

From: planninginfo@midsussex.gov.uk <planninginfo@midsussex.gov.uk>
Sent: 27 October 2025 16:27:34 UTC+00:00
To: "Tracie Axford" <tracie.axford@midsussex.gov.uk>
Subject: Mid Sussex DC - Online Register - Comments for Planning Application
DM/25/2401

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 27/10/2025 4:27 PM.

Application Summary

Address:	33 Badgers Walk Burgess Hill West Sussex RH15 0AE
Proposal:	Conversion of a detached garage into a garden room and the conversion of a uPVC front porch into a brick construction of the same dimentions
Case Officer:	Tracie Axford

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Customer Details

Address:	10 Riverside Way Bristol
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Comments Details

Commenter Type:	Agent
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	Please note: A full objection with photographic evidence has been submitted directly to the case officer. Introduction: This objection letter has been submitted on behalf of Mr. David Duong, of 32 Badgers Walk. Discussion of Scheme: Height discrepancy and inaccurate plans The description states: "Conversion of a detached garage into a

garden room and the conversion of a uPVC front porch into a brick construction of the same dimensions." The submitted drawings also show no dimensional change to the garage, with both the existing and proposed height shown as 3.1 m.

On site, however, the garage has been raised to facilitate the conversion. From the garden level of No. 32, it now measures approximately 2.9 m, whereas prior to the works it measured around 2.2 m. Before the height increase the garage sat below the top of the rear facing window at No. 32, and it now stands significantly above that window head. The increase is therefore in the order of 0.7 m, yet this uplift is not recorded on the submitted plans. The photographs overleaf show new brickwork added to the upper portion of the structure and the ridge line sitting well above the previously observed level relative to the window at No. 32. There is also a deeper eaves overhang that is not illustrated on the drawings, which increases the bulk and exacerbates the amenity impacts when viewed from neighbouring land.

This matters because the application description and drawings indicate a like for like conversion with no external dimensional change, while the as built structure is materially taller and the alteration does not fall under permitted development. That is a substantive alteration with consequences for design quality, scale, and neighbour amenity. Decision making must rely on clear and accurate plans that provide visual clarity about the development. Omitting the increased height and the deeper eaves prevents a full assessment of effects on outlook, enclosure, and light to neighbouring gardens and windows, and is contrary to national policy and to development plan policies on high quality design and protection of residential amenity.

The applicant should therefore submit corrected drawings that show the original pre works height, the as built height, and the proposed arrangement, all to a single fixed datum. Scaled sections should reference neighbouring land levels, including a section from the garden level of No. 32 to the garage eaves and ridge with spot levels and dimensions annotated. Elevations should accurately depict the eaves depth and any projections, together with distances to the boundary. Given the material change, the local planning authority should reconsult on the corrected information.

Photograph from before garage height was raised; note eaves level sitting below top of rear facing window.

Photograph from after garage height was raised; note new bricks to upper level and height significantly above top of rear facing window.

Unless and until accurate information is submitted, the application is not capable of proper determination. If corrected plans are not provided, refusal would be justified on the grounds of inaccuracy and the resultant harm to neighbouring amenity. If the applicant maintains that the garage was and remains 3.1 m, they should provide verifiable level data and a measured survey to reconcile

that claim with the photographic record showing a circa 0.7 m increase and a deeper eaves profile.

The plans submitted with this application are also incomplete. No east or north elevations of the garage are provided, so the full extent of the works is unclear. Omitting these elevations obscures critical information about height and detailing, including the deepened eaves, which materially affects the assessment of impact on neighbours. National policy expects applications to be supported by clear and accurate drawings so that decision makers and those implementing the permission have a reliable basis for evaluation. In the absence of complete elevations, the proposal cannot be properly assessed, and transparent decision making is undermined.

Residential Amenity Impacts:

Measured at approximately 2.9 metres on the shared boundary with No. 32, the converted garage presents a materially taller, uninterrupted flank directly at the point of greatest sensitivity. At this scale and distance, the structure reads as an overbearing enclosure that looms over the rear habitable room windows and patio area of No. 32, confining the outlook considerably and materially enclosing the boundary.

The increased eaves depth compounds the perceived bulk. By pushing mass closer to eye level, it lengthens the depth of shadow and accentuates the sense of dominance when experienced from the patio and ground floor rooms. This is not a short section of fencing or a lightweight screen; it is a solid building element with continuous walling that introduces visual weight along the boundary where the receiving property is most sensitive to change.

