

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0482	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Proposed demolition of existing garage and construction of a 2-storey rear side extension and a 1-storey side extension		
Site:	Burgess Hill Dental Care, 75 Station Road, Burgess Hill, West Sussex, RH15 9DY, , ,		
Validation Date	4 Mar 2025	Overall Expiry Date:	20 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Jul 2025
Target Date:	29 Apr 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>Stephen Ashdown</i>	Date:	18 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0482

**Burgess Hill Dental Care, 75 Station Road, Burgess Hill, West Sussex, RH15 9DY, ,
Proposed demolition of existing garage and construction of a 2-storey rear side extension and a
1-storey side extension
Dickon Adam**

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

Place Services Ecological Consultant: *'We have reviewed the Preliminary Ecological Appraisal and Roost Assessment (Arbtech, May 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.*

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal and Roost Assessment (Arbtech, May 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.'

Southern Water: No objection.

TOWN COUNCIL OBSERVATIONS

Recommend Refusal. The Committee felt it contravened:

Mid Sussex District Plan:

DP26 - Character and Design due to metal fascia and timber cladding being out of character for the area.

Mid Sussex Design Guide:

DG49 - General Principles for Extensions as the non-matching materials undermine integrity of the original design.

INTRODUCTION

The application seeks planning permission for the demolition of the existing single storey garage and for the development of a part single and part two storey side and rear extension.

RELEVANT PLANNING HISTORY

03/00783/FUL - Erection of new file storage facility/staff rest room. Refusal 19.05.03.

04/01534/FUL - Proposed loft conversion incorporating velux windows. Permission 11.08.04

DM/25/0192 - Removal of all current exterior signage and replaced with 2 signs. The illuminated monolith at the front of the building and the wall sign on the side of the building. Permission 17.04.2025.

SITE AND SURROUNDINGS

The application relates to Burgess Hill Dental Care which forms one half of a pair of semis and utilises a hipped roof pitch. The existing building is set to the southern side of the highway and set behind a low brick built front boundary wall. There is an existing brick paved front and side driveway area which wraps around the building. The building appears to have been extended and altered previously through a single storey flat roof rear extension and the addition of several roof lights to numerous roof slopes. The existing building displays signage throughout both its front and side elevations and there is an existing free-standing sign set behind the front boundary wall, all of which display the name of the practice.

With regard to policy constraints, the site is set within the Burgess Hill Built Up Area boundary.

APPLICATION DETAILS

The development proposal would demolish the existing single storey garage outbuilding positioned towards the site's eastern boundary. Partly in its place a new single and two storey rear and side extension would be developed. The proposed single storey extension would measure at approximately 17.3m in length, 5.3m wide and 3m high when measured from the highest natural ground floor level point.

The proposed two storey extension would measure at circa 3.6m in length, 3.1m in width, have an eaves height of 5.3m and a maximum height measuring at 6.1m.

Proposed external materials throughout would feature brick walls to the base, timber cladded exterior walls, powder coated metal fascias, a fibreglass and tiled roof and powder coated metal windows and doors.

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 Burgess Hill 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:

DP1: Sustainable Economic Development
DP25: Community Facilities and Local Services
DP26: Character and Design
DP28: Accessibility
DP38: Biodiversity
DP39: Sustainable Design and Construction

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.

Neighbourhood Plan

Burgess Hill Neighbourhood Plan (Made January 2016)

Relevant Policies:

Policy S3 - Protect and Enhance Existing Community and Medical/ Health Facilities
Policy G3 - Nature Conservation and Biodiversity
Policy H2 - Back Garden Development

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

DPH12 - Accessibility

DPS2 - Sustainable Design and Construction

DPN6 - Pollution

DPB1 - Character and Design

DPE4 - Town and Village Centre Development

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, 85, 131, 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;

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

Impact on Character and Design

DP26 of the District Plan states (in part):

'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 H2 of the Burgess Hill Neighbourhood Plan states in regard to back garden development that:

Development in back gardens in residential areas of Burgess Hill will generally not be supported. Exceptionally, proposals to intensify existing residential areas will only be supported where this can be achieved through good design and without harming local amenities. Any attractive prevailing character and appearance of the area must be protected.

Where back garden development is proposed; special regard must be paid to:

- (i) The density and height of the proposal;*
- (ii) The privacy and outlook from existing dwellings and, in particular, gardens;*
- (iii) Any proposed demolition of existing dwellings or parts of dwellings to form access. If this would create an unattractive breach in a consistent street frontage then this will not be permitted;*
- (iv) Access arrangements that would cause significant nuisance to neighbouring properties will not be permitted;*
- (v) Sufficient garden depth and area should be retained by existing dwellings commensurate with their size and character;*
- (vi) The layout, scale and form of housing visible from the street should be compatible with the predominant scale of housing on the street; and,*
- (vii) The effect and cumulative impact of the development on the loss of garden habitat/biodiversity.*

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 existing building is considered to be of a traditional semi-detached former residential appearance. The previous addition of further signage to the building's façade along both the principal and side elevation displaying the service provider is considered to give rise to a more commercial appearance. Other dental practices moving east also utilise similar signage to their exteriors and appear to occupy former residential units.

