, with the extension also being located to the rear being an infill extension also means the extension has a negligible effect on the public realm. The use of matching materials is acceptable and overall it is considered that these factors all lead to the conclusion that the character of the conservation area is preserved.

It also follows that these same factors ensure compliance with the more general design requirements of Policy DP26, as well as the Design Guide principles.

In residential amenity terms, the test of development here is whether or not it causes 'significant harm' to neighbouring amenity as per Policy DP26.

The single storey extension adjoins the extension on the neighbouring property which is subject to application DM/25/0645 and does not extend beyond the rear façade of this neighbour. The design, size and scale of the addition ensures there are no significant concerns relating to overlooking, loss of light or loss of outlook.

It can be concluded therefore that the proposal will not cause significant harm to neighbouring residential amenity ensuring compliance with Policy DP26.

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.

CONCLUSION

In conclusion, the proposal is acceptable in respect of its design and the impact on neighbouring residential amenity insofar as significant harm cannot be demonstrated. The proposal also preserves the character and appearance of the St John's Conservation Area. As such the proposal accords with the requirements of Policies DP26 and DP35 of the Mid Sussex District Plan, Policy H1 of the Burgess Hill Neighbourhood Plan, the Mid Sussex Design Guide and the NPPF.

The application therefore accords with the development plan and there are no material planning considerations which indicate an alternative conclusion should be reached.

Planning permission should therefore be granted.

Decision: Permission

Case Officer: Stuart Malcolm