

Andrew Horrell

From: planninginfo@midsussex.gov.uk
Sent: 12 December 2025 07:35
To: Andrew Horrell
Subject: Mid Sussex DC - Online Register - Comments for Planning Application DM/25/3093

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12/12/2025 7:34 AM.

Application Summary

Address:	2 Borers Close Copthorne Crawley West Sussex RH10 3XW
Proposal:	Proposed single storey side and rear wrap around extension
Case Officer:	Andrew Horrell

[Click for further information](#)

Customer Details

Address:	3 BORERS CLOSE BORERS ARMS ROAD COPTHORNE
----------	---

Comments Details

Commenter Type:	Neighbour or general public
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	Subject: Formal Representation and Objection to Application DM/25/3093 - Procedural Insufficiency and Statutory Conflict Precluding Lawful Determination

Dear Sir/Madam,

I write to submit this formal representation and objection concerning planning application DM/25/3093, specifically challenging its validity on the grounds of critical procedural insufficiency and demonstrated conflict with mandatory statutory requirements. The omissions within the application documentation are so fundamental that they prevent the Local Planning Authority (LPA) from undertaking a legally sound assessment of the proposal's potential material impact on adjoining properties, thereby rendering the application incapable of determination.

I. Procedural Insufficiency: Technical Defects Preventing Lawful AssessmentThe core argument herein is that the current submission fails to satisfy the necessary validation criteria and information requirements, negating the ability of the LPA to fulfill its statutory duty to accurately and lawfully determine compliance with the relevant Development Plan and National Policy.1. The Absence of Annotated Boundary Setback Dimensions
A critical procedural defect is the failure to provide clear, annotated dimensional measurements

detailing the setback distance (measured in metres) from the proposed single-storey extension to the shared boundary with the adjoining property. This measurement is of paramount causal relevance for two distinct regulatory functions: Building Regulations Compliance (Fire Safety): The setback distance is the foundation for calculating compliance with Approved Document B, Requirement B4 (External Fire Spread). The permissible extent of 'unprotected areas' (such as windows and doors) and the required fire resistance of the wall are entirely contingent on this distance. Without this annotated dimension, the Planning Department cannot legally assure itself that the proposed envelope is even theoretically buildable under fire safety standards. Planning Policy Compliance (Amenity and Privacy): The dimension is essential for objectively quantifying the proposal's overbearing and overshadowing impact, specifically in the effective application of local standards, such as the 45-degree rule (Principle DG47) set out in the Mid Sussex Design Guide SPD. Furthermore, in light of the proposed extension's proximity to the mutual boundary, any potential planning consent must be subject to a mandatory condition stipulating that all glazing on the side elevation, including any windows or door panels facing the boundary, must be permanently obscure glazed (to a minimum of Pilkington Level 3 or equivalent) and fixed shut, thereby protecting the residential privacy and amenity of the adjoining property from unacceptable overlooking. The failure to include these setbacks creates a substantive impossibility for assessment. Should the LPA grant consent without these dimensions formally specified on the approved plans, the resulting planning permission is legally vulnerable to challenge. As indicated in case law, permissions granted on drawings lacking essential details regarding location and dimensions can be considered "devoid of meaning," as the LPA cannot subsequently enforce compliance with dimensions that were never formally stipulated in the documentation.

2. The Omission of Existing and Proposed Ground Levels (Datum Lines) The application drawings demonstrably fail to establish and reference accurate existing and proposed ground levels, commonly referred to as datum lines, particularly in relation to the ground level of the adjoining property. The absence of a fixed, consistent datum line prevents the necessary objective measurement of the extension's vertical scale and massing relative to the adjoining property. Without this verifiable baseline, the stated height is relative only to itself, making an accurate assessment of potential overlooking, overshadowing, and overbearing impacts impossible. The objective application of the Mid Sussex Design Guide SPD principles, particularly the height-sensitive 45-degree rule, is thus severely compromised.

Furthermore, this omission creates a strategic risk: the lack of verifiable datum lines grants the applicant implicit flexibility to adjust finished floor or external ground levels during construction. Even minor modifications in ground level can materially and harmfully increase the extension's perceived massing when viewed from the adjoining property. This post-approval material harm, facilitated by the initial deficiency in documentation, should be prevented by invalidating the application until the correct technical information is provided.

3. Lack of Foundation Plans and Proposed Excavation Depths. While detailed foundation design typically falls under Building Control, for an extension in close proximity to a boundary, the methodology of construction, including excavation depth and foundation type, becomes a material planning consideration. The omission of plans detailing proposed foundations and excavation depths prevents the LPA from assessing the potential for adverse physical impact on existing boundary structures, retaining walls, or underground drainage systems located on the adjoining property. II. Mandatory Regulatory Conflict: Approved Document B (B4) Constraint Beyond the procedural invalidity, the scheme, as currently proposed, appears to enter into mandatory conflict with statutory Building Regulations, which reinforces the necessity for precise dimensional evidence. The Building Regulations 2010 mandate compliance with Requirement B4 (External Fire Spread), as detailed in Approved Document B (ADB). Since the Applicant's intention to construct a habitable extension implies a desire for standard functional windows (which are "unprotected areas") on the side elevation, this intention directly triggers the strict proximity limitations imposed by ADB B4. The fire resistance required for the external wall is non-negotiably determined by the distance to the relevant boundary. If the design places unprotected areas too close to the boundary, the scheme is unworkable in design unless a minimum setback is enforced. III. Construction Management and Implementation Conditions Should the LPA proceed to determine the application positively, the following constraints must be imposed as mandatory conditions to mitigate the adverse impacts associated with construction, particularly given that the applicant is understood to be the primary builder, which heightens the risk of deviation from standard contractor practices and working hours.

1. Control of Working Hours and Noise: Construction activity, especially work involving power

tools, excavation, or heavy machinery that generates noise disturbance, must be strictly limited to the Council's standard permitted hours of operation (e.g., 8:00 AM to 5:00 PM Monday to Friday and 9:00 AM to 1:00 PM Saturday). Critically, no such disruptive work shall be permitted at any time on Sundays or Bank Holidays, nor shall the applicant exploit their status as owner to perform work outside these conventional hours (e.g., during statutory two-hour breaks or late evenings), which would materially prejudice the residential amenity of adjoining properties.

2. Maintenance of Public Safety and Cleanliness: A detailed construction management plan (CMP) must be required via condition, explicitly including provisions for the diligent maintenance and cleanliness of the pedestrian walkway and public highway adjacent to the site. All construction debris, materials, and mud must be contained strictly within the site boundaries, and the public realm must be kept clear and clean at the close of every working day to ensure public safety and protect the local environment.

IV.

While the adjoining resident acknowledges and welcomes the applicant's energy, financial investment, and vision directed toward improving the neighbourhood, this positive intent must be strictly reconciled with the mandatory requirement for regulatory compliance and the long-term protection of residential amenity.

Conclusion and Request

The convergence of these procedural and evidential defects confirms that application DM/25/3093 lacks the minimum necessary technical detail for the Council to perform a lawful determination of its material impact on the amenity of the neighbouring property. The current documentation does not enable the LPA to verify compliance with fire safety regulations, objectively assess massing and overshadowing against the Design Guide SPD, or evaluate the physical construction feasibility near the boundary.

I therefore formally request that the Planning Department declare application DM/25/3093 as procedurally invalid and require the Applicant to supply a fully dimensioned and validated submission before any substantive assessment is undertaken. Furthermore, should the application proceed, the conditions detailed in Section III are essential to safeguard residential amenity during the implementation phase.

I look forward to your confirmation of receipt and action regarding the procedural integrity of this application.

Yours faithfully,



Kind regards