In daylight and sunlight terms, the relationship is inherently problematic. Industry standard practice set out in the BRE guide Site Layout Planning for Daylight and Sunlight recognises that tall development close to a boundary reduces sky visibility and increases overshadowing, particularly for ground floor rooms and sitting out areas. While detailed calculations are not reproduced here, it is evident on site that a wall of 2.88 metres on the boundary would struggle against the BRE 45-degree approach taken from the mid-point of the affected rear window, since the near edge of roof and eaves sit well within the critical envelope. The additional eaves depth intensifies this effect by projecting the mass outward, which in turn lowers vertical sky component and increases the duration and extent of overshadowing across the private garden during key amenity periods.

The combined effects are a pronounced sense of enclosure, a significant loss of outlook from habitable rooms, and materially increased overshadowing of the garden where access to sunlight and daylight is an essential part of residential amenity. These are precisely the types of harm that Policy DP26 of the Mid Sussex District Plan seeks to avoid when requiring that development does not cause significant harm to the amenities of nearby residents, including impacts on outlook, daylight, and sunlight. The National Planning Policy Framework also expects development to secure a

high standard of amenity for existing and future users, which this arrangement fails to achieve.

Given the excessive height on the boundary, the intensified bulk created by the deeper eaves, and the clear experiential harm at No. 32, the proposal would cause unacceptable overbearing impact, loss of outlook and increased overshadowing. The harm is readily appreciable on site and is not capable of being mitigated by planting or minor detailing. The development therefore conflicts with Policy DP26 and with the overarching aim of the Framework to safeguard good standards of amenity, and permission should be refused on this basis.

Permitted Development Rights:

Permitted development for domestic outbuildings limits height to 2.5 metres where the building sits within 2 metres of a boundary, as set out in the GPDO Schedule 2, Part 1, Class E, and related guidance. Although this is a full planning application and the GPDO does not determine the outcome, the permitted development framework sets the general limits typically regarded as tolerable in dense residential areas. It is a sensible starting point for judging whether a proposal is likely to be acceptable in terms of bulk, height and proximity to boundaries, particularly where neighbouring amenity is engaged.

At approximately 2.88 metres on the shared boundary (and seemingly 3.1m at the ground level of the host dwellings), the structure exceeds the 2.5 metre requirement for development within 2m of the boundary. Exceedance of the permitted development guidelines should have clear justification, for example, where dwellings are spaced far apart, or outbuildings sit away from sensitive areas of neighbouring dwellings.

No such justification has been provided. The submission identifies no functional requirement for the extra height, no technical constraint that could not be resolved within the 2.5 metre envelope, and no mitigation that would offset the increased mass at the boundary. In the absence of cogent evidence, the departure appears arbitrary and reads as an attempt to secure a larger building than would ordinarily be tolerated at this proximity.

Proposals that exceed acceptable parameters should demonstrate a proportionate and well evidenced rationale, to achieve good design that responds to context, and to avoid harmful effects on neighbouring amenity. A taller outbuilding on a boundary conflicts with those expectations unless convincingly justified and sensitively managed. Here, the extra mass and height are neither explained nor mitigated.

Accordingly, the scheme sits beyond permitted development, lacks robust justification for the greater scale, and fails to demonstrate compliance with relevant design and amenity policies. On that basis the proposal should be refused.

Conclusion:

For the reasons set out above, the application is not supported by clear, accurate or complete information, and the as built structure is materially taller than the original structure. The omission of the increased height and deeper eaves frustrates a proper

assessment of effects on outlook, enclosure and light, and the plans are incomplete with key elevations missing. On the evidence available, the development gives rise to unacceptable overbearing impact, loss of outlook and increased overshadowing at No. 32, in conflict with Policy DP26 and the Framework requirement to secure a high standard of amenity. The height at the boundary also exceeds the permitted development benchmark with no cogent justification, which weighs further against the scheme.

Accordingly, the application is not capable of proper determination in its current form and should be refused on grounds of inaccuracy, incompleteness, and resultant harm to neighbouring amenity. If the local planning authority is minded to seek further information rather than refuse at this stage, the applicant should first submit corrected and fully dimensioned drawings and sections to a single fixed datum, together with verifiable level data, and the authority should reconsult on that material. In the absence of a demonstrable reduction to a height that accords with the 2.5 metre envelope at the boundary and a materially reduced eaves depth, permission should be refused and any necessary enforcement action pursued to remedy the harm.

Kind regards