

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3130	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Proposed single storey rear extension		
Site:	17 Nursery Close, Hurstpierpoint, Hassocks, West Sussex, BN6 9WA, , ,		
Validation Date	3 Jan 2025	Overall Expiry Date:	7 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	24 Feb 2025
Target Date:	28 Feb 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	25 Feb 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3130

**17 Nursery Close, Hurstpierpoint, Hassocks, West Sussex, BN6 9WA, ,
Proposed single storey rear extension
Mr And Mrs S Fox**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

Southern Water: No objection.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: Mid Sussex District Council should give permission.

INTRODUCTION

The application seeks planning permission for the development of a single storey rear extension.

RELEVANT PLANNING HISTORY

14/00199/FUL - Proposed two storey side extension. Permission 25.02.2014.

SITE AND SURROUNDINGS

The application relates to number 17 Nursery Close, a two-storey end of terrace dwelling with the appearance of a semi-detached unit due to the single storey garage link to the north-east. The existing property uses a hipped roof pitch and has previously been extended to the side (south-western) elevation. The property is served access by a front brick paved driveway leading off from the highway edge and is afforded garden amenity space to the rear. The dwelling occupies a corner plot with mature boundary hedgerow and close board timber fencing abutting the pavement edge. The existing dwelling is composed of brickwork walls, a tiled roof and uPVC windows and doors.

There are a number of traditional estate style dwellings primarily of a brick built exterior with some tile hanging at first floor level providing further visual interest.

With regard to policy constraints, the site is located within the Hurstpierpoint built up area. The site borders the Hurstpierpoint Conservation Area to the south-east.

APPLICATION DETAILS

The proposal would develop a rear (south-eastern) elevation, single storey extension in a lean-to style. The proposed extension would measure at approximately 3.2m in depth, 3.1m wide, have an eaves height of 1.1m and a maximum height measuring at 1.7m. Proposed external materials would constitute rendered exterior walls, matching roof tiles, uPVC windows and aluminium doors.

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

DP35: Conservation Areas

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

Hurstpierpoint and Sayers Common Neighbourhood Plan (February 2015)

None applicable.

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 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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPB3 - Conservation Areas

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)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 56, 131, 135, 139, 189, 207, 208, 209, 212-215, 219 & 220.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) - Special attention to be paid to preserving or enhancing the character or appearance of a conservation area.

ASSESSMENT

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

- Impact on Character, Appearance and Heritage Assets
- Impact on Neighbouring Amenities
- Biodiversity Net Gain

Impact on Character, Appearance and Heritage Assets

In terms of the impact on the nearby Hurstpierpoint Conservation Area, policy DP35 of the District Plan states:

"Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- o Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area."

Significance is defined in Annex 2 of the NPPF as *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The nearby Conservation Area, by virtue of its designation, is significant in heritage terms and this significance is likely to arise from its aesthetic (fortuitous) value and historical (illustrative) value. It is noted that there is no published Conservation Area appraisal for development to adhere to in Hurstpierpoint.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraphs 212 - 215 of the NPPF states:

"212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

DP26 of the 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 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'*

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area in accordance with the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Principle DG49 of the Mid Sussex Design Guide states:

'Extensions should typically use simple, uncomplicated building forms to compliment 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.'

Moreover, Principle DG51 of the Design Guide notes:

Rear extensions which 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 proposed rear extension would be set to a limited size and scale at single storey level with a lean to roof pitch. By virtue of the limited footprint and overall size, the proposed extension is considered to be a subservient addition to the existing dwelling. Whilst the proposed extension would not utilise matching materials such as facing brickwork exterior walls, it is not considered that the render would appear overly incongruous within the sites context given that views from the public domain would be limited. It is noted that other properties within the sites locality have also previously been extended to their rear elevations.

Accordingly, the development proposal is considered to conserve the special character and appearance of the Hurstpierpoint Conservation Area and is considered to result in a neutral impact. As such, it is considered that the proposal would comply with Policies DP26 and DP35 of the Mid Sussex District Plan and the relevant paragraphs of the NPPF.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, 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 DP29);'

Principle DG47 of the Mid Sussex Design Guide SPD relates to neighbouring amenities in terms of light and states:

'All dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards.'

In terms of light impact to the neighbouring rear windows, Principle DG47 of the Design Guide states among other matters that all dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards. Further guidance is set out within the "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" document. The "45 degree approach" should be taken whereby a 45 degree line is drawn from the top of the elevation and a second 45 degree line is taken from the end of the projection. If the neighbouring properties window lies within the centre of both lines, then the building will likely cause a significant reduction in light received to the concerned window. This guidance is taken as a rule of thumb and each planning application is assessed based on its own merits.

The proposed extension would directly abut the adjacent plot at No.15 and would project from the existing rear elevation by approximately 3.2m. It is considered that the extension would have a limited maximum height of 1.7m and the use of the lean to roof pitch would help limit the proposals overall bulk. The closest rear opening on No.15s rear elevation would be the ground floor translucent doorway. The proposed extension would likely fail the 45-degree test in plan format but would be acceptable in the elevational assessment. The BRE good practice guidance states that both 45 degree test would have been breached for further detailed BRE tests to be required.

There would be no side (north-eastern) elevation windows which would face towards the neighbouring site. As such, it is not considered that the proposal would result in a significant overlooking impact.

Accordingly, the proposal is considered to comply with the provisions of DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

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 appropriate in terms of design and will not negatively impact on the host dwelling, its immediate setting or the nearby Hurstpierpoint Conservation Area and will not result in harm towards neighbouring amenities.

The proposal will comply with Policy DP26 and DP35 of the District Plan, the Hurstpierpoint Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas