

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2330	Case Officer:	Anna Tidey
Application Type:	Full Application		
Proposal:	Two storey side extension to be used as annex.		
Site:	1 Wintergreen Way, Sayers Common, Hassocks, West Sussex, BN6 9ZQ, , ,		
Validation Date	23 Dec 2024	Overall Expiry Date:	13 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	14 Feb 2025
Target Date:	17 Feb 2025	Recommending Officer Signature:	Anna Tidey

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

Signed and Agreed By:	Stephen Ashdown	Date:	17 Feb 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2330

**1 Wintergreen Way, Sayers Common, Hassocks, West Sussex, BN6 9ZQ, ,
Two storey side extension to be used as annex.
Mr And Mrs Percy**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Tree Officer:

I have reviewed the AIA for this application and whilst there is little breach into the RPA's of the oak trees, I have concerns for the future pressure of these trees.

The survey shows all the trees to be juvenile and this proposal has not given adequate space to allow these trees to develop.

I also have concerns for the category B oak tree, which has an existing garden room constructed within the root protection area.

The land to the south of the property is allocated, under site allocation reference DPSC3 in the Mid Sussex Submission Draft District Plan 2021-2039. Therefore, these trees would provide a natural boundary between this development and potential future developments.

Given the species and the ecological value of these trees, I feel that they are an important feature in the landscape.

Further comments: Further to reading the Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP), I visited the site to assess the condition and age of the trees growing on the southern boundary, in relation to the proposed extension of the property.

The AIA described the trees as young trees, which I found was not accurate. I believe these trees to be semi mature. They will still require space to develop fully. The trees act as a boundary between this property and the adjacent, allocated land. The trees currently provide screening between this development and the open countryside at the southern end of the village.

I can see from the driveway that the trees have already been pruned back excessively. This pruning work does not accord with the guidance in BS3998:2010-Recommendations for Tree Work. These trees were left with large limbs pruned back to unsustainable growth points.

I have reviewed the documents for the original development of the house. The house itself was constructed adjacent to the tree protection barrier identified and set out in accordance with the TPP for this development. The extension now proposed now falls within that tree protection area which makes me question the current TPP.

I feel that these trees will be under continuous future pressure to be excessively pruned, which would be detrimental to the health of these valuable, boundary trees.

I therefore object to the development in the current location.

Naturespace Newt Officer:

It is considered that the proposed development is unlikely to have an impact on great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, I recommend that an informative should be attached to planning consent to remind them of the requirements under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

Drainage Engineer:

The proposed application is for a two-storey side extension to be used as annex. We note from the original application at the site, DM/19/3952 there was a concern with any works 'Within 8m of drain or watercourse'.

Flood risk - The development is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). An inland watercourse runs adjacent to the site's southern boundary.

Most of the site is shown to be at very low surface water flood risk (comparable to flood zone 1) with an area to the southwestern corner of the site observing depths of 300mm. The proposed built footprint is outside of the 1:1000-year extent for surface water.

Having reviewed the Flood Risk Assessment provided we have no objection on flood risk grounds, subject to the mitigation measures being implemented as stated within the report.

Surface and foul water drainage -Due to the nature of the development the Flood Risk and Drainage Team consider it acceptable for drainage to be managed via Building Regulations and Building Control.

The Flood Risk and Drainage Team recommend a planning condition to ensure that no part of any concrete foundations or construction activities are located within 8 metres of any drain or watercourse.

TOWN/PARISH COUNCIL OBSERVATIONS

Hurstpierpoint and Sayers Common Parish Council: MSDC should give permission.

INTRODUCTION

This application seeks planning permission for a two storey side extension at a recently constructed semi detached house located at No. 1 Wintergreen Way, in Sayers Common

RELEVANT PLANNING HISTORY

DM/19/3952. The construction of 2 x 2 bed, 3 x 3 bed, 4 x 4 bed dwellings with associated access to B2218, landscaping and parking (Amended red line plan received 11 November 2019). Approved June 2020.

SITE AND ITS SURROUNDINGS

No 1 Wintergreen Way is a 4 bed semi detached house, located on a shared access road off a new residential development off the old London Road in Sayers Common.

The house benefits from a frontage turning and parking space. A touring caravan is parked on land sited to the front of the close boarded boundary fence which encloses the rear garden. To the rear of this a separate garden cabin has been constructed with a raised deck. This is located below the canopy of trees which mark the southern boundary to the garden area at the side of the house.

The house is located outside the Built up Area boundary of Sayers Common and partly within Amber and Red Impact Zones for Great Crested Newts. The south western corner of the site lies within the 1 in 1000 year Surface Water Flood Zone.

APPLICATION DETAILS

This application seeks planning permission for a proposed two storey extension to create an annex on the southern elevation of the house.

The proposed extension is shown to be built with walls constructed in matching stock bricks with hanging clay tiles at first floor level to match the design of the existing house. The eaves level on the extension would be set level with that on the house, at approx. 5m high, with twin hipped rooflines over the addition set at a height of approx. 6.9m, approx. 1.4m below the main ridge level on the house.

The proposed 3m wide by 8m deep addition would have a separate front door leading into a new kitchen, with an open plan lounge attached. Stairs would lead from the front door lobby to a first floor landing serving a bathroom and one bedroom, physically separated on the first floor in the extension from the remaining house. As originally submitted the extension was shown to be attached to, but physically separated from, the main house.

Amended plans have been received during the course of determining the application to show the provision of an interconnecting ground floor doorway, formed through the existing side wall of the house at ground floor level to allow access from the extension into the sitting/living room in the main house.

In an email from the applicant's agent, received with the amended plans, it is confirmed that the applicant is *'happy to remove the garden room and have an internal door from the lobby of the annex into the main building as per the updated plan.'*

The application has been supported with a Planning Statement, a Sustainability Statement, a Flood Risk Assessment, an Arboricultural Impact Assessment and a Tree Protection Plan.

In the supporting statement it is confirmed that the proposal is for a one bedroom annexe for an elderly relative to move in with the family, to allow them to help with support and care.

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 Hurstpierpoint and Sayers Common 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
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
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

NEIGHBOURHOOD PLAN - Hurstpierpoint and Sayers Common Neighbourhood Plan - made March 2015.

Policy Countryside HurstC1 Conserving and Enhancing Character
Policy Countryside HurstC3 Local Gaps and Preventing Coalescence

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 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:

DPS2 Sustainable Design and Construction
DPS4 Flood Risk and Drainage
DPN1 Biodiversity, Geodiversity and Nature Recovery
DPS6 Health and Wellbeing
DPC1 Protection and Enhancement of the Countryside
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 2023)

ASSESSMENT

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

- Design
- Impact on residential amenities
- Impact upon Trees
- Flood risk
- Biodiversity
- Biodiversity Net Gain

Design

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. Policy DP26 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 DP29);*
- * 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.'*

Also relevant in the determination of the application is Policy Countryside HurstC1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan, which states:

'Development, including formal sports and recreation areas, will be permitted in the countryside, where:
o It comprises an appropriate countryside use;
o It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;
o In the South Downs National Park, policy HurstC2 will take precedent.'

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide, which seeks good design in house alterations and extensions.

Design Guide Principle DG49 states:

'Extensions should respond to the design of the original dwelling and applicant 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 allow the original building to remain the dominant element of the property whether it has one or several additions.

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. Otherwise it should demonstrate the appropriateness of the alternative approach.

Extensions should not result in a significant loss to the private amenity area of the dwelling.

There are two general approaches to extending a property:

- designing in the style of the existing building by closely matching its facing materials, architectural features, window sizes and proportions; and*
- designing in a contemporary style that takes its cues from key aspects of the existing building that might include its underlying form and proportions, facing materials, window design and other specific architectural features. The success of this approach is particularly reliant on high quality facing materials*

and finishes, and this will normally need to be demonstrated through detailed elevations and section drawings.

Both approaches can create successful, well designed extensions that can be mutually beneficial to both the house and the wider area. All extensions and alterations should consider their impact on neighbouring properties (refer to Chapter 8 on residential amenity).'

Design Guide Principle DG50 refers to Front and Side extensions. This states:

'Front and side extensions are typically visible from the public realm and will be resisted where they have an adverse impact on the street scene or the appearance of a dwelling.'

Side extensions

Side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building. The gaps between dwellings can sometimes positively contribute to articulating (for example, through the consistent rhythm of repeated houses) and adding interest in a street frontage or by providing views / visible connections to the surrounding countryside. Side extensions will therefore need to appropriately respond to the character of the street form and will not normally be accepted where they close an important gap and view'.

The proposed side extension represents a large two storey addition to the property. The inclusion of a new front door on the addition gives it the appearance of a new separate house on the side of No 1. The lowered hipped roofline would give the built form of the addition a subordinate form on the side of the main house in public views from London Road, and from the front access road to the house.

In a recent email from the Applicant's Agent it is confirmed that changes could be made to the submitted application to remove the front door to allow the annexe to be accessible only through the main front door. Amended Plans have not been submitted to show this change. Other points made in support of the application are:

- o all washing and laundry facilities will use the existing utility room of the main house
- o there is a shared garden for the annex

The provision of additional living accommodation to allow the care of a family member is acceptable in policy terms. The proposed additional living space has now been connected internally to the ground floor of the main house, as shown on the amended plans, and therefore it is considered more appropriate to allow for shared caring opportunities. However, with reference to the proposed internal facilities, ie separate kitchen, living space, bathroom and bedroom, the degree of inter dependency is unclear.

Whilst the overall design of the proposed extension and the proposed construction materials are inkeeping in design terms with the host building, which accord with the design aims in the relevant District and Neighbourhood Plan Policies, there are other matters which make this application unacceptable.

Consequently the design and appearance of the proposed extension is considered to accord with the aims of Policy DP26, Policy Countryside HurstC1 of the Neighbourhood Plan and with the relevant Design Guide principles.

Impact on residential amenities

District Plan Policy DP26 requires 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.'*

In addition Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

The immediate neighbouring property is the attached house at No 2 Wintergreen Way. There is also a house sited to the rear of the garden at No 1, at No 3.

The proposed side addition will have limited impact upon the amenities or outlook for the residents of No 2, due to its position to the south of No 1.

The other neighbouring house located to the west of the site is No 3 Wintergreen Way. The position and orientation of that property to No 1 will largely prevent views of the proposed addition to the residents living at that property.

Given the detail of the proposal and the relationship with the neighbouring properties, it is deemed that no significant harm will be caused by the proposed development to the privacy, outlook, daylight and sunlight of the immediate residents.

The proposal accords with the requirements of Policy DP26 of the District Plan and the relevant principles of the Design Guide.

Impact upon Trees

Policy DP26, in part, states;

'All applicants will be required to demonstrate that development.....protects open spaces, trees and gardens that contribute to the character of the area;'

District Plan Policy DP37 is relevant in the determination of the proposed impact of the development upon the trees growing on and surrounding the site. This states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- o incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- o prevents damage to root systems and takes account of expected future growth; and*
- o where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- o has appropriate protection measures throughout the development process; and*
- o takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- o does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- o the condition and health of the trees; and*
- o the contribution of the trees to the character and visual amenity of the local area; and*
- o the amenity and nature conservation value of the trees; and*
- o the extent and impact of the works; and*
- o any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1

basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

It is relevant that the original application (under DM/19/3952) for the construction of the residential dwellings at Wintergreen Way was supported by an Arboricultural Method Statement. The Protective Fencing Plan submitted in support of that application showed the footprint of the house at No 1 just outside the line of the protective fencing for the root protection areas of the oak trees that are growing on the southern site boundary (now within the side garden space of No 1).

The current application has been supported by an AIA and a Tree Protection Plan. The Tree Officer has reviewed the submitted information and has commented on the proposed development. Her comments are reported above. She has raised concerns about the proposed incursion into the tree root protection area. She believes that as a result of the position of the proposed side extension at No 1 the three nearest oak trees will be under continuous future pressure to be excessively pruned, which would be detrimental to the health of these boundary trees and therefore objects to the development in the current location.

In response to these comments the Agent has confirmed the following:

- '- none of the screw piles are within the RPA of the tree.*
- The client would be happy to have a step up in levels so there would be no excavation at all in that area.*
- The summerhouse will be removed'.*

It is considered that with reference to the AMS for the original development, and the evidence seen on site, the trees that are growing on the southern boundary of the garden of the site are already experiencing pressures due to the proximity of the house at No 1.

It is relevant that the land to the south of the site is included within the Submission Draft District Plan as part of a potential housing development site, under 'DPSC3: Land to the South of Reeds Lane, Sayers Common', which is a significant site for housing development for up to 2000 new homes. Future development pressures may affect the boundary trees, which create an important screen to the new development and the current southern boundary of the village

There is sufficient space on the site to accommodate an alternative addition to form ancillary annexe accommodation for the existing house on the site. It is considered that the proposed extension would cause harm and pressure to the boundary trees, which contribute to the character of the area, and as such this would be contrary to the aims of District Plan Policies DP26 and DP37. Consequently this application is recommended for refusal.

Flood risk

The south western corner of the site lies within the 1 in 1000 year Surface Water Flood Zone. The application has been accompanied with a supporting Flood Risk Assessment to assess the impact of the proposed extension on the existing local flooding conditions.

The Flood Risk Assessment has been reviewed by the Council's Drainage Engineers and their comments are reported above. No objection is raised to the proposal on flood risk grounds, subject to mitigation measures to accord with the aims of District Plan Policy DP41.

Biodiversity

The site falls within a Red Impact Risk Zone for Great Crested Newts. The relevant District Plan Policy with regards to biodiversity and its protection is DP38. This states:

'Biodiversity will be protected and enhanced by ensuring development:

o Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and
o Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and
o Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
o Promotes the restoration, management and expansion of priority habitats in the District; and
o Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

The Newt Officer has been consulted on this application and considers there would be no likely impact on Great Crested Newts or their habitats. The proposal is therefore considered to accord with the aims of District Plan Policy DP38.

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

The overall design of the proposed two storey extension and the proposed construction materials are inkeeping in design terms with the host building, which accord with the design aims in the relevant District and Neighbourhood Plan Policies.

The scale and position of the proposed addition would not cause significant harm to the neighbouring amenities. In this respect the proposal accords with the aims of District Plan Policy DP26, and the relevant principles of the Design Guide.

However, the position and scale of the proposed extension on the side elevation of the house at No 1 would cause harm and pressure to the boundary trees, which create an important natural screen to the recent residential development at Wintergreen Way and to the setting of the southern boundary of the village, and this would be contrary to the aims of District Plan Policy DP37.

The application has been accompanied with a supporting Flood Risk Assessment to assess the impact of the proposed extension on the existing local flooding conditions. The Council's Drainage Engineers raise no objection to the proposal on flood risk grounds, subject to the recommended mitigation measures to accord with the aims of District Plan Policy DP41.

The impact that the extension would create for the boundary trees makes this application unacceptable and consequently this application is recommended for Refusal.

Decision: Refusal

Case Officer: Anna Tidey