

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0513	Case Officer:	Caroline Grist
Application Type:	Householder Application		
Proposal:	Retrospective permission for rear first floor balcony		
Site:	71 Cantelupe Road, East Grinstead, West Sussex, RH19 3BL, , , ,		
Validation Date	28 Feb 2025	Overall Expiry Date:	26 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	23 Apr 2025
Target Date:	25 Apr 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	24 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0513

**71 Cantelupe Road, East Grinstead, West Sussex, RH19 3BL, , ,
Retrospective permission for rear first floor balcony
Guy Mcquade**

SUMMARY OF REPRESENTATIONS

One representation has been received in support of this application. In summary it states:

- o It is smart and presentable;
- o Someone using the balcony would only see into the conservatory at 73 Cantelupe Road if they were standing at the door. This would be the same as the before if they looked out of the window; and
- o There would be a similar impact to the garden of 73 Cantelupe Road.

SUMMARY OF CONSULTEES

No responses have been received from consultees.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Planning permission is sought retrospectively for a first floor, rear balcony.

RECENT PLANNING HISTORY

There is no relevant planning history.

SITE AND SURROUNDINGS

71 Cantelupe Road is an east facing, two storey, detached dwelling. It is constructed of red brick, with pebble dash and timber detailing in the eaves, a plain tile roof and timber sash windows. The dwelling is characterised by a canopy porch and a bay window. A balcony has been constructed to the rear.

The site is located within the built up area of East Grinstead. A neighbouring dwelling is located to the north, whilst to the south is an Orthodontic Centre. The highway is to the east and the Christopher Road Car Park is located to the west. The dwelling is set back from the highway by a front garden.

APPLICATION DETAILS

Planning permission is sought retrospectively for a first floor balcony to the rear of the dwelling. It is some 3.3 metres deep and 3.1 metres wide. The balcony has wooden supports and is approximately 3.3 metres high. There is a timber screen around the balcony that is some 1.1 metres high. An additional screen is proposed along the southern side that would be approximately 0.5 metres high.

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 East Grinstead 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

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.

East Grinstead Neighbourhood Plan

The East Grinstead Neighbourhood Plan was formally made on 2nd November 2016.

Relevant policies:

Policy EG3 - Promoting Good Design

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.

Relevant policies:

DPS2 - Sustainable Design and Construction

DPS6 - Health and Wellbeing

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)

ASSESSMENT

Design and impact on the character of the surrounding 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.'*

East Grinstead Neighbourhood Plan policy EG3 states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- o The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- o The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- o The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- o The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- o The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- o New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- o The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- o Proposals make provision for green infrastructure and biodiversity enhancement'.*

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.

With regards to balconies the Design Guide sets out:

'6.3.15 Balconies and Juliet balconies not only provide useful outside space or sense of the outside, they can help articulate a façade providing they are carefully organised and integrated; for instance, vertically grouped balconies can contribute to creating a rhythm and visual interest. Conversely, balconies can be inappropriate if they dominate an elevation by covering a large part of the frontage and/or if they extend horizontally across the façade.'

6.3.16 Deep balconies that project too far from the main facade can appear to be poorly-integrated. They are often more successfully integrated if they are either recessed or partially recessed within the main façade, where they can provide additional sense of structural depth.

6.3.17 The design of the balustrading should both fulfil safety requirements and be designed to integrate well with the rest of the façade'.

The application relates to an established area of housing that is adjacent to the East Grinstead Town Centre. Whilst there is some variety along the street, houses are predominantly of a traditional form and character.

Planning permission is sought retrospectively for a first floor balcony to the rear of the 71 Cantelupe Road. It is considered that the balcony is relatively deep and does not fully integrate with the host dwelling, however it is of a simple form and lightweight design. Due to the arrangement of surrounding properties, there are views to the structure over an area of land to the west of 1B Christopher Road and from the Christopher Road Car Park as well. The balcony does not appear dominant in all public views and is observed in the context of neighbouring rear gardens. It is therefore considered that, whilst the scale and design of the balcony is not wholly in keeping with the character of the application property or the surrounding area, the harm would not be significant enough to warrant the refusal of this application.

Impact to neighbouring amenity

Policy EG3 of the East Grinstead 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 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. 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 DP26 is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Principle DG45 of the Design Guide relates to privacy and sets out:

'Applicants will need to demonstrate how privacy will be achieved between new and existing developments.

The following elements can have an impact on privacy:

- o The relationship of buildings to each other including the positioning and design of windows and doors;*
- o The topography and relative height of adjacent buildings;*
- o The provision of good noise insulation;*
- o The relationship of the parking, gardens, front defensible space, balconies with the adjacent buildings; and*
- o The position and arrangement of habitable rooms.*

Direct overlooking of private amenity space from habitable rooms in neighbouring properties should normally be avoided.

Set-back upper floors, recessed balconies and generous internal courtyards can all help to deliver higher densities whilst respecting privacy. Because they are usually more visible, the privacy of ground floor flats should particularly be considered, and the provision of dedicated private rear gardens will often be necessary'.

Due to the position and nature of the balcony it is considered that it does not cause a significant loss of light or outlook to neighbouring properties.

With regards to the impact to neighbours' privacy, to the south of the site is an Orthodontic Centre. This neighbour has a two storey rear addition that has a number of ground and first floor windows that face onto the application site. It is proposed, as part of the application, to install a privacy screen, some 0.5 metres high, along the southern section of the balcony. It is considered that this would mitigate overlooking towards the Orthodontic Centre.

To the north of the application site is 73 Cantelupe Road, a residential property. Whilst this property does not have any side windows facing towards the application site, it does have a conservatory to the rear. The rear garden continues beyond the conservatory, however it was noted during the Case Officer's site visit that there was no de-notation of the boundary between these two gardens.

From the western and northern sides of the balcony, it is considered that there are clear views towards the conservatory and rear garden of No. 73. Whilst a letter of support has been received from this neighbour, it is considered that the level of overlooking towards this property has increased from the previous window in the rear elevation. This is due to the depth and width of the balcony, which would bring people much further into the garden, closer to the neighbouring property, and provides direct views from an elevated position into their garden and conservatory. As such it is considered that the proposal would result in a significant loss of privacy to 73 Cantelupe Road.

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 it is considered that the balcony would result in a significant level of overlooking to the rear garden and conservatory of 73 Cantelupe Road. This loss of privacy would be contrary to the requirements of policy DP26 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan, principle DG45 of the Mid Sussex Design Guide SPD and the relevant provisions of the National Planning Policy Framework. The application is therefore recommended for refusal.

Decision: Refusal

Case Officer: Caroline Grist