

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0257	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	The enlargement of a ground floor and first floor side elevation window and the installation of new windows. The enlargement and replacement of a ground floor rear elevation external door set. The installation of a rear roof slope operable skylight,. A new boiler flue repositioned on the ground side elevation.		
Site:	6 Kings Road, Haywards Heath, West Sussex, RH16 4EJ, , , ,		
Validation Date	4 Feb 2025	Overall Expiry Date:	26 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 Mar 2025
Target Date:	1 Apr 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	21 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0257

**6 Kings Road, Haywards Heath, West Sussex, RH16 4EJ, , ,
The enlargement of a ground floor and first floor side elevation window and the installation of new windows. The enlargement and replacement of a ground floor rear elevation external door set. The installation of a rear roof slope operable skylight,. A new boiler flue repositioned on the ground side elevation.
Mr Rose**

REPRESENTATION RECEIVED

None received.

SUMMARY OF CONSULTEES

WSCC Highways

This proposal is for the enlargement of a ground floor and first floor side elevation window and the installation of new windows. The enlargement and replacement of a ground floor rear elevation external door set. The installation of a rear roof slope operable skylight. A new boiler flue repositioned on the ground side elevation.

The site is located on Kings Road, a private road, consequently these comments are for your advice only. Kings Road adjoins the public highway at St Johns Road, an unclassified road subject to a speed restriction of 30 mph.

There are no proposed changes to the existing access arrangements. An inspection of data supplied to WSCC by Sussex Police over a period the past five years reveals that have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks planning permission for the enlargement of a ground floor and first floor side elevation window and the installation of new windows. The enlargement and replacement of a ground floor rear elevation external door set. The installation of a rear roof slope operable skylight and a new boiler flue repositioned on the ground side elevation.

RELEVANT PLANNING HISTORY

09/02600/FUL - Retrospective single storey extension to rear. To demolish existing, original building at rear of property and build new extension increasing overall size of building at rear by 5sq m approximately. Permission

DM/15/5076 - Second storey rear extension with pitched roof. Permission

SITE AND SURROUNDINGS

The application property is a semi-detached two storey dwelling located at the end of the private road Kings Close. The property is located within an Area of Townscape Character and the built-up area boundary of Haywards Heath.

The application property has a pitched roof and is constructed from brick with plain roof tiles and white fenestration. The dwelling is set up close to Kings Road with designated parking further along the road. The locality is characterised by a row of semi-detached dwellings of matching scale, form and design with further residential properties surrounding of varying scale, form and designs.

APPLICATION DETAILS

The application seeks planning permission for the enlargement of an existing ground floor window serving the dining room, replacement of ground floor side window serving a toilet. The external wall flue serving the boiler is to be relocated on the side elevation to the wall of the kitchen at a height of approximately 3.25 metres. The first-floor side elevation window serving the bathroom is to be enlarged with the lower section to be obscure glazed and non-opening.

On the rear elevation the existing window and door is to be replaced with a sliding door and a rear facing rooflight is to be installed protruding no more than 0.15 metres from the plane of the roof slope.

The proposed double sliding doors will be double glazed, and metal framed with the rest of the windows to be double glazed slim-line uPVC windows.

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 Haywards Heath 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.

Haywards Heath Neighbourhood Plan (made December 2016)

Relevant policies:

E9 - Design

E10 - Areas of Townscape Character

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
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)

Paragraphs 8, 11, 131 and 135 are considered to be relevant.

National Planning Policy Guidance

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 properties
- Other Matters
- Biodiversity Net Gain

Design and Character

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.'

Policy E9 of the Haywards Heath Neighbourhood Plan states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- o height, scale, spacing, layout, orientation, design and materials of buildings,*
- o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- o creates safe, accessible and well-connected environments that meet the needs of users,*
- o Will not result in unacceptable levels of light, noise, air or water pollution,*
- o Makes best use of the site to accommodate development,*
- o Car parking is designed and located so that it fits in with the character of the proposed development.*

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.'

Policy E10 of the Haywards Heath Neighbourhood Plan relates to Areas of Townscape Character and states that:

'Development proposals in an Area of Townscape Character will be required to pay particular attention to retaining the special character and to demonstrate how they support and enhance the character of the area in question. Their boundaries are shown on figure 4.'

The proposed windows and doors are similar in design and colour to the existing and the alterations would not be visible from the street scene. The flue is small in scale and to only be relocated further back along the side elevation. It is considered that the proposed window alterations and sliding door would not have a harmful impact on the character of the dwelling and the character of the street scene. The proposal would not harm the Area of Townscape Character.

Impact on neighbouring properties

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 Policy DP29);'

Policy H9 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP 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 of the MSDP 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.

The proposed alterations include enlargement and replacement of ground floor side windows. These windows are at ground level with the shared boundary with no. 7 Kings Road marked by mature hedging. The sliding doors on the rear elevation are to replace an existing window and door and will therefore not create any additional overlooking. The proposed rear facing rooflight is to serve the stairway up to the loft and will therefore not create significant harm to neighbour amenity areas.

The existing first floor bathroom window is a high window currently clear glazed. The proposed enlargement will create a larger side window facing no. 7 to the north however the lower half is to be obscure glazed and non-opening to prevent over looking into the neighbour amenity area and can be secured with a condition.

The proposal is therefore, considered to comply with the above-mentioned part of Policy DP26 of the Mid Sussex District Plan.

Other Matters

WSCC Highways have commented on this application and due to the nature of the proposed works have raised no objection.

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, the proposal is considered to be acceptable in terms of design, form and scale to the dwellinghouse and locality, would not cause significant harm the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policy DP26, policies E9 and E10 of the Haywards Heath Neighbourhood Plan and with the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Peter Davies