

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0569	Case Officer:	Stuart Malcolm
Application Type:	Householder Application		
Proposal:	Proposed single storey extension infill on rear elevation.		
Site:	2 West Mallion, Haywards Heath, West Sussex, RH16 4HP, , , ,		
Validation Date	10 Apr 2025	Overall Expiry Date:	2 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	12 May 2025
Target Date:	5 Jun 2025	Recommending Officer Signature:	<i>Stuart Malcolm</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	13 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0569

**2 West Mallion, Haywards Heath, West Sussex, RH16 4HP, , ,
Proposed single storey extension infill on rear elevation.
Mr Needle**

SUMMARY OF REPRESENTATIONS

None

SUMMARY OF CONSULTEES

MSDC Trees: No objections, condition the tree protection measures.

Southern Water: No objections, see advice

TOWN COUNCIL OBSERVATIONS

No comment

INTRODUCTION

This application (DM/25/0569) seeks permission for a single storey infill extension on the rear elevation of 2 West Mallion, Haywards Heath.

RELEVANT PLANNING HISTORY

No relevant history.

SITE AND SURROUNDINGS

The application site is a two storey detached dwelling located in a setting of similar detached properties along a residential cul de sac.

The nearest neighbours are located just beyond the boundaries to the north west, at 1 West Mallion, and to the south east, at 3 West Mallion, with these properties being staggered along the street.

A group of TPO trees (ref CU/04/TPO/83) are located along the rear of the West Mallion properties where they border Franklynn Road to the north.

In policy terms the site is within the built up area of Haywards Heath.

APPLICATION DETAILS

The proposal seeks permission for a new infill extension in between the existing conservatory and the kitchen diner which both extend off the back of the main house. This will extend to a width of 4.09 metres and will match the depth of the conservatory. The flat roof, with lantern, will match the height of the flat roof on the kitchen/diner element.

Materials will match the existing house in terms of the brickwork being used and the flat roof, which includes an aluminium framed lantern.

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 Site Allocations Development Plan Document and the Haywards Heath 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 in 2018. The most relevant policy is:

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.

Haywards Heath Neighbourhood Plan

The Neighbourhood Plan is made so forms part of the development plan. The most relevant policies are:

Policy E9	Re-inforcing local character
Policy H9	Extensions to existing dwellings

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.

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 is a material consideration. Paragraphs 8, 11, 131 and 135 are considered to be relevant to this application.

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;
- Tree impact;
- Impact on neighbouring residential amenity; and
- Biodiversity net gain.

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 DP27);*
- 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."*

The Mid Sussex Design Guide SPD also provides advice for extensions to dwellings. Whilst the proposal is not strictly an extension, it does include external changes and the principles within Principle DG49 should be given weight. 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".

Policy H9 of the Neighbourhood Plan states that:

"Extensions to existing dwellings will be permitted where it meets the following criteria:

- The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- Spacing between buildings would respect the character of the street scene.*
- Gaps which provide views out to surrounding countryside are maintained.*
- Materials are compatible with the materials of the existing building.*
- The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded."*

Policy E9 of the Neighbourhood Plan requires developers to demonstrate how their proposal will protect and reinforce the local character within the locality of the site.

The rear infill nature of the extension, coupled with it being single storey and no higher than the immediately adjoining single storey elements of the existing house it sits between, means the wider visual impact of the proposal is minimal. A condition will be used to ensure that materials will match the existing building and with those provisions in place the proposal will preserve the character of the property and the surrounding area.

Policy DP37 of the District Plan states in part that: *"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted."*

The applicant has submitted a tree report which has been assessed by the Council's tree officer. The officer is satisfied with the contents of the report and has indicated that the protection measures contained within it should be secured via a planning condition. With such a condition in place the proposal will not adversely affect the nearby trees.

In residential amenity terms, the test of development here is whether or not it causes 'significant harm' to neighbouring amenity as per DP26. It is acknowledged that Policy H9 states that the amenities of adjoining residents should be 'safeguarded'. However, 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. The 'significant harm' test of the District Plan adopted in March 2018 is therefore the correct test to apply in this case.

Similarly to the visual amenity impact, the infill and single storey nature of the proposal means that the impact of the development on the amenities of all the neighbouring properties are very limited.

In regard to construction disruption, the applicant will be advised via informative of their responsibilities under the Environmental Protection Act 1990 and the duty of care not to cause the neighbours of the site a nuisance.

It can be concluded therefore that the proposal will not cause significant harm to neighbouring residential amenity by causing a loss of light, loss of privacy, loss of outlook or by creating a sense of enclosure.

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.

CONCLUSION

In conclusion, the proposal is acceptable in respect of its design, the protection of visually important trees and the impact on neighbouring residential amenity insofar as significant harm cannot be demonstrated. As such the proposal accords with the requirements of Policies DP26 and DP37 of the Mid Sussex District Plan, Policies E9 and H9 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide and the NPPF.

The application therefore accords with the development plan and there are no material planning considerations which indicate an alternative conclusion should be reached.

Planning permission should therefore be granted.

Decision: Permission

Case Officer: Stuart Malcolm