

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2960	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Replacement garage with annex over		
Site:	37 Sunnyside Close, East Grinstead, West Sussex, RH19 4QW, , , ,		
Validation Date	2 Jan 2025	Overall Expiry Date:	24 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	7 Oct 2025
Target Date:	27 Feb 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	8 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2960

**37 Sunnyside Close, East Grinstead, West Sussex, RH19 4QW, , ,
Replacement garage with annex over
Mr Dan Wanstall**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

WSCC Highways: Summary

The proposal seeks to replace the existing garage at 37 Sunnyside Close and create an annexe above. Sunnyside Close is a privately maintained road, therefore this response should be considered only as advice. Sunnyside Close meets the publicly maintained highway to the south east at the junction to Dunnings Road.

The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents at the junction of Sunnyside Close and Dunnings Road. However, a collision has been recorded in proximity of the access, from an inspection of accident data it is clear that this was not due to any defect with the highway network at this point.

There are no proposed changes to the existing access with the Publicly Maintained Highway.

Comments

The garage space currently measures 3m x 6m which is in line with WSCC standards for garages, to accommodate an average sized vehicle and allow space for cycle storage, the proposed garage exceeds these dimensions however does not appear sufficient for two vehicles which would require 6m x 6m. Currently it appears that two vehicles are able to utilise the driveway parking in tandem, the plans state that the driveway will be widened,

It is not clear to what extent this will be widened however WSCC car parking standards outline spaces should measure 2.4 x 4.8m each. As Sunnyside Close is a privately maintained route, the applicant should contact the proprietor of this road to obtain formal approval to carry out the site access works.

It has not been outlined whether the annexe would be ancillary accommodation to the existing dwelling or whether this would be a separate property. The Local Highways Authority has consulted the WSCC Parking Demand Calculator, this outlines that a single additional parking space would be required to serve a unit of this size if separate.

It is not considered that the proposal would give rise to a severe material increase in movements along Dunnings Road.

Conclusion

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal. As advised, the applicant should contact the proprietor of the private road to obtain formal approval to carry out the proposed access works.

Should planning consent be granted, the LHA advise conditions securing parking and Construction management.

Southern Water: Southern water has determined the Flow rate for the above site will remain the same/similar as capacity is not an issue and no southern water assets will be affected. Therefore, Southern water has no objections to this proposal.

MSDC Drainage: The Flood Risk and Drainage Team have begun to review this application, and note that the applicant has not submitted a suitable flood risk assessment and surface water drainage strategy.

The development is located within an area of high surface water flood risk, and following the PPG update (August 2022), this should be assessed utilising the same approach as fluvial (flood zone flood risk). Areas of high surface water flood risk represent the 1:30 flood extent, and are therefore considered to represent flooding equivalent of Flood Zone 3b.

At this time, we will require the following further information:

In order to assist please see above extracts from our Environment Agency mapping of the surface water flood extents. There is a publicly available searchable and downloadable map here, if it is useful: Defra Data Services Platform (select the relevant layers for the 1:30, 1:100 and/or 1:1000 extents)

Please could the Applicant overlay their proposed extension footprint on the third party (or similar) screenshot of the 1:30 flood extent in order for us to review any encroachment?

As per the Environment Agency standing advice for minor extensions, development within the 1:30 flood extent is not permissible. In the event that the proposal is outside of this extent then additional resistance and resilience mitigation will need to be evidenced at this location, as this development is classified as 'more vulnerable'.

Upon receipt of this additional information, we will be able to comment further.

Following the receipt of further information, they stated:

The applicant has failed to demonstrate that the proposed development is outside of the 1:30 flood extent (Flood Zone 3b functional flood plain). As per the Environment Agency's standing advice for minor extensions, development within the 1:30 flood extent is not permissible.

It is the Flood Risk and Drainage Team's findings that, following the latest guidance on assessing flood risk the site is located within the equivalent of Flood Zone 3b (1:30 flood extent) and the proposed development (Annex) is a more vulnerable development.

The Flood Risk and Drainage Team, therefore, Objects to the proposed development as per the Environment Agency's standing advice for minor extensions; development within the 1:30 flood extent is not permissible.

PARISH COUNCIL OBSERVATIONS

No comment

INTRODUCTION

Planning permission is sought for the installation of a replacement attached garage with an annex above.

RELEVANT PLANNING HISTORY

DM/15/2830 - Outline application for the erection of 12 houses (amended plans received showing removal of property, originally plot 13, and additional drainage information) (approved)

DM/18/4899 - Reserved matters application in relation to outline planning application DM/15/2830, for 12 houses for the matters of the Appearance, Landscaping and Scale. (Environmental Management Plan received 24/1/19) (approved)

SITE AND SURROUNDINGS

37 Sunnyside Close is a two storey semi-detached modern dwelling within a cul-de-sac off Dunnings Road. The walls are face brickwork with composite doors and windows. The dwelling is characterised by an existing attached hipped roofed garage.

To the north-west of the site is the adjoining No.38, to the north-east of the site is the rear garden with close boarded fencing to set higher neighbours in The Meads beyond, to the south-west of the site is the driveway to the highway beyond and to the south-east of the site is grassland to neighbouring No.36 beyond.

The site is within the built-up area of East Grinstead

APPLICATION DETAILS

The existing attached hipped roofed garage approximately measures 6.5m in depth, 2.8m in width with a height to eaves of 2.3m and an overall height of 5.6m.

The proposed garage with annexe above approximately measures 8.65m in depth, 6.55m in width with a height to eaves of 2.65m and an overall height of 5.65m. This serves a garage with an annexe with front and rear dormers above serving a bedroom, shower room and living space. There is a link between the annexe and the dwelling.

The pitched roofed dormers approximately measures 1.85m in depth, 1.8m in width with a height to eaves of 1.6m and an overall height of 2.3m. Front and rear rooflights approximately measure 0.8m by 0.66m.

It has been confirmed that the annexe will be served by a kitchenette simply for tea coffee and light refreshments and will be used by an elderly relative of the applicant.

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 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:

DP6 - Settlement Hierarchy

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21 - Transport

DP26 - Character and Design

DP41 - Flood Risk and Drainage

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.

East Grinstead Neighbourhood Plan

The East Grinstead Neighbourhood Plan has been formally 'made' as of 3rd November 2016. Relevant policies:

EG3 (Promoting Good Design)
EG12 (Parking)
EG16 (Ashdown Forest Protection)

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:

DPS4 - Flood Risk and Drainage
DPC6 - Ashdown Forest SPA and SAC
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)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131, 135, 170, 176 and 181 are considered to be relevant to this application.

Principle of development

Policy DP6 of the Mid Sussex District Plan in part states:

"Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement."

As within the built-up area of East Grinstead, the creation of an annexe is deemed acceptable.

The annexe is relatively modest in scale. The annexe will have a link to the main house and will share the same access / parking area as the main house. It has been confirmed that the annexe will have a kitchenette area is now shown to have a sink and microwave to wash and prepare snacks as needed. This indicates that the building will be used incidentally to the main house.

As such, the local planning authority is satisfied that the building will be used for ancillary purposes to the main dwelling and not as a separate unit of residential accommodation; a planning condition if approved would be imposed to ensure that this is the case.

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:

- 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 protects valued townscapes and the separate identity and character of towns and villages;*
- 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 (see Policy DP27);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

East Grinstead Neighbourhood Plan policy EG3 states:

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

- o The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- o The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- o The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- o The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- o 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;*
- o New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- o 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*
- o Proposals make provision for green infrastructure and biodiversity enhancement.'*

The Mid Sussex Design Guide is also considered to be relevant and 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'.

Principle DG50 of the Mid Sussex Design Guide relates specifically to side extensions and states:

'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'.

The garage and annexe are a modest enlargement to the existing garage. It will be subservient to the existing dwelling and will use matching materials.

With reference to roof enlargement specifically, principle DG52 of the Mid Sussex Design Guide SPD in part states:

'A loft conversion is a space efficient means of extending the amount of living accommodation in a dwelling. Roof accommodation is normally reliant on dormer windows and rooflights to provide light and ventilation. However, if they are out of scale or out of character with the roofscape and proportions of a dwelling they can have an adverse impact on the character of both the dwelling and the streetscape.'

The roof pitch and form are intrinsic to a building's character and roof extensions should be sensitive to this. Roof extensions and dormer windows that alter the existing ridge of the roof or significantly alter the roof profile of a building will not normally be acceptable, particularly on the front roof slope, and where there is a strong established roofline.

Where a clear rhythm of fenestration is established, the position and proportion of dormer windows should respond to existing windows and / or doors.'

This principle also includes reference to further dormer window guidance in Chapter 6 of the Design Guide under sections 6.3.5 to 6.3.7 which state:

'6.3.5 While dormer windows can sometimes be prominent features in the streetscene, care needs to be taken with their design, proportions and position on the roof. The choice of design should be informed by the character and appearance of the local vernacular.'

6.3.6 Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the main roof to remain visible. Excessively wide dormers are likely to look unsatisfactory as they will often be out of proportion with the existing roof.'

6.3.7 Dormer windows should normally be positioned below the ridge-line, and above the eaves line'.

The pitched roofed design is similar to the existing dormers at the dwelling, they are modest in width and will not dominate the roofslope. Therefore, in terms of the character and design the proposal would not be out of character with the streetscene and complies with DP26 of the Mid Sussex District Plan, EG3 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide and the relevant paragraphs of the NPPF.

Neighbouring Amenities

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

dwelling, 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.

Given the location of the proposal and relation to neighbour properties, harm to outlook at light is not caused to neighbouring properties.

With the creation of additional first floor windows, there will be a degree of increased overlooking towards neighbouring gardens. However, this will be no more harmful than the existing first floor windows or the level of privacy/overlooking expected within the built up area.

Therefore, in terms of neighbouring amenities the proposal is deemed to comply with DP26 of the Mid Sussex District Plan and EG3 of the East Grinstead Neighbourhood Plan.

Transport

As an additional bedroom is to be created within the annexe, parking standards has to be assessed. The West Sussex Car Parking Calculator would require 2.5 off road parking spaces for a 5-bedroom dwelling of this size, in this area.

The dwelling benefits from a relatively deep frontage that the submitted plans show can accommodate two cars with parking for one vehicle available within the garage. It is therefore considered that there would not be an adverse impact on highways safety as a result of this development. Coupled with it is within walking distance of alternative forms of transportation (buses).

Impact on Ashdown Forest

The property falls within 7kms of the Ashdown Forest Special Protection Area and Special Area of Conservation. As the local planning authority is satisfied that the rooms above the garage will be used as annexe accommodation and does not represent a new residential unit, no SAMM or SANG mitigation is required in relation to the forest.

Flood Risk and Drainage

Policy DP41 of the District Plan concerns Flood Risk and Drainage. It states in part:

'Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates'.

Section 14 of the NPPF relates to flooding and the impact of Climate Change.

Paragraph 170 of the NPPF states: *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.*

Paragraph 181 states: *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan'.*

The drainage consultants have confirmed that the site is within functional flood plain (1:30 flood extent/ Flood Zone 3b) and the creation of an annex is a more vulnerable development than the existing garage use. They objected to the proposal that it would not reduce the risk of flooding. Therefore, having regard to this, it is considered that the proposal is contrary to DP41 of the Mid Sussex District Plan.

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.

In terms of design, neighbouring amenities and transport the proposal is deemed acceptable. These factors weigh in support of the proposal.

Weighing against the proposal is the location of the proposal within an area of high flood risk, therefore it cannot be ensured that the development is safe across its lifetime and will not increase the risk of flooding elsewhere

Therefore, the proposal is considered contrary to policy DP41 of the Mid Sussex District Plan as a more vulnerable form of development is sited within functional flood plain and therefore the impact on flood risk is deemed significant.

Therefore, the application is recommended for refusal.

Decision: Refusal

Case Officer: Andrew Horrell