There is an existing single storey garage outbuilding set to the sites eastern boundary featuring a pitched roof. The pebble dash exterior and overall appearance of the garage is considered to yield limited architectural merit and as such, its removal is considered to be acceptable.

The proposed side and rear extension would project out towards the existing rear garden space in a southerly direction. The existing building utilises render and pebble dash walls as well as a tiled roof which are considered to result in a more traditional appearance throughout.

The proposed extension is considered to use a more modern palette of materials throughout which would demonstrate a clear break from the existing unit. Whilst these materials would not entirely reflect the existing, it is considered that the use of more subservient softer materials such as timber cladding to the exterior walls would help reduce the overall perceived size and scale. The proposed two storey extension would be set below the existing buildings ridge height and would likely be read as a later addition. With regard to the proposed single storey extension, whilst this would utilise a sizeable footprint which would wrap around the side and rear of the existing building, it is considered that the limited height would help improve its overall subservience.

In view of the above, the proposal is considered to comply with Policy DP26 of the District Plan and Policy H2 of the Burgess Hill 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);'

The proposed extensions would be set towards the sites shared side (eastern) boundary with Gateway Dental. There are rear elevation windows at both ground and first floor level to the neighbouring building. 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.

The proposed single storey extension would likely breach the 45-degree test in relation to the ground floor window, however the 45-degree test would not likely be breached with regard to the elevational test. It is therefore considered that a sufficient level of light would still be received by these neighbouring southern facing windows.

In relation to the adjoining neighbouring residential dwelling to the west, the proposed extension would be set approximately 2.1m away from the shared boundary at its closest point. There is a large translucent window at ground floor level and two first floor windows which face out towards the south. In terms of the 45-degree test, the proposal would fail in plan format when assessed against the ground floor rear window and the two-storey rear extension would slightly breach the 45-degree line when measured in plan format from the ground floor window. It is however considered that provided that the ground floor window utilises an extensive level of glazing, is south facing and serves a family/ garden area. Accordingly, whilst the window acts a primary window for this space, it is not considered that the room would suffer from a significant loss of light.

In terms of overbearing, the proposed two storey extension would be offset from both boundaries. A blank elevation would face towards the west, however, there would be an offset of circa 3m which is considered to help offset an overbearing impact that would otherwise be incurred should the proposal have been set on the boundary.

There would be a number of ground floor side (eastern) elevation windows which would be set within a close proximity to the shared boundary. There is an existing single storey outbuilding nearby the shared boundary at the neighbouring site to the east which does not appear to have any side (west) elevation windows. As such it is not considered that the proposal would result in an overlooking impact in this regard.

To the other side (west) elevation, there would be some ground floor windows and doors which would face out towards No.77. There is an existing close board timber fence running between the sites which would largely obscure views and it is therefore not considered that the proposal would give rise to a significant overlooking impact.

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

Sustainability

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation,*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible,*
- Use renewable sources of energy,*
- Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation,*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment,*
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

The application is accompanied by a Sustainability Statement which notes that a number of different measures will be taken to improve the developments overall sustainability. Energy efficiency will be improved through the use of double glazed window units and the timber construction materials will be sourced from British suppliers or confirmed as FSC certified.

Other Matters

Policy DP38 of the District Plan states that:

'Biodiversity will be protected and enhanced by ensuring development:

o 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.'

Furthermore, Policy G3 of the Burgess Hill Neighbourhood Plan states:

Existing areas of nature conservation will be retained and protected from any negative impacts likely to arise from development. There will be new designations and enhancement of existing nature conservation sites as follows:

- Enhanced meadow areas will be provided in the Leylands Park policy area including east of Freeks Lane/Roman Meadow and parts of Bedelands Farm Local Nature Reserve.
- Projects that improve the interpretation and visitor facilities to Bedelands Farm Local Nature Reserve will be supported. - The existing West Park reserve will be extended to include Pookebourne Stream and woodland.
- Enhancements to ponds will also be supported where appropriate. In addition, the Town Council will seek appropriate improvements to the habitat network in development proposals wherever possible.

The submitted Preliminary Ecological Appraisal and Roost Assessment identified a number of mitigation measures in order to conserve and enhance protected and priority species within the locality. Such measures as identified within the Assessment can be secured by way of condition which is considered to be necessary and relevant should permission be granted.

Moreover, a condition to secure biodiversity enhancement measures through a Biodiversity Enhancement Strategy is considered to also be relevant and necessary towards the approval of the planning application.

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 Burgess Hill 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 exterior design within the surrounding context and the amenities of the neighbouring occupiers. The proposal therefore accords with Policies DP1, DP25, DP26, DP28, DP38 and DP39 of the Mid Sussex District Plan, Policies S3, G3 and H2 of the Burgess Hill Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas