

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0395	Case Officer:	Anna Tidey
Application Type:	Householder Application		
Proposal:	Removal of existing 'catio' garden cat enclosure. Erection of new 'catio'.		
Site:	24 Old School Place, Burgess Hill, West Sussex, RH15 9JU, , , ,		
Validation Date	14 Feb 2025	Overall Expiry Date:	26 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	9 Apr 2025
Target Date:	11 Apr 2025	Recommending Officer Signature:	<i>Anna Tidey</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	9 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0395

**24 Old School Place, Burgess Hill, West Sussex, RH15 9JU, , ,
Removal of existing 'catio' garden cat enclosure. Erection of new 'catio'.
Alison Smith**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None.

PARISH COUNCIL OBSERVATIONS

Burgess Hill Town Council: Recommend Approval.

INTRODUCTION

This application seeks planning permission for the removal of an existing 'catio' garden cat enclosure and the erection of new enlarged replacement 'catio', at a semi detached house at No 24 Old School Place in Burgess Hill.

RELEVANT PLANNING HISTORY

BH/288/88. R/M 24 one bedroomed flats and 16 three bedroomed semi-detached houses. December 1988.

BH/014/88. O/A Residential development 16 three-bed houses and 14 one-bed flats. Approved February 1988.

BH/013/88. Residential development. Approved February 1988.

SITE AND SURROUNDINGS

No 24 Old School Place is a semi detached house, located in an established cul de sac of houses off the northern end of Meadow Lane in the Built up Area of Burgess Hill.

The house benefits from a large irregular shaped garden which extends both to the northern side and to the east at the rear of the house. The existing catio enclosure is accessed from the kitchen door (and via a cat flap), located in the side wall of the house.

The side garden area extends to the rear of the attached single garage and a detached garden shed and is enclosed by a vertical close board boundary fence. The existing catio enclosure covers the majority of this side garden area, which is laid to grass. The catio enclosure consists of wooden framing with chicken wire fencing to the sides and a similar open wire mesh, suspended to form an enclosed covered area.

Mesh gates within the south facing side catio fencing allow access out from the enclosure onto the open rear paved patio at the back of the house, and to the remainder of the rear garden. This can also be accessed from the rear of the house via a set of French doors from the lounge/dining area.

APPLICATION DETAILS

This application seeks planning permission for a replacement patio enclosure, mostly sited over the side garden at the rear of the existing shed, and attached to the side wall of the garage. A new 1.7m deep by 5.2m wide covered rear canopy section is also proposed extending over the rear patio and across the width of the rear wall of the house. This is shown to have a lean to polycarbonate roof. This will be constructed up to the mutual boundary with the attached house at No 25, which has been extended at the rear with a single storey extension. The side wall of that addition is sited up to the close board boundary fence between the two properties.

Pedestrian gates are proposed to allow access out of the enclosure into the unfenced areas of the garden. The gates are located by the northern side wall of the garage and in the eastern facing section at the rear of the patio enclosure.

The submitted plans show the framing to be made of 100mm by 100mm supporting timber posts with 2" by 2" galvanised mesh to create the enclosure, reaching a maximum height of 1.9m over the garden, dropping to the 1.8m height of the northern boundary fence. The lean to canopy sections adjacent to the rear and side walls of the house are shown on the submitted plans to have a maximum height of 2.5m

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, the Burgess Hill Neighbourhood Plan and Site Allocations DPD.

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

DP38 Biodiversity

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no policies deemed relevant to this application.

Neighbourhood Plan

Burgess Hill Neighbourhood Plan -made

No relevant policies.

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:

DPS2 Sustainable Design and Construction
DPS6 Health and Wellbeing
DPB1 Character and Design
DPN1 Biodiversity, Geodiversity and Nature Recovery

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)

ASSESSMENT

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

- Design
- Impact on residential amenities

Design

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. Policy DP26 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;*
- * protects valued townscapes and the separate identity and character of towns and villages;*
- * 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 Policy DP29);*
- * creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- * incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- * positively addresses sustainability considerations in the layout and the building design;*
- * take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*

** optimises the potential of the site to accommodate development.'*

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide, which seeks good design in house alterations and extensions.

Principle DG49 states:

'Extensions should respond to the design of the original dwelling and applicant will be expected to demonstrate how local character has informed the design proposal. Extensions should also normally be designed to be well integrated with the existing scale, form and massing allow the original building to remain the dominant element of the property whether it has one or several additions.'

Extensions should typically use simple, uncomplicated building forms to complement 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.

Extensions should not result in a significant loss to the private amenity area of the dwelling.

There are two general approaches to extending a property:

- designing in the style of the existing building by closely matching its facing materials, architectural features, window sizes and proportions; and*
- designing in a contemporary style that takes its cues from key aspects of the existing building that might include its underlying form and proportions, facing materials, window design and other specific architectural features. The success of this approach is particularly reliant on high quality facing materials and finishes, and this will normally need to be demonstrated through detailed elevations and section drawings.*

Both approaches can create successful, well designed extensions that can be mutually beneficial to both the house and the wider area. All extensions and alterations should consider their impact on neighbouring properties (refer to Chapter 8 on residential amenity).'

Design Guide Principle DG50 refers to Front and Side extensions and states:

'Front and side extensions are typically visible from the public realm and will be resisted where they have an adverse impact on the street scene or the appearance of a dwelling.'

Front extensions

Front extensions are more likely to be acceptable where the building line is staggered or where the dwelling is set well back from the road. They are less likely to be acceptable in streets with a strong consistent building form as they risk disrupting the underlying order. Where front extensions are considered acceptable, they should normally be limited to a modest single storey or porch-type extension that reflect the character of the existing property.

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'.

Design Guide Principle DG51 refers to Rear extensions and 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 catio is not a traditional house extension, being more a cage than a solid structure. The addition will be set back from the front wall of the house, and is a subordinate, lightweight structure.

Due to the position of the house at the end of the cul de sac, and height and position of the proposed catio enclosure public views will be limited. The position of the catio at the rear of the garage and shed, together with the solid boundary fencing around the side garden area will largely obscure the structure.

The overall appearance and form of the proposed patio, and the added rear addition are considered acceptable. It is considered that the additions will not harmfully affect the overall character and appearance of the area or public views from the street.

Consequently the appearance of the proposed works are considered to accord with Policy DP26 and with the relevant Design Guide principles.

Impact on residential amenities

District Plan Policy DP26 requires 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.'*

In addition Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

The immediate attached property is No 25 Old School Place. This is sited to the south of No 24 and has been extended with the addition of a rear single storey extension, sited up to the mutual line. A close boarded timber fence lies on the mutual boundary between the two houses.

To the east of the garden boundaries of the site are No 165 Station Road and 14 Potters Lane. The garden boundaries are screened with fencing and established vegetation.

It is considered that due to the orientation and spacing of the immediate neighbouring houses no significant harm will be caused by the proposed development to the privacy, outlook, daylight and sunlight of the immediate residents.

The proposal accords with the requirements of Policy DP26 of the District Plan and the relevant principles of the Design Guide.

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 replacement catio will not adversely affect the character and appearance of the property within the street scene in this residential cul de sac.

It is considered that the reconstructed and enlarged catio enclosure will not cause significant harm to the neighbouring amenities. The proposal accords with the aims of District Plan Policy DP26 and the relevant principles of the Design Guide.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey