

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0191	Case Officer:	Anna Tidey
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 2 of planning application DM/23/2934- to allow for design changes.		
Site:	1 The Chestnuts, Lindfield, Haywards Heath, West Sussex, RH16 2AS, , ,		
Validation Date	27 Jan 2025	Overall Expiry Date:	20 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 Mar 2025
Target Date:	24 Mar 2025	Recommending Officer Signature:	Anna Tidey

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

MID SUSSEX DISTRICT COUNCIL

DM/25/0191

**1 The Chestnuts, Lindfield, Haywards Heath, West Sussex, RH16 2AS, ,
Variation of condition 2 of planning application DM/23/2934- to allow for design changes.
Mr Jack Fisk**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Drainage: Provide the following comments:

- o There is a low risk of surface water flooding on site (outside of the planned footprint of the property), there are no public sewers shown as encroaching on the site
- o The report has reviewed the flood risk from all sources, provided confirmation finished floor levels will be no lower than existing and meets the minimum policy requirements.
- o The Flood Risk and Drainage team have no objection to the proposed development on flood risk grounds.
- o We also advise that drainage can be managed via Building Regulations, and Building Control as necessary.

TOWN/PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council: No objection.

INTRODUCTION

This application seeks planning permission to amend condition 2 of planning application DM/23/2934 - to allow for amendments to the design of the approved extension proposals at a detached house at 1 The Chestnuts in Lindfield. Works have yet to commence on site.

RELEVANT PLANNING HISTORY

DM/23/2934. Two storey side and rear extension, replace rear dormer window with two new dormers, new front porch, replace existing windows, re-roofing and external alterations. Amended plans received showing design amendments to the extension and rear dormers, inclusion of a new Maple tree and widened car parking space in front garden. Approved February 2024.

SITE AND SURROUNDINGS

No 1 The Chestnuts is a detached house located on a prominent corner plot at the entrance to an established residential close of similar detached houses off West Common in the built up area of Lindfield.

The house benefits from a spacious front side and rear garden with off road parking on a front driveway, sited forward of the integral single garage. The house has a white rendered finish with vertical tiling at first floor and a hipped roof with a front catslide roof feature.

The property has been previously extended at the back with a small single storey flat roofed addition and on the rear roof slope there is a flat roofed dormer.

The house currently accommodates an open plan living room and kitchen, with the dining room in the extension to the rear. The garage is sited to the front of the house and off the entrance hall there is a small toilet and stairs leading to the first floor. At first floor level there are three bedrooms of differing sizes and a separate shared bathroom.

A small section of the rear garden is located within the 1 in 1000 year Surface Water Flooding area.

APPLICATION DETAILS

Planning permission was granted under application DM/23/2934 for front, side and rear single and two storey extensions, the conversion of the garage and new dormer additions to enlarge the ground and first floor areas in the property. In addition to the enlargement of the house are associated landscaping alterations affecting the front, side and rear garden spaces, including the formation of an enlarged front driveway and parking space, new paths and terraces and the planting of a new Field Maple tree in the front garden.

The current application has been submitted under Section 73 of the Town and Country Planning Act and seeks permission to vary Condition 2 of planning application DM/23/2934.

Condition 2 of DM/23/2934 reads as follows:

'The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning. '

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that *'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

The application has been accompanied by a covering letter, dated October 2024, which confirms the following:

- 'Following design development and a change to the first floor layout the following amendments are proposed to the rear elevation of the house:

- Change to first floor bedroom window design
- Change to dining room bifold doors from five to four panels.'

The application has been supported with amended floor and elevation plans. A detailed inspection of the approved plans against the now proposed plans confirms that a rear 1.96m wide window, with a hipped dormer style roof, is proposed in place of a simple twin paned flush window at first floor level, as a result of swapping the internal layout of an ensuite within a new proposed bedroom. In addition a minor change in the number of glazed panels are proposed in a ground floor set of patio doors. The proposed plans also show the position of rainwater downpipes, which were omitted from the original approved plans.

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 Lindfield and Lindfield Rural Neighbourhood Plan and Site Allocation Development Plan Document (DPD).

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.

The following policies are considered relevant when considering this application:

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP21 Transport
DP26 Character and design
DP37 Trees, Woodland and Hedgerows
DP41 Flood Risk and Drainage

NEIGHBOURHOOD PLAN -Lindfield and Lindfield Rural Neighbourhood Plan, Made March 2016.

No relevant policy

Site Allocations Development Plan Document

Mid Sussex District Council adopted its Site Allocations Development Plan Document on 29th June 2022. The Site Allocations DPD identifies sufficient housing sites to provide a five year housing land supply to 2031 and also makes sure that enough land is allocated to meet identified employment needs.

There are no policies deemed relevant to this application.

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 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.

DPS2 Sustainable Design and Construction
DPS6 Health and Wellbeing
DPB1 Character and Design
DPN2 Biodiversity Net Gain
DPT4 Parking and Electric Vehicle Charging Infrastructure

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.

ASSESSMENT

The result of this application would be to issue a new planning permission, so it is not considered necessary to go through all of the original planning issues in this report. The specific changes to the plans that are now proposed are considered below with regards to the design.

It is necessary to consider the application against the relevant policies of the development plan and any other material planning considerations.

Design

District Plan Policy DP26 is relevant in the determination of this application. 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 the design guidance contained in the Mid Sussex Design Guide, which seeks good design in house alterations and extensions. The Council has adopted this Design Guide as a Supplementary Planning Document (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.

The principle of the extension of 1 The Chestnuts was found acceptable under planning application DM/23/2934.

The proposed design amendments that are the subject of the current application represent minor alterations to those approved under the original consent.

The changes accord with the Design Guide principles and are not out of keeping with the design or appearance of the original building.

Consequently the alterations that have been made are considered to accord with the aims of District Plan Policy DP26 and the principles of the Design Guide.

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 amended proposal is considered to be appropriate in terms of design and appearance and would not negatively impact on the character and appearance of the dwelling or its setting. The proposal would accord with Policy DP26 of the District Plan, and the Design Guide principles.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey