

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1171	Case Officer:	Anna Tidey
Application Type:	Householder Application		
Proposal:	Existing garage to be converted into living accommodation.		
Site:	28 Allen Road, Haywards Heath, West Sussex, RH16 3PT, , , ,		
Validation Date	12 May 2025	Overall Expiry Date:	19 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	7 Jul 2025
Target Date:	7 Jul 2025	Recommending Officer Signature:	<i>Anna Tidey</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	8 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1171

**28 Allen Road, Haywards Heath, West Sussex, RH16 3PT, , ,
Existing garage to be converted into living accommodation.
Mr Derek Ullah**

SUMMARY OF REPRESENTATIONS

Two representations received, which contain the following concerns/objections:

- Existing garage already causing obstruction to public footpath in Jubilee Close, with vehicles parking on pavements and grass verge.
- Conversion to living space will possibly create even more vehicle obstruction in this area.
- This property has already been greatly extended over the years.
- Proposal appears to be not for a proper dwelling, but more for guest accommodation.
- Questions whether this would strictly comply with Building Regulations.
- Foul water will have to be pumped to the main house.
- Questions how the building will be damp proofed as part is below ground level.
- Concerns regarding the proposed use.
- Concern that a new front door will be created with a new independent address point in Jubilee Close.
- Concern that a second storey will be constructed.
- Jubilee Close has a low density of development.
- Existing parking problems in Jubilee Close and Allen Road.
- Concern that development will cause the area to deteriorate.

SUMMARY OF CONSULTEES

Flood Risk and Drainage:

We have no objection to the proposed development on flood risk and drainage grounds. Due to the nature of the development, drainage should be managed via Building Regulations/Control.

MSDC Housing Officer:

Based on the plans submitted the following comments are made with specific reference to compliance with Housing Standards legislation. Please note that this may differ from planning legislation, but respective minimum standards must be followed.

Please ensure that the garage conversion is ancillary to the main house and conditions are placed upon planning approval to not allow this self-contained property to be let on the private sector market.

Comments regarding room sizes, means of escape, heating, ventilation and lighting.

TOWN COUNCIL OBSERVATIONS

The Town Council OBJECTS to this application in principle as it feels the proposal represents an overdevelopment of a residential area. The Town Council notes comments made by Mid Sussex District Council's Housing Officer regarding minimum room sizes but is still significantly concerned about the inadequate standard of accommodation provided by this proposal.

The Town Council is further concerned about the proposal setting an unwelcome precedent in backyard developments and supports Mid Sussex District Council's comments about ensuring the self-contained garage conversion be kept ancillary to the house.

The Town Council requests that if this proposal is approved, it is subject to Mid Sussex District Council's conditions of the converted garage being kept as ancillary to the house and not to allow the self-contained property to be let on the private sector market.

INTRODUCTION

This application seeks planning permission for the conversion and adaptation of a garage building at 28 Allen Road in Haywards Heath.

RELEVANT PLANNING HISTORY

13/02802/FUL. New detached garage and cross over. Approved October 2013.

01/00422/FUL. Proposed first floor front extension, rear conservatory, pitched roof over front bay and kitchen to rear. Alterations to existing boundary treatments. Approved April 2001.

HH/156/88. Two storey extension. Approved June 1988.

SITE AND SURROUNDINGS

No 28 Allen Road is an extended semi-detached house, located on an established residential road off New England Road in the Built up Area of Haywards Heath.

The house occupies a corner plot on the junction of Allen Road with Jubilee Close. It benefits from a frontage parking area off Allen Road, which provides space for two cars to park off the road. In addition a detached garage with dropped kerb access has been constructed at the end of the garden. This is in use for domestic storage.

The garage backs up to a shared access road serving a small cul de sac of seven houses on off Jubilee Close.

The existing 4.5m wide by 9m (approx.) long garage building is located close to the western boundary of the rear garden, which is marked by staggered wall with a closeboarded fence above. At the rear of the garage building there is a narrow external storage area which lies between the garage and the boundary fence. The garage building is approx. 4m in height with a plain tiled crown roof. The external walls of the garage building are finished in brick, on the elevation that faces the road in Jubilee Close, and are clad with horizontal cream cladding on the remaining walls.

APPLICATION DETAILS

This application seeks planning permission for the conversion of the existing detached garage into living accommodation.

The proposed works involve blocking up the existing garage door in the south facing end road elevation, and the side pedestrian access doorway from the garden, creating a new side access gateway through the garden boundary wall, the insertion of a triple set of bifold doors in the east facing side wall, to lead onto a new patio space with a storage shed, the addition of a central roof light in the flat part of the crown roof and the insertion of two rooflights in the eastern facing roof slope.

Internally the garage space is shown to be converted into an open plan studio style unit with a small kitchenette at the northern end with a separate shower room and toilet, dining space, bedroom area and living/seating space.

The application has been amended during the course of the determination to add the proposed side access gate, to be constructed through the existing boundary wall which encloses the side garden, to add the proposed storage shed, and to remove two rooflights, originally proposed in the rear, western facing roof slope of the garage building.

The applicant has been asked to clarify the intended use of the new residential unit during the course of determining the application. The applicant has confirmed the following:

'The proposed garage conversion will become a home for my wife and I living accommodation with our daughter, her partner and grandchildren living in the main house, and sharing the garden and parking spaces (To the front of 28, Allen Road) whilst living together but with our own independence.'

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 Haywards Heath Neighbourhood Plan and Site Allocations 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.

Mid Sussex District Plan

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

Relevant policies:

DP6 Settlement Hierarchy
DP21 Transport
DP26 Character and design
DP41 Flood Risk and Drainage

Site Allocations Development Plan Document

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

There are no policies deemed relevant to this application.

Neighbourhood Plan

Haywards Heath Neighbourhood Plan -made 15 December 2016.

Policy E9 Design
Policy H9 Building extensions

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
DPS4 Flood Risk and Drainage
DPS6 Health and Wellbeing
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)

ASSESSMENT

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

- The Principle of Development
- Design
- Impact on residential amenities
- Parking provision and access
- Drainage
- Biodiversity Net Gain

The Principle of Development

The proposed extensions to the dwelling will add to the existing extended form of the existing property, which is located within an established residential area in the Built up Area of Haywards Heath.

Haywards Heath is recognised as a Category 1 Settlement under District Plan Policy DP6. As such it has a comprehensive range of employment, retail, health, education, leisure services and facilities, with good public transport provision.

The proposed garage conversion will create ancillary accommodation to the main dwelling at No 28 Allen Road, and is to be used by older members of the family to free up accommodation in the main house. Its future use can be controlled as such by a suitably worded planning condition to limit the use accordingly.

The proposal will therefore accord with District Plan Policy DP6.

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. The wording of 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.'*

As the site is located in the built up area of Haywards Heath the development plan in this part of Mid Sussex consists of the District Plan and the Haywards Heath Neighbourhood Plan. Neighbourhood Plan Policies H9 and E9 are relevant, and these state:

Policy H9

Extensions to existing dwellings will be permitted where it meets the following criteria:

- o The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- o Spacing between buildings would respect the character of the street scene.*
- o Gaps which provide views out to surrounding countryside are maintained.*
- o Materials are compatible with the materials of the existing building.*
- o The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- o The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

Policy E9

'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.'*

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 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.

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).'

The proposed garage conversion will adapt the existing building and involve little overall change to its appearance in public views from the street.

The proposed patio and shed addition within the garden are considered acceptable and will not adversely impact upon the character and appearance of the dwelling and garden, and the street scene. The formation of a new access doorway through the boundary wall is considered acceptable.

Consequently the appearance of the proposed conversion works are considered to accord with Policy DP26 and Policies H9 and E9 of the Haywards Heath Neighbourhood Plan and with the relevant Design Guide principles.

Impact on residential amenities

District Plan Policy DP26 and Neighbourhood Plan Policy H9 are relevant in the determination of this application with regards to the impact of the changes on residential amenities. There is a conflict in the phrasing of these policies. 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 contrast Policy H9 states that extensions to existing dwellings will be permitted where the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.

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.

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 properties are Nos 50 and 53 Jubilee Close, to the west, the attached house at No 26 Allen Road and properties to the south in Jubilee Way, with Nos 11 and 15 being the closest.

It is considered that the amended plans, which remove the two rooflights from the west facing roof slope, have addressed potential night time light spill from the proposed garage conversion.

The views of the neighbouring residents and of the Town Council have been carefully considered in the determination of this application. It is relevant that the garage is an existing building, which is single storey in form. The position and relationship of the building to the neighbouring houses has been given careful thought. The proposed use is for ancillary family accommodation, and this can be controlled by a suitably worded planning condition.

The garage is sited next to a boundary fence line between the rear gardens of Nos 26 and 28. There are sheds and garden structures in the rear garden of No 26. The proposed shower room is located at the northern end of the garage conversion and the plans show that mechanical ventilation is proposed to vent the space. No external windows are proposed for the kitchen space or otherwise, other than the garden facing bifold doors, which are sited at a reasonable distance from the mutual boundary.

Given the siting of the garage at the rear end of the garden, and the relationship of the proposed shed and patio additions to 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 the more up to date Policy DP26 of the District Plan, and also with the requirements of Policies H9 and E9 of the Haywards Heath Neighbourhood Plan and the relevant principles of the Design Guide.

Parking provision and access

With regards to parking provision for the extended house the relevant District Plan Policy is DP21, which states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011- 2026, which are:

- o A high quality transport network that promotes a competitive and prosperous economy;*
- o A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- o Access to services, employment and housing; and*
- o A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- o The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- o Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- o The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- o The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*

o Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;
o The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;
o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;
o The scheme protects the safety of road users and pedestrians; and
o The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so'.

The proposal will increase the number of bedrooms available to the occupiers of the house from 3 to 4+. Whilst the garage space will be lost, the existing frontage parking arrangements will be maintained and there is the option for this area to be enlarged. There is existing off road parking provision at the front of the house for 2 vehicles.

For a 4+ bed property located in the Bentswood Ward in Haywards Heath the West Sussex County Council Guidance on Parking recommend 2.2 spaces should be provided.

The loss of the garage will reduce the on site parking provision available to the occupiers of No 28 Allen Road, but there is unrestricted on road parking in the nearby roads, and the site is located in a sustainable location close to the town centre and other sustainable transport options. The proposal is therefore considered to accord with the requirements of the West Sussex County Council Guidance and with the aims of District Plan Policy DP21.

Drainage

The proposed plans show that the foul drainage for the ancillary accommodation is proposed to be connected to the existing house drainage.

The Council's Drainage Team have been consulted on the application and have confirmed that they have no objection to the proposed development on flood risk and drainage grounds. They have confirmed that due to the nature of the development, drainage should be managed via Building Regulations. Given this advice the application is considered to accord with the aims of District Plan Policy DP41.

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 proposed garage conversion and associated works are considered acceptable in design terms and will not impact harmfully upon the character and appearance of the property or the street scene in this established residential road.

It is considered that the new additions will not cause significant harm to the neighbouring amenities, with an appropriately worded planning condition to tie the use of the accommodation to the main house. The

proposal accords with the aims of District Plan Policy DP26 and also with the requirements of Policies H9 and E9 of the Haywards Heath Neighbourhood Plan and the relevant principles of the Design Guide.

The proposed on site parking provision will accord with the requirements of the West Sussex County Council Guidance and the aims of District Plan Policy DP21.

Any drainage matters can be managed via Building Regulations, and do not preclude the determination of the application.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey