

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2401	Case Officer:	Tracie Axford
Application Type:	Householder Application		
Proposal:	Part retrospective application for the conversion of a detached garage into a garden room and the conversion of a uPVC front porch into a brick construction of the same dimensions		
Site:	33 Badgers Walk, Burgess Hill, West Sussex, RH15 0AE, , ,		
Validation Date	30 Sep 2025	Overall Expiry Date:	24 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	9 Jan 2026
Target Date:	25 Nov 2025	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	4
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	13 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2401

33 Badgers Walk, Burgess Hill, West Sussex, RH15 0AE, , ,
Part retrospective application for the conversion of a detached garage into a garden room and
the conversion of a uPVC front porch into a brick construction of the same dimensions
Mrs Kathryn O'Connell

SUMMARY OF REPRESENTATIONS

4 letters (3 from the same address) have been received raising concerns over the following issues:

- Discrepancies with the submitted plans
- Overbearing on neighbouring amenity
- Impact on light to neighbouring amenity
- Lack of justification for raising the height of the garage
- Concern over the lack of ecology information provided
- Potential use of the garage conversion and related possible parking issues

1 letter in support of the application was received

SUMMARY OF CONSULTEES

Naturespace - No comment

Place Services Ecology - requested further information to assess whether the garage had potential for roosting bats. It wasn't made clear in the original submission of the application that this is a retrospective application and the garage roof had already been removed and replaced.

TOWN/PARISH COUNCIL OBSERVATIONS

Burgess Hill Town Council recommend refusal based on the following reasons:

DP26 Character and Design - over development of the plot. Overbearing in size and impact on adjoining residents with loss of amenity, natural light and overshadowing to the neighbour's kitchen.

DP29 Noise, Air and Light Pollution - additional light and noise pollution resulting in loss of amenity for the adjoining neighbour.

DP21 Transport - reduction in garage utility would have an overbearing impact on the parking amenity of the street scene.

Burgess Hill Neighbourhood Plan - Policy S4 Parking Standards for new developments - in relation to the loss of garage space.

INTRODUCTION

The application seeks retrospective planning permission for the conversion of the existing garage and the replacement of the existing front porch

RELEVANT PLANNING HISTORY

There is no relevant planning history for this site.

SITE AND SURROUNDINGS

The existing dwelling is a two storey detached pitched roofed dwelling in a cul-de-sac off The Holt. The walls are characterised by a mix of face brickwork and hanging tiles and the windows and doors are UPVC. There is an existing porch to the front of the property. A narrow driveway leads to the existing garage which is situated in the rear garden of the property.

To the north of the site is the no 32 which is set slightly further back than the application property. To the south of the site is the no 34, to the west of the site is the driveway leading to the highway and the front garden and to the east of the site is the rear garden. Beyond the garden is some green space and the Kings Way.

The site is within the built up area of Burgess Hill

APPLICATION DETAILS

The application seeks retrospective planning permission for the conversion of the existing garage and the replacement of the front porch. The application is partially retrospective as much of the garage conversion has already been completed. The replacement of the front porch has not been started.

The maximum garage height prior to development was 2.4m. The roof was slightly pitched sloping in a westerly direction to a slightly lower height of 2.2m. The garage height has been raised to a maximum height of 2.97 metres and slopes in a southerly direction to 2.8 metres in height. UPVC windows have been added to the western and southern elevations. A door has also been added to the southern elevation providing access to the rear garden of the main dwelling. External brickwork matches the existing dwelling.

To the front elevation of the main dwelling, a pitched roof porch is also proposed to replace the existing flat roof porch. It is proposed that the new porch will have the same overall footprint of the original porch however the height will be increased from 2.8 metres to 3.5 metres as the existing flat roof will be replaced with a pitched roof. Externally the walls of the porch will be brick matching the existing dwelling.

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 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:

DP21 - Transport

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.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood plan was made in 2016.
There are no relevant policies.

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
- DPB1 - Character and Design
- DPT4 - Parking and Electric Vehicle Charging Infrastructure

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
- Impact on neighbouring properties
- Impact on Parking
- 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 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 garage conversion uses materials to match the existing and is set on the same footprint as the original garage. The main change is to the height of the garage of 2.4 metres to 2.9 metres. While the garage sits on the boundary with no.32, the changes to the garage roof are considered acceptable in respect of design.

To the front of the garage, the existing garage door has been removed and a UPVC window has been put in its place. As the garage is set back in the rear garden, the change of fenestration does not have an impact on the street scene.

The replacement for the front porch will result in an increase in the overall height of the porch, however it is considered that in terms of design and scale, it is in keeping with the existing property.

The application is therefore not considered acceptable in terms of design, form and scale and comply with policy DP26 of the Mid Sussex District Plan.

Impact on neighbouring properties

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 Policy DP29);'

The proposed changes to the front porch are considered to have no impact on the amenities of nearby neighbourhoods in terms of light, privacy or overlooking.

The maximum garage height prior to development was 2.4m. The roof was slightly pitched sloping in a westerly direction to a slightly lower height of 2.2m. The garage height has been raised to a maximum height of 2.97 metres and slopes in a southerly direction to 2.8 metres in height. The garage sits on the boundary with the neighbours at no. 32. Photographs of the garage from the neighbours perspective show that before modification, the maximum roof height was approximately 2.2 metres with the top of the roof appearing to be at a level with the top of the window closest to the boundary at no 32. Measuring the garage from the neighbours side, it now appears that the garage is at a height of 2.9 metres. This increase in height of the garage has impacted no.32 and it is considered an overbearing feature resulting in a loss of outlook and increased sense of enclosure. It is considered that this would have a significant impact on the amenities of the neighbouring property and therefore this part of the proposal does not comply with DP26 of the Mid Sussex District Plan.

Therefore, in terms of neighbouring amenities, the proposal is not considered to comply with DP26 of the Mid Sussex District Plan.

Parking

Policy DP21 of the District Plan states that to meet the objectives of the West Sussex Transport Plan 2011- 2026, decisions on development proposals will take account of whether: *'the scheme provides adequate car parking for the proposed development taking into account the accessibility of the*

development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;

West Sussex County Council Parking Standards Guidance (2020) outlines the County Council's approach to parking at new developments to ensure that sufficient parking is provided to meet the needs of the development while maintaining highway network operations, protecting surrounding communities and pursuing opportunities to encourage use of sustainable modes of transport.

There is an external driveway at the existing dwelling to accommodate two cars, which would remain. Also there are no parking restrictions on Badgers Walk. It is therefore considered that, in this instance, the proposal would be acceptable in terms of highways impact.

The West Sussex County Council Parking Standards Guidance (2020) states that: - If garages are provided they should be at least 6m x 3m internally. 'If garages meet this requirement, they will be regarded as an allocated parking space of 0.5 and calculations of parking demand will take this into account.'

The garage which is the subject of this application is smaller than this at 5.2m x 3.1m and therefore does not meet the standards guidance. It could therefore be considered that the conversion of this garage will not result in a loss of parking space.

The proposal is therefore considered to accord with policy DP21 of the Mid Sussex District Plan.

Other Matters

It is noted that further information was requested by Place Services to assess whether the garage had potential for roosting bats however it wasn't made clear in the original submission that this is a retrospective application and the garage roof had already been removed and replaced. As the garage element is retrospective no further reports are needed nor is there an ecology reason for refusal.

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

It is recommended that permission be refused. It is considered that the proposed increase in height to the garage would have a significant impact on the neighbour as it will be viewed as an overbearing feature that would result in the loss of outlook and increased sense of enclosure. Therefore, the proposal fails to accord with policy DP26 of the Mid Sussex District Plan, the relevant principles of the Mid Sussex Design Guide and national policy contained within the NPPF.

Decision: Refusal

Case Officer: Tracie Axford