

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2848	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Proposed single storey ground floor rear extension. Removal of existing conservatory and new raised decking.		
Site:	8 Chancellors Park, Hassocks, West Sussex, BN6 8EZ, , , ,		
Validation Date	26 Nov 2024	Overall Expiry Date:	23 Dec 2024
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	16 Jan 2025
Target Date:	21 Jan 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Steven King</i>	Date:	16 Jan 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2848

8 Chancellors Park, Hassocks, West Sussex, BN6 8EZ, , ,
Proposed single storey ground floor rear extension. Removal of existing conservatory and new raised decking.
Mr Oliver Atkinson

SUMMARY OF REPRESENTATIONS

There was one letter of representation received in response to the proposed development which raised an objection on the following grounds:

- The proposed height coupled with the depth would lead to a significant loss of privacy for the neighbouring occupier's garden.
- The removal of the boundary hedge further exacerbating the loss of privacy impact.
- Views towards the neighbouring garden being increased due to the proposed height of the extension.
- Whether the works already carried out have been monitored by the planning department and that this is carried out in line with the plans submitted.

SUMMARY OF CONSULTEES

Flood Risk and Drainage: No objection.

Southern Water: No objection.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: *Recommended Approval. The applicant is advised that Government has committed to adopt a 'Future Buildings Standard' during 2021 which will change the Building Regulations requirements for alterations and extensions to homes to bring these alterations closer to that of a 'zero energy building'. This is supported by Policy 5 'Enabling Zero Carbon' of the Hassocks Neighbourhood Plan which states that proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation. Energy saving measures include floor, roof and wall insulation, and low u-value windows (which may need to be triple glazed). These requirements may require amendments to your design which could affect the drawings submitted for planning permission. The applicant may wish to note that alterations that are built to a Nearly Zero Energy standard, are unlikely to need further retrofitting to minimise the carbon emissions that the nation is required to reduce to zero by 2050. As retrofitting an existing home to be highly energy efficient is more complex than doing so for a new building, applicants may wish to look at the 'EnerPHit' standard that the Government is understood to be considering as the applicable 'Nearly Zero Energy' standard in this context, or at the Archetypes published by the London Energy Transformation Initiative for u-values for your extension walls, windows etc. and for ventilation and overheating prevention standards to be achieved.*

INTRODUCTION

The application seeks planning permission for the development of a single storey side (north) and rear (east) extension which would wrap around the original dwelling. Furthermore, a decking area would be constructed to the rear (east) elevation.

RELEVANT PLANNING HISTORY

DM/22/0163 - 10 Chancellors Park, Hassocks, West Sussex, BN6 8EZ. Proposed first floor side extension, ground floor side extension and removal of part of dwarf wall to improve vehicular access to drive. Permission.

DM/24/2436 - 8 Chancellors Park, Hassocks, West Sussex, BN6 8EZ. Single storey ground floor rear extension and single storey first floor side extension. Refusal.

SITE AND SURROUNDINGS

The application relates to number 8 Chancellors Park, a two-storey detached dwelling which features a number of different roof pitches including a hipped roof, a side catslide roof and a front pitched gable. The property is set to the eastern side of the road with access provided by a front tarmacked driveway and has been extended in varying forms to the rear elevation. The dwelling is set back from the pavement edge by the front driveway and garden amenity space contained behind a low brick-built boundary wall. The sites plot is linear in form with the dwelling afforded ample garden amenity space to the rear. The existing dwelling is composed of facing brickwork walls, white external window shutters, plain roof tiles and white uPVC windows and doors.

The sites locality features a number of detached post war houses of a traditional appearance with many properties displaying front bays to the roadside. Some visual interest is provided to the street scene through tile hanging at first floor level and front gable ends. There is a strong pattern to the development along the street with regular intervals between the detached dwellings.

With regard to policy constraints, the site is located within the built-up area for Hassocks and part of the site is identified as having a risk of surface water flooding.

APPLICATION DETAILS

The proposed development would feature single storey side (north) and rear (east) elevation extension which would measure at approximately 8m in length, have a maximum width of 9.8m and a height of 3.5m.

Furthermore, a raised decking area would be constructed to the rear of the proposed rear extension.

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 Hassocks 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.

There are no relevant policies.

Neighbourhood Plan

Hassocks Neighbourhood Plan (Made July 2020)

Relevant policies:

Policy 5: Enabling Zero Carbon

Policy 9: Character and Design

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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 the majority of 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

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, 131, 135 & 139.

National Design Guide (Published January 2021)

ASSESSMENT

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

- Character and Appearance
- Impact on Neighbouring Properties
- Other Matters
- Biodiversity Net Gain

Design and Character

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 9 of the Hassocks Neighbourhood Plans states that:

'Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:

- o *Is of high quality design and layout;*
- o *Contributes positively to the private and public realm to create a sense of place;*
- o *Respects the character and scale of the surrounding buildings and landscape;*
- o *Protects open spaces and gardens that contribute to the character of the area;*
- o *Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
- o *Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
- o *Creates safe, accessible and well connected environments;*
- o *Protects existing landscape features and contributes to the village's Green Infrastructure network;*
- o *Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
- o *Positively responds to the local vernacular character of the defined Local Townscape Character Area.'*

The National Design Guide (2021) states in Paragraph 44 that:

'to communicate the benefits of a scheme, it is important to explain how the design of a development relates to context and local character.' It adds that

'well-designed places and buildings are influenced positively by:

- o *The history and heritage of the site, its surroundings and the wider area, including cultural influences;*
- o *The significance and setting of heritage assets and any other specific features that merit conserving and enhancing;*
- o *The local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of facades, characteristic materials and details' (Paragraph 46).*

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 DG51 specifically relates to rear extensions and states that *'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.'*

It is noted that various properties along Chancellors Park have been altered and extended through varying forms through ground floor extensions. The proposal would use a single ply flat roof membrane with a surrounding parapet.

Whilst the proposed flat roof pitch does not mirror the existing dwelling, it is considered that the single storey height and footprint would appear subservient to the original dwelling. Furthermore, the use of matching materials are considered to help further assimilate the proposal into the existing. In any circumstance, views from the public domain towards this element of the proposal would likely be restricted to obscure angles.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, Policy 9 of the Hassocks Neighbourhood Plan and the relevant principles of the Mid Sussex Design Guide SPD.

Impact on Neighbouring Amenities

Policy 9 of the Hassocks Neighbourhood Plan states that proposals should not cause 'unacceptable harm' with regard to neighbouring amenity whereas policy DP26 of the MSDP states that development 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, Policy 9 of the Hassocks Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes 'unacceptable harm' to neighbouring amenities as outlined above.

Specifically, Policy 9 states that development will be supported where the proposal:
'Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security'

The proposed side extension would contain one transparent side (north) elevation door which would look out towards the site at No.10 immediately to the north. It is considered that this doorway would not be positioned in an elevated position to increase the level of outlook. Furthermore, such an opening could be added in the future through permitted development rights, subject to these remaining intact. The proposed rear elevation windows would also be set at ground floor level and would not only offer views towards neighbouring sites contained to restricted angles with limited outlook.

The proposed patio area to the rear of the proposed rear extension would be contained to a limited height and would follow the drop in topography along the rear garden amenity space. This patio is not considered to offer a significantly greater degree of outlook when compared to the existing arrangement on site.

A separation distance of approximately 1.8m would remain towards the shared boundary with No.10 from the proposed side extension. Furthermore, the proposed height is considered to be contained to a limited single storey size and therefore would not likely give rise to an unacceptable overbearing impact when coupled with the offset from the boundary.

Whilst the proposed rear extension would be of a slightly larger bulk than the existing conservatory to the south of the site, the maximum height would remain the same as the existing. The neighbouring dwelling to the south at No.6 is set at a deeper position back from the streetside and its rear elevation protrudes further than that of the application property. Furthermore, a distance of approximately 4m would remain between the two properties. It is therefore considered that the proposed rear extension would not incur an unacceptable overbearing impact in this regard.

As such, it is considered that the proposal would not give rise to unacceptable overlooking or overbearing impact upon the adjacent neighbouring occupiers. The proposal would meet the provisions of DP26 of the District Plan and Policy 9 of the Hassocks Neighbourhood Plan.

Other Matters

One letter of representation raised concerns regarding the removal of the shared boundary hedge to the north of the site and that the hedges removal could result in the loss of privacy for the neighbouring property and garden. It is noted that the hedgerow is unprotected and is of an un-designated status. Accordingly, its removal cannot be protected against with regards to planning. Any further party boundary disputes are considered to be a civil matter and cannot be dealt with through the planning process.

It was also stated within the letter of objection that works on site had already taken place. The proposal must be assessed based on the current information provided by the Applicant. As the description of development does not indicate that the proposal is part-retrospective nor do any of the plans, the proposal has been assessed as a new development proposal and has been found to be acceptable.

Policy 5 of the Hassocks Neighbourhood Plan, among other matters, requires domestic extensions to maximise the inclusion of energy-saving measures and renewable energy generation. Further details with regard to energy saving measures can be covered off at the building regulations stage and it is not considered reasonable to refuse the application on this basis.

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 result in unacceptable harm towards neighbouring amenities.

The proposal will comply with Policy DP26 of the District Plan, Policies 5 and 9 of the Hassocks Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas