

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2648	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Proposed ground floor side and two storey rear extension to adapt existing 1 bed flats into 2 bed		
Site:	36 And 38 Buckhurst Way, East Grinstead, West Sussex, RH19 2AJ, , , ,		
Validation Date	23 Oct 2025	Overall Expiry Date:	12 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	16 Mar 2026
Target Date:	18 Dec 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>Steven King</i>	Date:	17 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2648

**36 And 38 Buckhurst Way, East Grinstead, West Sussex, RH19 2AJ, , ,
Proposed ground floor side and two storey rear extension to adapt existing 1 bed flats into 2 bed
Mr A Milton**

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

Ecology: *'on review of the submitted information, we are satisfied that this provides sufficient justification that the development meets the de-minimis exemption. As a result, we are satisfied that the development is exempt from the statutory requirement of mandatory biodiversity net gains. As a result, we are satisfied that there is sufficient ecological information available to support determination of this application.'*

Drainage: No objection. *'This is subject to the proposed development incorporating all flood mitigation and resilience measures set out within the Flood Risk Assessment, including finished floor levels. As an advisory, we would suggest the Applicant considers extra resistance and resilience measures suggested within the EA advice and implements any they deem appropriate due to the increased flood risk in the vicinity of this as a residential site (which are classified as 'more vulnerable').*

West Sussex County Council Highways: No objection.

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: No comment received.

INTRODUCTION

The application seeks planning permission for the development of a two-storey rear and single storey side extension in order to accommodate an adaption from the existing flats from 1 bed to 2 beds.

RELEVANT PLANNING HISTORY

There is no recent history of planning applications relating to the site.

SITE AND SURROUNDINGS

The application relates to 36 and 38 Buckhurst Way, a two-storey building which contains an existing one-bedroom flat at ground floor and a one-bedroom flat at first floor. The ground floor flat has previously been extended to the rear through the addition of a single storey flat roof extension. To the north-east, the flats immediately adjoin a neighbouring semi which has also previously been extended through a two-storey rear extension. The building is set back from the highway edge by a front driveway and front garden space. Further garden amenity space is set to the rear of the dwelling with some mature hedging and trees set within this space. The existing dwelling is composed of brickwork at ground floor level, pebble dash at first floor, a tiled roof and uPVC windows and doors.

With regard to the site's locality, there are a number of semi-detached residential dwellings set to either side of the roadside edge with some variance in design throughout. Exposed timber gables are considered to contribute to add visual interest within the streetscape.

The site is set within the Built-Up Area Boundary for East Grinstead and the North End/Furze Lane/Sackville Lane area of townscape character.

APPLICATION DETAILS

The proposal would develop a two-storey side and rear extension in order to help provide additional space to adapt the two one-bedroom flats into two-bedroom flats. The proposed two storey side and rear extension would measure at circa 3.5m in length, 7m wide, 4.8m high to the eaves and 5.9m high to the ridge.

To the side, a single storey lean to extension would be developed which would measure at 6.3m in length, 1.8m wide, 2.5m high to the eaves and 3.6m high to the highest point of the roof slope.

Further fenestration alterations would be made to the side and rear elevations. Proposed external materials would comprise matching brickwork and pebble dash to the walls, matching roof tiles and matching windows.

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.

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the East Grinstead 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.

No relevant policies.

Neighbourhood Plan

East Grinstead Neighbourhood Plan (Made November 2016)

Relevant Policies:

Policy EG3 - Promoting Good Design

Policy EG12 - Car Parking

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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPN6 - Pollution

DPN7- Noise Impacts

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, 9, 11, 12, 39, 48, 78, 115-117, 131, 134, 135 & 139.

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a

planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

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

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

Character and Design

Policy 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"*

Policy EG3 of the East Grinstead Neighbourhood Plan seeks to promote good design through the following measures:

'a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;

- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) Proposals make provision for green infrastructure and biodiversity enhancement.'*

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 two storey side and rear extension would likely contribute towards the properties overall bulk and would be perceivable from the public domain to the side from the street scene. Whilst the proposal would lack subservience to the original dwelling, it is considered that the offset from the main ridge would likely allow the extension to be read as a later addition. Furthermore, it is considered that the use of matching materials would help the proposal assimilate in with the existing dwelling.

