

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2996	Case Officer:	Catherine Cardin
Application Type:	Householder Application		
Proposal:	Proposed single storey rear extension to replace conservatory.		
Site:	6 Fulmar Drive, East Grinstead, West Sussex, RH19 3XL, , , ,		
Validation Date	16 Dec 2024	Overall Expiry Date:	
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	31 Jan 2025
Target Date:	10 Feb 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	31 Jan 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2996

**6 Fulmar Drive, East Grinstead, West Sussex, RH19 3XL, , ,
Proposed single storey rear extension to replace conservatory.
Mr C Berke**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MDSC FLOOD RISK AND DRAINAGE

No objection.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Planning permission is sought for a single-storey rear extension to replace an existing conservatory.

RELEVANT PLANNING HISTORY

DM/21/4069- Garage conversion and internal alterations to form a study room, utility area and shower room. Permission.

04/03048/FUL- Conservatory extension. Permission.

SITE AND SURROUNDINGS

6 Fulmar Drive is a two-storey detached property. It is constructed of red brick, with white UPVC windows and a plain tile roof. The dwelling benefits from a conservatory to the rear and has previously undertaken a garage conversion.

The application site lies in the built-up area of East Grinstead, however the rear of the property marks the boundary with the countryside. The High Weald Area of Outstanding Natural Beauty also lies beyond the southern boundary. Neighbouring properties are located to the east and west. The dwelling is set back from the highway by a front driveway and a front garden.

APPLICATION DETAILS

Planning permission is sought for a single storey rear extension to replace an existing conservatory. This will measure some 5.5 metres in length and some 4.5 metres in width. The proposed roof is pitched. This would have a height to the eaves of some 2.6 metres and a maximum height of some 3.5 metres. Two roof lights are proposed measuring some 1.1 metres in length and some 0.8 metres in width. The proposed walls would be red brick to match the existing, whilst the proposed roof tiles would be grey. The proposed rooflights would be light grey, whilst the proposed bi-fold doors would be white uPVC. White UPVC windows are proposed on the rear elevation.

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 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:

DP16: High Weald Area of Outstanding Natural Beauty

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

East Grinstead Neighbourhood Plan (made 2016)

Relevant policies:

Policy EG1 - Protection of the High Weald AONB

Policy EG3 - Promoting Good Design

Other Legislation

Countryside and Rights of Way Act (2000)

Levelling-up and Regeneration Act (2023)

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 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:

DPS2 - Sustainable Design and Construction

DPS6 - Health and Wellbeing

DPC4 - High Weald Area of Outstanding Natural Beauty

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.

High Weald AONB Management Plan 2024 - 2029

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
- Impact on Neighbouring Properties
- Impact on the setting of the High Weald Area of Outstanding Natural Beauty
- Biodiversity Net Gain

Design and Character

Policy DP26 of the Mid Sussex 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:

- 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; o 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.'*

Policy EG3 of the East Grinstead Neighbourhood Plan is also relevant and states that:

Planning permission will normally be granted where development proposals meet the following criteria:

- 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. Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.*

The Mid Sussex Design Guide SPD also provides advice for extensions to dwellings. Principle DG49 states that:

'Extensions should respond to the design of the original dwelling and applicants 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 allowing the original building to remain the dominant element of the property whether it has one or several additions.'

In terms of rear extensions, principle DG51 states that where they

'...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 application relates to an established residential area of East Grinstead, where properties along this southern section of Fulmar Drive are of a variety of ages and designs.

Planning permission is sought for a single storey, rear extension. It is considered that the scale of the rear extension would not appear overly dominant in relation to the host dwelling. The proposed design appropriately responds to the character of the existing building and the use of materials to match would provide a consistent finish. As the extension is to the rear of the property and would not be visible from the street, it is not considered that it would have a harmful impact upon the streetscene.

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.

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);'*

Policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity whereas policy DP26 of the Mid Sussex District Plan 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 DP26 is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

With regards to the impact to 4 Fulmar Drive, this neighbour is positioned further forwards on its plot. As such, whilst it has a conservatory to the rear, the proposed extension would not significantly protrude beyond the original rear wall of No. 4. Whilst there would be a loss of light to this neighbour, due to this arrangement, this loss is not considered significant enough to warrant the refusal of this application. No windows are proposed on the side (western) elevation. As such, it is considered that the proposal would not give rise to any significant overlooking concerns.

Regarding the neighbour at 8 Fulmar Drive, the proposed extension would be set back from the shared boundary by some 4.4 metres. It is noted that doors are proposed on the side (eastern) elevation. Due to the distance between the properties and the existing closed boarded fence and mature hedge boundary, it is not considered that this extension would give rise to any significant loss of light, outlook or privacy.

Due to the domestic nature of the proposed development, it is considered that there would not be a harmful impact in terms of noise, air and light pollution.

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

Impact on the setting of the High Weald Area of Outstanding Natural Beauty

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular:

- the identified landscape features or components of natural beauty and to their setting;*
- the traditional interaction of people with nature, and appropriate land management;*
- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- the conservation of wildlife and cultural heritage'.*

This is also reflected in policy EG1 of the East Grinstead Neighbourhood Plan.

The proposal seeks to construct an extension to a dwelling within the built up area of East Grinstead. Due to this arrangement, the proposal would not form an isolated development within the wider landscape. Given the single storey nature and the modest scale of the proposal, it is considered that the design of the proposal would not adversely affect the views into and out of the AONB. The proposal would not have an adverse impact on the landscape quality of the AONB due to it being viewed in context with existing built form of neighbouring properties.

The proposal is therefore considered to comply with Policy D16 of the District Plan, policy EG1 of the East Grinstead Neighbourhood Plan, The High Weald Management Plan and paragraph 189 of the NPPF.

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 the setting of the AONB and will not harm neighbouring amenities.

In conclusion, the proposal would accord with the requirements of policies DP16 and DP26 of the Mid Sussex District Plan, policies EG1 and EG3 of the East Grinstead Neighbourhood Plan, the High Weald Management Plan, the MSDC Design Guide and the NPPF.

Decision: Permission

Case Officer: Catherine Cardin