

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1835	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 of planning application DM/24/2278 - to replace consented drawings with new drawings		
Site:	7 Park Road, Burgess Hill, West Sussex, RH15 8EU, , , ,		
Validation Date	17 Jul 2025	Overall Expiry Date:	29 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	26 Sep 2025
Target Date:	11 Sep 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:	2 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1835

**7 Park Road, Burgess Hill, West Sussex, RH15 8EU, , ,
Variation of condition no 2 of planning application DM/24/2278 - to replace consented drawings
with new drawings
Mr And Mrs Kiernan**

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

Conservation Officer: On balance the proposal is considered to meet the requirements of District Plan Policy DP35.

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: *'The Committee of 4th August would Recommend Approval.'*

INTRODUCTION

The application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 2 of planning permission DM/24/2278.

RELEVANT PLANNING HISTORY

10/01755/FUL - Addition of glazed conservatory and modifications to existing lean-to at rear of property. Demolition of existing detached garage and replacement with new garage/car port. Permission 06.08.2010.

DM/24/2278 - The demolition of an existing rear extension and conservatory, replaced with a new rear extension, raised terrace and boundary wall. Permission 07.02.2025.

SITE AND SURROUNDINGS

The application site comprises a three-storey semi-detached dwelling set back from the southern side of the road by a gravelled driveway. The existing dwelling is set within a relatively large plot with ample garden amenity space stretching out to the south in a linear format. The existing property displays a strong degree of symmetry to its principal elevation featuring a three storey tile hung bay and pitched dormer at second floor level whilst possessing a shared central chimney stack. The existing dwelling is composed of red brick, tile hanging and masonry with a rendered finish to the exterior walls, concrete interlocking roof tiles to the roof, a mixture of timber framed single glazed casement windows and uPVC double glazed sliding sash windows and timber panelled side and rear doors. The rear elevation conservatory features a low level wall in a masonry with a rendered finish, a polycarbonate sheet roof, uPVC double glazed casement windows and doors.

The sites locality features an eclectic mix of detached and semi-detached dwellings set back from the roadside with some variation in dwelling size throughout the street scene. A number of town houses can be observed within the locality of some age, predominantly from between the 19th century to the present time.

With regard to policy constraints, the site is located within the Burgess Hill built up area and is set within the St Johns Conservation Area.

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 2 and remove condition 4 of planning permission approved DM/24/2278.

Condition no. 2 of planning permission DM/24/2278 states that:

'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.'

The current proposal would alter the form of the extension from the previously approved plans and would increase the width of the replacement store element from approximately 3.8m to 5.3m. This in turn would decrease the width of the replacement conservatory element from circa 5.4m to 4.1m. The step in would also be decreased in depth from the previous proposal.

Various design alterations would also be made to the elevational layout as the bi-fold opening doors to the conservatory would no longer be full width and the number of rooflights would be reduced from the previously consented application.

Proposed external materials would comprise Olde wells Rustica bricks and black mortar and anthra-zinc to the external walls, natural Welsh slate roof tiles and anthra-zinc to the roofs, velux heritage conservation rooflights and powder coated aluminium door frames.

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 Burgess Hill 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

Burgess Hill Neighbourhood Plan (Made January 2016)

Relevant Policies:

Policy H1: Protecting and Enhancing Heritage Assets and Conservation Areas.

Other Legislation

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

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 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

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, 115-117, 131, 135, 139, 207, 208, 209, 212-215, 219 & 220.

ASSESSMENT

This application seeks permission to develop land without compliance with condition no. 2 previously attached to planning permission DM/24/2278, as set out under Section 73 of The Town and Country Planning Act 1990.

Section 73 (2) of the said Act states that:

'73 Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) 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 principle of the development has been established by virtue of the previous permission. As such it is only necessary to consider the specific changes that are proposed to the previously approved development. The proposed amendments are for the following:

- Impact on Character and Appearance, Including the Conservation Area

Impact on Character and Appearance Including the Conservation Area

In terms of the impact on the St Johns 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:

- 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;*
- 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;*
- 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;*
- 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;*
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- 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.'

Policy H1 of the Burgess Hill Neighbourhood Plan notes that: *'Proposals within the Burgess Hill Conservation Areas will be required to preserve and enhance their special character or appearance. Support will be given to undertaking/updating appraisals and management plans for each Conservation 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 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.

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.

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:

- 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;
- 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'

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.'*

Principle DG51 specifically relates to rear extensions and states that *'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 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, of Section 72(1) of the same Act in paying special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

In absence of an adopted character appraisal for the St John's Conservation Area, the Council does have a document titled 'Conservation Areas in Mid Sussex' which sets out a brief appraisal of the area which includes the following description:

'the well spaced reasonably large town houses along Park Road and Crescent Road; ... the variety of substantial residential properties dating from most of the periods of the town's development from the latter half of the 19th century to the present day[...]'

The proposed alterations to the rear extensions form would be modest and would increase the replacement stores width to match that of the gable end. It is still considered on balance that the proposal would take visual cues from the existing store and conservatory layout. The proposal would wholly be contained to single storey level and would remain subservient towards the main dwelling. Proposed materials have been found to be acceptable upon further consultation with the Local Planning Authorities Conservation Officer.

It is therefore considered that the proposed changes are considered to result in a neutral impact towards the character of the Conservation Area. The proposal would comply with the provisions of Policies DP26 and DP35 as set out in the District Plan, Policy H1 of the Burgess Hill Neighbourhood Plan and the statutory duties as set out within the Listed Buildings and Conservation Areas Act.

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 variation to planning permission DM/24/2278, in respect of the changes to the approved extensions, is considered acceptable. The proposal would continue to preserve the character and appearance of the St Johns Conservation Area. As such, the application is considered to comply with Policies DP26 and DP35 of the Mid Sussex District Plan, Policy H1 of the Burgess Hill Neighbourhood Plan, the Mid Sussex Design Guide, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act and the National Planning Policy Framework.

Decision: Permission

Case Officer: Stefan Galyas