Although the dwellings overall size and scale would be increased through the addition of the two-storey side and rear extension, the proposed design is considered to reflect the adjoining semi. The existing adjoining neighbouring property has previously been extended through the addition of a two-storey crown roof extension, and the current proposed extension would use a matching roof type and footprint. Accordingly, the two-storey element of the proposal is considered to result in an acceptable impact.

A further single storey lean to extension would be developed to the side elevation which would utilise matching brickwork to the walls and roof tiles to embed with the existing. The single storey size would help ensure that the proposal remains subservient towards the main dwelling. Moreover, as that the adjoining semi has previously been extended to its side elevation, the proposal is not considered to significantly unbalance the pair.

Accordingly, it is considered that the proposal would result in an acceptable impact in terms of character and design. The proposed development would therefore comply with the provisions of policy DP26 of the District Plan and policy EG3 of the Neighbourhood Plan.

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);'*

In terms of an offset from the shared boundary to the south with No.34, the proposed extensions would have a separation distance of circa 1m. The property at No.34 has previously been extended to the rear through the addition of a single storey flat roof extension. Furthermore, there are a number of side (north) elevation facing windows back towards the application site throughout the neighbouring dwelling. The furthest ground floor window towards the rear at the neighbouring dwelling is obscure glazed and the other window serves a kitchen. In any circumstance, these windows likely receive a reduced amount of sunlight by virtue of their north facing orientation. It is therefore considered that the proposal would not result in an overshadowing or overbearing impact in this regard.

There are two rear elevation unobscured glazed windows at first floor level to the rear elevation of the neighbouring dwelling at No.34. 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 the 45 degree is applied to these rear windows, the 45 degree test would likely be passed both in plan and elevational format. The 1m offset from the shared boundary is considered to help mitigate against a significant overbearing and overshadowing impact.

The proposed development would include a new side (south) elevation bathroom window at first floor level. This window has the potential to give rise to a significant overlooking impact. As such, a condition ensuring that this window remains obscured glazed in perpetuity is considered to be relevant and necessary, should permission be granted.

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

Highways Impact

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 EG12 of the Neighbourhood Plan states that:

'Planning permission will only be granted where vehicle-parking provision, including cycle parking, is in accordance with West Sussex County Council adopted parking standards and it does not dominate the street scene.'

In exceptional circumstances, a departure from the adopted standards will be supported if the applicant can demonstrate specific local circumstances require a different level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems. For this to be accepted a Transport Assessment will be required together with a set of proposals to justify this alternative provision.'

As set out in the consultation response by the Local Highway Authority, there are currently two off road parking spaces available on site. The parking demand calculator for the area would require three allocated parking spaces for a development of this scale. Accordingly, a residual space would be required to park on street. Other than dropped kerbs, the immediate street side to the application site along Buckhurst Way does not have any designated parking restrictions. As such, it is considered that this further parking space could be reasonably accommodated on street.

The application therefore is considered to comply with policy DP21 of the District Plan in regard to access, parking and highway safety.

Ecology

Policy DP38 of the District Plan seeks to protect and enhance biodiversity by ensuring that development: *'Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
o Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and
o Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
o Promotes the restoration, management and expansion of priority habitats in the District; and
o Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.'

The Council's Ecological consultant has responded to the application and offered no objection towards the proposal, noting that there are no obvious roost features for bats or nesting birds. A biodiversity enhancement condition was recommended however, given the that the proposal is only an extension to existing established flats, this condition is considered to be overly onerous.

Accordingly, the proposal is considered to comply with Policy DP38 of the District Plan.

Other Matters

The submitted application form noted that the proposal would be exempt from BNG as the development was self/ custom build. However, as clarified through correspondence during the application the proposal would not benefit from this exemption as the proposal would extend existing flats and would not constitute a whole new self-built unit. As such, it is not considered that the proposal qualifies as a self/ custom build.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material

planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the East Grinstead Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposed alterations are considered acceptable in terms of the exterior design within the surrounding context, highways, ecology and the amenities of the neighbouring occupiers. The proposal therefore accords with Policies DP21, DP26 and DP38 of the Mid Sussex District Plan, Policies EG3 and EG12 of the East Grinstead Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas