

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1444	Case Officer:	Catherine Cardin
Application Type:	Householder Application		
Proposal:	Proposed rear first floor balcony over existing approved rear ground floor extension and to include a staircase from ground to first floor and adding patio doors to selected existing rear first floor windows.		
Site:	5 Dexter Drive, East Grinstead, West Sussex, RH19 4SU, , , ,		
Validation Date	10 Jun 2026	Overall Expiry Date:	3 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	30 Jul 2026
Target Date:	5 Aug 2026	Recommending Officer Signature:	Catherine Cardin

Date Legal Agreement Completed: (if applicable)		No of Representations:	3
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Signed and Agreed By:	Stephen Ashdown	Date:	30 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1444

**5 Dexter Drive, East Grinstead, West Sussex, RH19 4SU, , ,
Proposed rear first floor balcony over existing approved rear ground floor extension and to include a staircase from ground to first floor and adding patio doors to selected existing rear first floor windows.**

Mr And Mrs Kaye

SUMMARY OF REPRESENTATIONS

Three letters of representation were received. Two of these raised concerns regarding:

- Loss of privacy
- Overlooking concerns
- Overbearing
- Noise and disturbance
- Omission of information
- Precedent being set for the wider street scene

One letter of support was received which did not give reasons for supporting the proposal.

SUMMARY OF CONSULTEES

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks planning permission for the construction of a first-floor balcony, the construction of a staircase from ground to first floor and the installation of patio doors.

RELEVANT PLANNING HISTORY

00/02619/FUL- Porch to front door & first floor side extension over garage utility. Withdrawn.

01/00386/FUL- Porch to front door and first floor side extension over garage. Permission.

DM/26/0349- Demolition of conservatory and erection of ground floor extension. Permission.

SITE AND SURROUNDINGS

5 Dexter Drive is a detached two-storey dwelling. It is characterised by red brick, white and grey uPVC fenestration and a pantile roof. The property currently benefits from a first-floor side extension. Planning permission has recently been granted for the demolition of the existing conservatory and erection of a rear ground floor extension under reference DM/26/0349.

The property has off-street parking to the front of the property which accommodates approximately two cars.

The application site lies within the built-up area boundary of East Grinstead. Neighbouring properties are located to the east, west and south. The public highway lies to the north.

APPLICATION DETAILS

Planning permission is sought to construct a first-floor balcony over an approved rear ground floor extension, to construct a staircase from ground to first floor and to install two sets of patio doors.

The first-floor balcony would be constructed on the approved single-storey rear extension. This would measure approximately 7.3 metres in width and 4.1 metres in depth. This would have a clear glass balustrade to the rear (southern) elevation with an approximate height of 1.2 metres. This would incorporate an obscure glass screen with an approximate height of 1.7 metres on the side (eastern and western) elevations. The balcony would be set back from the rear elevation of the ground floor extension by approximately 1.1 metres. The balcony would incorporate timber decking and a plant box on the side (western) elevation.

The proposal also seeks to construct a timber staircase from the ground floor to the first floor. This would have a width of approximately 0.8 metres and a depth of 3.8 metres. This would incorporate a timber screen on the side (eastern) elevation with an approximate height of 1.7 metres on the stair and a height of 2 metres on the landing.

Finally, it is proposed to install two sets of patio doors on the rear (southern) elevation at first floor level. These would be finished in uPVC.

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 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:
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.

Relevant policies:
No relevant policies

Neighbourhood Plan

The East Grinstead Neighbourhood Plan was made on 2 November 2016.

Relevant policies:
Policy EG3 - Promoting Good Design

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 hearings were concluded on 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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

DPB1: Design and Character

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 and Character
- Neighbouring Amenities
- Other matters
- Biodiversity Net Gain

Design and Character

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high-quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

Policy EG3 of the Neighbourhood Plan contains a similar ethos.

The property lies within the built-up area boundary of East Grinstead.

It is considered that the balcony is relatively wide and does not fully integrate with the host dwelling. However, it is of a simple form and contemporary design and would be located to the rear of the property where it would not be visible from the public realm. On balance, any resultant harm to the character and appearance of the site and surrounding area would be limited and would not justify withholding planning permission on design grounds.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, policy EG3 of the East Grinstead Neighbourhood Plan and the relevant principles of the Mid Sussex Design Guide SPD.

Neighbouring Amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states proposals should *'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 DG45 of the Design Guide relates to privacy and sets out:

'Applicants will need to demonstrate how privacy will be achieved between new and existing developments.

The following elements can have an impact on privacy:

- o The relationship of buildings to each other including the positioning and design of windows and doors;*
- o The topography and relative height of adjacent buildings;*
- o The provision of good noise insulation;*
- o The relationship of the parking, gardens, front defensible space, balconies with the adjacent buildings;*
- and*
- o The position and arrangement of habitable rooms.*

Direct overlooking of private amenity space from habitable rooms in neighbouring properties should normally be avoided.

Set-back upper floors, recessed balconies and generous internal courtyards can all help to deliver higher densities whilst respecting privacy. Because they are usually more visible, the privacy of ground floor flats should particularly be considered, and the provision of dedicated private rear gardens will often be necessary'.

Due to the position and open form of the balcony, it is not considered that the proposal would result in a significant loss of light, outlook or an overbearing impact to neighbouring properties.

With regard to neighbouring amenity, the occupier of the property immediately to the west, No. 7 Dexter Drive, has submitted a letter of support. Notwithstanding this representation, the Local Planning Authority is required to assess the proposal against adopted planning policy and the likely impacts arising from the development. In this regard, it is considered that the proposed balcony would result in a materially greater degree of overlooking than the existing rear-facing windows. Whilst the proposal incorporates a 1.7m-high privacy screen and planter along the western side of the balcony, these measures are not considered sufficient to adequately mitigate overlooking of the neighbouring garden.

The balcony would provide a substantial area of elevated external amenity space extending approximately 4.15m from the rear elevation and spanning much of the width of the dwelling. As a result, occupants would be able to move around and occupy positions closer to the shared boundary than would be possible from the existing first-floor windows, enabling direct and oblique views into the private rear garden of No. 7 Dexter Drive from an elevated position. Whilst the balcony would be visible from the adjoining property, being predominantly open in form and incorporating glazed balustrading and screening, it would not appear unduly dominant or oppressive. Consequently, it is considered that the proposal would result in an unacceptable loss of privacy to the occupiers of No. 7 Dexter Drive, contrary to Policy DP26 of the Mid Sussex District Plan, Policy EG3 of the East Grinstead Neighbourhood Plan, Principle DG45 of the Mid Sussex Design Guide SPD and the relevant provisions of the National Planning Policy Framework.

To the east of the site lies No. 3 Dexter Drive. The proposal includes a 2m-high timber screen along the eastern edge of the landing and a 1.7m-high timber screen adjacent to the staircase. It is considered that these measures would adequately prevent overlooking towards No. 3 Dexter Drive and would safeguard the amenity of its occupants.

To the south of the site lies Westhouse. The proposed balcony would afford some views towards this property. However, given the separation distance of approximately 10.7m between the balcony and the shared boundary, together with the additional separation provided by the neighbouring garden, it is not considered that the proposal would result in a material loss of privacy. Any views would be moderated by distance and would not be unusual within a suburban residential context. Accordingly, the relationship with Westhouse is considered acceptable.

Whilst the use of the balcony may result in some increase in activity compared to the existing arrangement, the proposal would serve a single dwellinghouse and the associated comings and goings would not be materially different from that typically experienced within a residential environment. As such, the proposal is not considered to give rise to unacceptable noise or disturbance.

Other matters

Concerns have been raised regarding the omission of topographical information from the application. However, having regard to the scale and nature of the proposed development, it is considered that sufficient information has been submitted to enable a full assessment of the proposal. As such, the absence of topographical information has not prejudiced the determination of the application.

Concerns have also been raised that the proposal would set a precedent for similar forms of development within the wider area. Each planning application must be determined on its own individual merits having regard to the particular circumstances of the site and the relevant provisions of the development plan. The determination of this application would not, in itself, justify similar proposals elsewhere.

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, whilst the proposal would not result in an unacceptable impact in terms of design, character, outlook, loss of light or overbearing effects, the proposed first-floor balcony, by reason of its size, depth, elevated position and proximity to the shared boundary with No. 7 Dexter Drive, would result in unacceptable overlooking of the neighbouring private rear garden. The proposed screening measures are not considered sufficient to mitigate this harm. The resulting loss of privacy would be contrary to Policy DP26 of the Mid Sussex District Plan, Policy EG3 of the East Grinstead Neighbourhood Plan, Principle DG45 of the Mid Sussex Design Guide SPD and the relevant provisions of the National Planning Policy Framework.

Accordingly, the application is recommended for refusal.

Decision: Refusal

Case Officer: Catherine Cardin