

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0050	Case Officer:	Caroline Grist
Application Type:	Householder Application		
Proposal:	Proposed single storey lower ground floor rear extension with external terrace over. Kitchen infill extension. Thermal upgrades to the existing building fabric, removal of the timber decking area and the addition of a low level rear patio.		
Site:	Leighton Cottage, Leighton Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7AX, ,		
Validation Date	15 Jan 2025	Overall Expiry Date:	9 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 Apr 2025
Target Date:	12 Mar 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	17 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0050

Leighton Cottage, Leighton Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7AX, Proposed single storey lower ground floor rear extension with external terrace over. Kitchen infill extension. Thermal upgrades to the existing building fabric, removal of the timber decking area and the addition of a low level rear patio.

Debbie Hunt

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Southern Water

Southern Water has determined that the flow rate for the above site will remain consistent, so capacity is not an issue and no Southern Water assets will be affected. Therefore, Southern Water has no objections to this proposal.

Please note surface water should not be disposed of into a public foul sewer and must comply with the Hierarchy of H3 of the Building Regulations. For more details, refer to the Drainage and Waste Disposal: Approved Document H on the GOV.UK website.

Any new connections to the public sewerage system will require a New Sewer Connection application (also known as a Section 106) to be submitted and approved by Southern Water.

Due to legislative changes effective from 1st October 2011 regarding the ownership of sewers, it is possible that some previously private sewers, now deemed public, could be crossing the above property and may not be shown on Southern Water records. Therefore, if any additional sewers are discovered during construction, an investigation will be required to determine their condition, the number of properties served, and potential access methods before any further work can proceed on site.

Tree Officer

First Response

I have reviewed the information supplied with this application and find that it is not sufficient to allow me to make comments.

What has been supplied states that there are trees but doesn't give adequate detail as to what species these trees are, their age, condition, their categorisation etc.

Further the protection methodology is very brief and as such, I am not convinced that the trees will be adequately protected.

Please could you request further information in the form of an Arboricultural Impact Assessment, including a Tree Constraints Plan, Tree Survey, Arboricultural Method Statement and a Tree Protection Plan. Once these have been received, please reconsult me and I will make comments at that point.

Final Response

I have reviewed the Arboricultural Impact Assessment, Tree Survey and Arboricultural Impact Assessment Plan and have no objection.

Please do condition these documents.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

Planning permission is sought to construct a single storey lower ground floor rear extension with external terrace over and a kitchen infill extension. Thermal upgrades to the existing building fabric are also proposed as well as the removal of the timber decking area and the addition of a low level rear patio.

RELEVANT PLANNING HISTORY

01/02380/FUL - First floor extension over existing single storey garage and games room within new slate pitched roof. Permission.

DM/21/2312 - New entrance porch to front and extend existing raised terrace to rear with minor associated alterations. Permission.

DM/22/0195 - Proposed canopies over front and side door, infill existing front entrance into kitchen with matching brickwork, replace existing modern curved bay to the rear with new brick bay window to match the adjacent existing Victorian bay window. Extend existing raised terrace with timber railing and associated landscape alterations to front to improve entrance and paving to the property. Amendment to approved application DM/21/2312. Permission.

DM/23/0372 - Remove existing dilapidated shed to side of property and replace with proposed single bay oak frame garage with attached garden shed. Permission.

SITE AND SURROUNDINGS

Leighton Cottage is a south facing, detached, two storey dwelling that dates from the turn of the twentieth century. It is constructed of red brick, with a slate roof and upvc windows. It is characterised by a recessed front door and has benefitted from a one and a half storey extension to the side.

The site is located within the built up area of Horsted Keynes and is also within the High Weald Area of Outstanding Natural Beauty. Neighbouring dwellings are located to the north, east and west, whilst the highway is to the south. The dwelling is set back from the highway by a parking area and is situated at a lower land level, which falls further away to the north.

APPLICATION DETAILS

Planning permission is firstly sought to construct a single storey rear extension. Due to the changing land levels this addition would enlarge an existing basement area and is to be some 4.3 metres deep. It is to be some 12.6 metres wide, with an additional 1.3 metres for an external staircase. A flat roof design is proposed, which would enable a terrace space to be created, and would have an overall height of approximately 3.4 metres.

It is also proposed to enclose a ground floor section that is currently recessed, so that it would form part of the kitchen and dining area. This area is some 4.5 metres wide and has a maximum depth of 1.8 metres and minimum of 1.3 metres.

The works are to be finished in materials to match the host dwelling.

The application also relates to the removal of an existing timber, decked area, the addition of a low level rear patio as well as thermal upgrades to the existing building.

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 Horsted Keynes 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:

DP16 - High Weald Area of Outstanding Natural Beauty

DP26 - Character and Design

DP37 - Trees, Woodland and Hedgerows

Site Allocations Development Plan Document

The Site Allocations DPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Horsted Keynes Neighbourhood Plan

The Horsted Keynes Neighbourhood Plan was formally made on 4th May 2023.

Relevant policies:

HK4 - Maintaining Local Character and Good Quality Design

HK5 - Infill Development and Domestic Extensions

HK9 - The High Weald Area of Outstanding Natural Beauty

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

DPN4 - Trees, Woodland and Hedgerows

DPC4 - High Weald Area of Outstanding Natural Beauty

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.

High Weald AONB Management Plan 2024 - 2029

National Planning Policy Framework (NPPF) (December 2024)

Legislation

Countryside and Rights of Way Act 2000

Levelling-Up and Regeneration Act 2023

ASSESSMENT

Impact on the High Weald Area of Outstanding Natural Beauty

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area when discharging their functions in AONBs'*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan, which is a material consideration in the determination of planning applications in the AONB, as well as policy HK9 of the Horsted Keynes Neighbourhood Plan.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular:

- o the identified landscape features or components of natural beauty and to their setting;*
- o the traditional interaction of people with nature, and appropriate land management;*
- o character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and*
- o the conservation of wildlife and cultural heritage'.*

The application relates to extending an existing dwelling, sited within the built up area of Horsted Keynes, and therefore would not form an isolated development within the wider landscape. The proposal would not have any adverse impact on the landscape quality of the AONB due to it being viewed in context with existing built forms within the village. As such the proposal would comply with the requirements of policy DP16 of the District Plan, policy HK9 of the Neighbourhood Plan, The High Weald Management Plan and paragraph 189 of the NPPF.

Design and impact upon neighbouring amenity

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'.*

Policy HK4 of the Horsted Keynes Neighbourhood Plan reflects this ethos. Policy HK5 of the Horsted Keynes Neighbourhood Plan specifically relates to extensions:

'Proposals for infill development and domestic extensions within the built-up area boundary will be supported where they comply with the following criteria:

- o the spacing between buildings reflects the character of the street scene (in the case of domestic extensions, the scale, height and form must fit unobtrusively with and be subservient to the existing building); and*
- o existing gaps between buildings which provide important views out of the village to the surrounding countryside (as referenced within paragraph 5.29 above) are retained; and*
- o materials are compatible with materials of existing/surrounding buildings; and*
- o suitable access and on-site parking is provided without detriment to neighbouring properties; and*
- o there is no unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained.*
- o Preserving and enhancing heritage assets and their wider settings, including conservation areas, listed buildings and areas of archaeological interest (see also policy HK6).*

Development outside the built-up area boundary that complies with policy HK1, including small scale domestic extensions, should also meet the criteria listed above'.

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'.

In terms of rear extensions principle DG51 states that where they

'are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference

to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens.'

The application site is situated in an established area of housing that follows Leighton Road and Station Road. Whilst there is some variation in the surrounding properties, they are of a traditional form and share a similar palette of materials.

Planning permission is sought for a single storey extension to the rear of the dwelling alongside other works to the property. It is considered that the proposed addition would not appear overly dominant in relation to the existing building. The design would respond appropriately to the host dwelling and the use of materials to match, across the development, would ensure a consistent finish. Whilst there may be some restricted views to the rear of the property from Cheeleys, to the east, given the acceptability of the extension in relation to the main house, it is considered that there would not be an adverse impact to the streetscene.

Policy HK5 of the Horsted Keynes 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 unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on access, noise, privacy, daylight, sunlight and outlook. 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 HK5 is considered to take precedence and therefore the test in this instance is whether the development causes harm to neighbouring amenities as outlined above.

1 Cheeleys would be closest dwelling to the proposed development. Due to the layout of the area the rear of this neighbour faces the application site and its garden space is to the north. No 1 has a window and door in its western elevation, facing the application site, which is partially obscured by a close boarded fence. It is understood that this opening relates to a utility room and the proposed extension would be a minimum of 5.0 metres away from the shared boundary. Given the changing land levels it is considered that there could be some impact to the light and outlook to this opening, however as it is already impacted by the fence and it relates to a non-habitable room it is considered that the harm would not be significant enough to warrant the refusal of this application.

Whilst no windows are proposed that would result in any direct overlooking, concern was raised regarding overlooking from the proposed terrace particularly towards the garden spaces of Cheeleys. Revised plans have therefore been submitted that show a 1.7 metre high screening fence along the eastern side of the terrace as well as the eastern section of the rear elevation. It is considered that this would be sufficient to prevent harmful overlooking occurring from this aspect of the development. Due to the distance between the raised terrace and Oakleaves to the west, it is considered that it would not have a harmful impact on this neighbour's privacy.

Due to the domestic nature of the proposal, there would not be a harmful impact in terms of noise, air or light pollution.

Impact to trees

Policy DP37 of the Mid Sussex District Plan relates to trees and 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'.*

Whilst a Tree Statement was submitted as part of this application, it provided no details of the tree species, their age, condition, their categorisation etc. During the Case Officer's site visit it was noted that there were trees within the rear garden in close proximity to the proposed development. An Arboricultural Impact Assessment, Tree Survey and Arboricultural Impact Assessment Plan have therefore been submitted and considered by the Tree Officer, who has raised no objection subject to a condition being included to ensure that the works are carried out in accordance with these details. It is considered reasonable and necessary for such a condition to be included to ensure that the development accords with the requirements of policy DP37 of the Mid Sussex District Plan.

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 would accord with the requirements of policies DP16 and DP26 of the Mid Sussex District Plan and policies HK4, HK5 and HK9 of the Horsted Keynes Neighbourhood Plan. The application is therefore considered acceptable.

Decision: Permission

Case Officer: Caroline Grist