

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2366	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Proposed first floor rear extension creating an additional bedroom. Hip end pitched cut roof running into existing pitched roof. Replace a double window with french doors to rear ground floor.		
Site:	50 Franklynn Road, Haywards Heath, West Sussex, RH16 4DH, , , ,		
Validation Date	28 Nov 2024	Overall Expiry Date:	19 Dec 2024
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	22 Jan 2025
Target Date:	23 Jan 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:	22 Jan 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2366

**50 Franklynn Road, Haywards Heath, West Sussex, RH16 4DH, , ,
Proposed first floor rear extension creating an additional bedroom. Hip end pitched cut roof running into existing pitched roof. Replace a double window with french doors to rear ground floor.**

Mr Daniel Read

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

No comments received.

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: No comment.

INTRODUCTION

The application seeks planning permission for the development of a first floor rear extension and the replacement of the rear double window with French doors at ground floor level.

RELEVANT PLANNING HISTORY

HH/106/95 - Formation of a cross-over across the footpath fronting each of the properties. Permission granted 11.08.1995.

DM/21/0952 - Proposed first floor rear extension. Amended plans received 28.05.2021 showing correct depth of proposed first floor extension. Permission granted 21.07.2021.

SITE AND SURROUNDINGS

No. 50 Franklynn Road is an end of terrace two storey period house situated on the southern side of the road. The property benefits from one off road parking space to the front and has previously been extended to the rear with a flat roof single storey extension.

In terms of planning policy, the site lies within the built-up area of Haywards Heath as defined by the Mid Sussex District Plan.

APPLICATION DETAILS

The proposal would develop a first-floor rear (south-western) elevation extension which would be sited above the existing ground floor rear extension which would be reduced in length. The proposal would utilise a hipped roof and alter the existing ground floor double window into French doors at ground floor level while adding a four-pane window at first floor level. The extension would measure at approximately 3.8m in length, 3.2m wide, have an eaves height of 5m and a ridge height measuring at 6.2m high. Proposed external materials would comprise cedar anthracite shiplap boarding, Redland renown heather concrete roof tiles and matching windows to 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 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 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

Haywards Heath Neighbourhood Plan (Made March 2016)

Policy E9 - Protection and Reinforcement of Local Character

Policy H9 - Domestic Extensions

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 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:

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.

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 Amenities
- 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 E9 of the Haywards Heath Neighbourhood Plan states that:

Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- o height, scale, spacing, layout, orientation, design and materials of buildings,*
- o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- o creates safe, accessible and well-connected environments that meet the needs of users,*
- o will not result in unacceptable levels of light, noise, air or water pollution,*
- o Makes best use of the sites to accommodate development,*
- o Car parking is designed and located so that it fits in with the character of the proposed development.*

Furthermore, Policy H9 of the Neighbourhood Plan states that:

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

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

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.'

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 proposed extension is considered appropriate in terms of design, form and scale to the existing dwellinghouse, with a hipped roof that will sit subordinately to the main roof of the house. Plans show that the walls of the extension will be clad in cedar cement shiplap boarding. It is noted that a similar dark, horizontal lapped cladding has been used to other rear dormers at No.46's rear dormer. Whilst views towards the proposed rear would not entirely be concealed from public view when viewed from the north-east looking south-west, these views would likely be contained to obscure angles.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, Policies E9 and H9 of the Haywards Heath Neighbourhood Plan and the relevant principles of the Mid Sussex Design Guide SPD.

Impact on Neighbouring Amenities

Policy H9 of the Haywards Heath Neighbourhood Plan states that proposals should 'safeguard' neighbouring amenities with regard to privacy, daylight, sunlight and outlook 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 DP26 of the Mid Sussex District 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.

The proposed first floor extension will be sited above the existing ground floor rear extension, close upon the boundary with No.48. Plans indicate that the eaves of the extension and guttering will overhang the boundary with No.48 and as part of the application process, certificate B of the planning application form has been completed, with written notice served on the adjoining neighbour. Whilst the previous application noted concerns with regard to the overhang, this matter is not considered to be a material planning consideration, but is a private matter to be resolved between parties via a Party Wall Agreement, and legislation as set out under the Party Wall Act 1996. Potential structural impacts upon foundations would also fall under party wall legislation and are considered to be within the remit of building regulations. The removal of asbestos is not considered to be a planning consideration, and such matters would be covered by the Health and Safety Executive.

Whilst the extension will project beyond the rear of No.48, it is not considered that the proposal would be significantly harmful in terms of appearing overbearing or affecting light levels or outlook. A cat slide roof and lean-to extension at No.48 will adjoin the extension with no adjoining windows affected. To the east, the neighbouring house at No.52, which is situated at a slightly higher level, has been extended with a two-storey rear extension. This extension is served by modest sized windows to the side wall and it is not considered that the proposal should significantly affect outlook or light levels to the property.

Furthermore, the proposed rear elevation window would be extended in glazed area when compared to the previous expired permission. Whilst this would somewhat increase the level of outlook when compared to the previous scheme, views towards neighbouring sites would still be contained to obscure angles. As such, it is not considered that the proposal would result in a significant overlooking impact.

Accordingly, the proposal is considered to comply with the provisions of DP26 of the Mid Sussex District Plan and Policy H9 of the Haywards Heath Neighbourhood Plan in terms of neighbouring amenities.

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 harm neighbouring amenities.

The proposal will comply with Policies DP26 of the District Plan, Policies E9 and H9 of the Haywards Heath Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas