

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1228	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Proposed side lean-to extension, rear full width ground floor extension, half width first floor extension, demolition and reconstruction of garage and replace existing fence with a 1.8m brick wall.		
Site:	1 Orchard Road, Burgess Hill, West Sussex, RH15 9PG, , , ,		
Validation Date	22 May 2025	Overall Expiry Date:	17 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	16 Jul 2025
Target Date:	17 Jul 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:	16 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1228

1 Orchard Road, Burgess Hill, West Sussex, RH15 9PG, , ,
Proposed side lean-to extension, rear full width ground floor extension, half width first floor extension, demolition and reconstruction of garage and replace existing fence with a 1.8m brick wall.

Mr Luke Beasley

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the current proposal.

SUMMARY OF CONSULTEES

Southern Water: No objection.

District Licensing: No comment.

TOWN COUNCIL OBSERVATIONS

'Recommend Refusal. The committee believe that the application having an overbearing impact and potentially being overdevelopment of the plot, is contrary to policies: MSDC District Plan DP26: Nature and Quality of Development; Character and Design'

INTRODUCTION

The application seeks planning permission for the demolition of the existing garden outbuilding and the erection of a new single storey garage, the development of a single storey side extension, a single storey ground floor extension and half width two storey rear extension, the erection of a 1.8m side brick wall, the erection of a bin and log store and the creation of a terrace to the rear garden.

RELEVANT PLANNING HISTORY

DM/25/0071 - To drop kerb in front of house to allow for parking on driveway. Permission 24.02.25.

DM/25/0573 - Proposed side lean-to extension, rear full width ground floor extension, half width first floor extension, loft conversion and demolition and reconstruction of garage. Withdrawn 28.04.25.

SITE AND SURROUNDINGS

The proposal relates to 1 Orchard Road, a two-storey end of terrace dwelling which features a hipped roof pitch. The site borders an open grassed space immediately to the north with the two separated by a closeboard timber boundary fence. The property is afforded garden amenity space to the rear where a single storey pitched roof outbuilding is sited within. The existing dwelling is set back from the highway edge by a paved front driveway and is served by a dropped kerb. In terms of existing materials, the dwelling is composed of facing brick, first floor tile hanging and rendered concrete panels to the walls, a tiled roof and white uPVC windows.

With regard to the sites locality, there are a number of other terraced houses which display some variation in external materials and finishes, particularly at first floor level through the use of exterior render as well as tile hanging.

The site is within the built-up area for Burgess Hill as defined in the District Plan (DP).

APPLICATION DETAILS

The proposal would develop a single storey wrap around extension which would measure at approximately 7.2m in length, 1.1m wide, have an eaves height of 2.3m and a maximum height measuring at 3.4m. Proposed external materials would include facing brickwork walls, a tiled roof and white uPVC windows.

Additionally, a single storey rear extension would be developed which would measure at circa 3.4m in length, 5.1m wide and 3m in maximum height. A first-floor extension would be developed above the single storey extension and would measure at circa 3.4m in length, 3.3m wide, have an eaves height of 4.7m and a ridge height measuring at 6m. Proposed external materials to both extensions would measure at facing brick walls, tile hanging at first floor level, a tiled roof and white uPVC windows.

Within the rear garden amenity space, the existing outbuilding would be demolished with a new outbuilding partly erected in its place. The proposed outbuilding would measure at approximately 6m in length, 7.8m in maximum width, 2.5m high to the eaves and 4m high to the ridge. The outbuilding would be composed of brickwork walls, a tiled roof and a timber door.

The existing closeboard timber fence would be removed and a new brick boundary wall would be erected to the northern boundary in its place. The wall would measure at 7.1m in length and 1.8m high.

Within the rear garden, a new bin and log store would be constructed to the north of the site and a new sun terrace would be constructed as well as associated landscaping.

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:

DP21: Transport

DP26: Character and Design

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 S4 - Parking Standards for New Developments.

Policy H2 - Back Garden Development

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

DPT4 - Parking and Electric Vehicle Charging Infrastructure

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.

ASSESSMENT

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

- Design and Character
- Impact on Neighbouring Amenities
- Impact on Highways and Parking
- Other Matters
- Biodiversity Net Gain

Design and Character

DP26 of the District Plan states (in part):

'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'*

Policy H2 of the Burgess Hill Neighbourhood Plan states in regard to back garden development that:

Development in back gardens in residential areas of Burgess Hill will generally not be supported. Exceptionally, proposals to intensify existing residential areas will only be supported where this can be achieved through good design and without harming local amenities. Any attractive prevailing character and appearance of the area must be protected.

Where back garden development is proposed; special regard must be paid to:

- (i) The density and height of the proposal;*
- (ii) The privacy and outlook from existing dwellings and, in particular, gardens;*
- (iii) Any proposed demolition of existing dwellings or parts of dwellings to form access. If this would create an unattractive breach in a consistent street frontage then this will not be permitted;*
- (iv) Access arrangements that would cause significant nuisance to neighbouring properties will not be permitted;*
- (v) Sufficient garden depth and area should be retained by existing dwellings commensurate with their size and character;*
- (vi) The layout, scale and form of housing visible from the street should be compatible with the predominant scale of housing on the street; and,*
- (vii) The effect and cumulative impact of the development on the loss of garden habitat/biodiversity.*

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 DG50 of the Mid Sussex Design Guide elaborates further on what constitutes 'good design' in relation to side extensions:

Side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building.

The gaps between dwellings can sometimes positively contribute to articulating (for example, through the consistent rhythm of repeated houses) and adding interest in a street frontage or by providing views / visible connections to the surrounding countryside. Side extensions will therefore need to appropriately respond to the character of the street form and will not normally be accepted where they close an important gap and view.

In terms of rear extensions, principle DG51 states:

'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 single storey wrap around extension would intersect the existing front porch and would utilise a hipped roof form. It is considered that the side extension would appear subservient towards the existing dwelling, owing to its limited size and scale. It is considered that the use of matching external materials would help the proposal further assimilate with the existing. As such, this element of the proposal is considered to result in an acceptable impact.

To the rear elevation, a part single storey, part two storey extension would be developed. The proposed two storey extension would be offset from the original dwellings ridge height, allowing for this element to be read as a later addition. The use of the hipped roof design is considered to also help minimise the proposed extensions overall perceived size and scale. Furthermore, the use of tile hanging at first floor level is considered to mirror the design utilised to the principal elevation. As for the single storey

extension, it is considered that this element would appear clearly subservient towards the host dwelling. Accordingly, these extensions are considered to be acceptable in this instance.

Within the rear garden amenity space, the existing single storey outbuilding would be demolished with a new single storey outbuilding partly erected in its place, albeit further towards the rear (east) boundary. Whilst the proposed outbuilding would be larger than the existing in height, the overall footprint would be slightly smaller. It is considered that the outbuilding would still remain subservient towards the main dwelling and would be of an overall acceptable appearance provided the context of other single storey outbuildings positioned to the rear of the nearby plots within the terrace.

There is an existing close board boundary fence which acts as the northern boundary treatment and is visible when looking at the site from the north across the open grassed space. The proposed would remove the existing boundary fence and erect a new 1.8m high brick wall in its place. Whilst this boundary would result in a harsher and more permanent appearance, it is not considered that such an alteration would be viewed as overly incongruous within the sites locality and would enclose the existing residential curtilage.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, Policy H2 of the Burgess Hill Neighbourhood Plan and the relevant principles of the Mid Sussex Design Guide SPD.

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);'

To the rear elevation, the proposed two storey rear extension would be slightly offset from the shared boundary with No.3. It is considered that No.3 has previously been extended to the rear through the addition of a single storey rear extension and the rear extensions subject to the current application would not exceed this in length.

The proposed two storey rear extension would be set within a close proximity to the first-floor rear elevation windows at No.3. In terms of light impact to the 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.

When assessed against the 45 degree test, it is considered that the two first floor windows at No.3 would pass in both elevational and plan format. As such, it is not considered that the proposed two storey rear extension would give rise to an overshadowing impact. Furthermore, it is considered that the offset from the shared boundary would help reduce any overbearing impact that may be incurred.

In terms of remaining residential amenity space on site, the existing outbuilding is of a larger footprint than the proposal. The existing outbuilding measures at circa 36m² when compared to the proposed outbuilding which would measure at around 31m². Whilst the proposed rear extensions would also contribute a further 17m² of built form to the rear garden amenity space, it is considered that still 50% of the original plot would remain undeveloped. As such, it is not considered that the proposal would constitute an overdevelopment of the plot.

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

Impact on Highways and Parking

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. Additionally, Policy DP21 of the District Plan requires development proposals to protect the safety of road users and pedestrians.

Policy S4 of the Burgess Hill Neighbourhood Plan in part states:

'In cases where planning permission is necessary for alterations and extensions to properties support will not be given for the conversion of garage space to habitable rooms/ residential use unless there is adequate space to park cars off street in line with the parking standards. Design and layout of off-site parking areas, on street parking areas, garage/parking blocks will be designed to allow ease of access from driveways and accessibility to parking areas without causing obstruction.'

Appendix D of the Burgess Hill Neighbourhood Plan sets out that 3 bedroom dwellings located outside the defined Town Centre area are required to provide 2 designated spaces and 1 non-designated space per 2 dwellings. West Sussex County Council September 2020 Parking Standards Guidance, outlines that for a 4-bedroom dwelling in this location 2 parking spaces have to be provided.

It is considered that the existing front driveway which is served by a dropped kerb would accommodate sufficient space for two off road parking places. As such, the proposal is considered to meet the provisions of DP21 of the District Plan and Policy S4 of the Neighbourhood Plan.

Other Matters

The proposed outbuilding would accommodate a sizeable footprint which has the potential to be utilised for alternative residential purposes other than the storage of vehicles and domestic paraphernalia. A condition ensuring that the outbuilding is used as a garage is considered relevant and necessary in the instance that planning permission is granted.

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 nor its immediate setting and will not harm neighbouring amenities.

The proposal will comply with Policies DP21 and DP26 of the District Plan, Policies S4 and H2 of the Burgess Hill Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas