

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3108	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	General repairs and conservation works. External and internal alterations including replacement and alteration of modern windows and minor changes to internal layout. Installation of photovoltaic panels, construction of workshop and covered patio area. Associated landscape works		
Site:	Rose Cottage, High Street, Cuckfield, Haywards Heath, West Sussex, RH17 5EN, ,		
Validation Date	20 Dec 2024	Overall Expiry Date:	26 Mar 2025
Pre-Commencement Conditions Required:	Yes	Pre-Com Conditions Date Agreed:	9 Apr 2025
Recommendation:	Permission	Recommendation Date:	9 Apr 2025
Target Date:	14 Feb 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	<i>Steven King</i>	Date:	9 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3108

Rose Cottage, High Street, Cuckfield, Haywards Heath, West Sussex, RH17 5EN,
General repairs and conservation works. External and internal alterations including replacement and alteration of modern windows and minor changes to internal layout. Installation of photovoltaic panels, construction of workshop and covered patio area. Associated landscape works
Mr And Mrs Clark

SUMMARY OF REPRESENTATIONS

There was one letter of representation received in response to the proposed development which supported the application. The representation letter quoted that the proposal would sympathetically modernised and updated.

SUMMARY OF CONSULTEES

Environmental Protection: *'Our primary concern relates to the potential noise impact from the building work. To mitigate this, we recommend a condition be imposed to control the timings of the building work. This will help minimise the disturbance to nearby residents and ensure that the impact is kept to a reasonable level.'*

It has been noted that in the design and access statement, the site previously contained a historic oil tank, which is now being removed as the property is serviced by gas. Given this, we recommend that a discovery strategy be attached to the planning permission. This condition would serve as a safeguard, ensuring that if any evidence of contamination emerges during ground works, all works must be halted immediately. Subsequently, a comprehensive assessment should be conducted to ascertain the extent of the contamination, and appropriate remediation measures should be promptly implemented if deemed necessary.'

Place Services Ecological Consultant: *Recommended approval subject to conditions.*

Conservation Officer: *'The proposal has been amended to address concerns previously raised:*

- *At attic level within the house the collars within both bedrooms are now shown as retained, with lathe and plaster reinstated to the ceiling of the southern room. This aspect of the proposal is now considered acceptable.*
- *The landscaping plans have been amended to show a native species hedgerow retained and enhanced the western frontage of the site, with a post and rail fence behind. To the northern frontage the existing chain link fence is shown retained behind a reinstated native species hedgerow. This meets the concerns regarding the treatment of these boundaries.*

The proposal as revised is therefore considered to preserve the special interest of the listed building and the setting of the Cuckfield Conservation Area. This meets the requirements of District Plan policies DP34 and DP35 and the relevant paragraphs of the NPPF.'

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No objection.

INTRODUCTION

The application seeks planning permission for the replacement and alteration of windows, installation of photovoltaic panels to the proposed workshop and existing garage outbuilding, the construction of a detached single storey workshop, an extension to the existing driveway area, the development of a covered patio area and for the construction of a boundary post and rail fence.

RELEVANT PLANNING HISTORY

CU/010/94 - Demolition of existing subsidence damaged garage, erection of new garage of same dimensions in the same position. Refusal 29.04.1994.

CU/027/94 - Demolition of existing subsidence damaged garage, erection of new garage of same dimensions with new pitched roof. Permission 30.06.1994.

SITE AND SURROUNDINGS

The application relates to Rose Cottage, a grade II listed property which occupies the southern corner of the junction between London Lane (north) and the B2036 (west). The building is constructed of a brick exterior with a tiled roof in a pitched format. The building is listed under the following description:

House and surgery. Exterior appearance of early C19 altered C20 but said to have a brick dated 1720. Red brick with tiled roof. L-shaped building of 2 storeys with 2 windows and central window space. 16-pane sash windows with cambered heads and gauged brick arches. Central doorcase with flat hood on brackets, semi-circular fanlight, panelled reveals, pilasters and 6-fielded panelled door. 2 sashes to L-wing. Interior contains plain early C19 staircase.

The site is located within the built up area boundary for Cuckfield and is set nearby a number of other grade II listed buildings such as The Rose and Crown public house to the north.

APPLICATION DETAILS

The application seeks planning permission for the replacement and alteration of the existing properties windows including the replacement of the modern Crittal windows with slimline double glazed timber casement units. The existing rotten windows would be refurbished and have a secondary glazing added. The proposal would also open up the pair of existing blocked lightwells at the base of the southern elevation. The existing open porch structure at the ground floor of the 20th century rear addition would be infilled with a new doorway proposed to the eastern elevation.

A new workshop outbuilding would be erected as part of the development proposal which would also accommodate storage rooms within. The proposed outbuilding would measure at approximately 9.7m in length, 3.7m wide, have an eaves height of 2.4m and a ridge height measuring at 3.8m high. External materials would comprise a brickwork plinth, unstained larch vertical cladding, painted close board timber doors, clay roof tiles and painted timber framed windows. There would be an array of solar panels installed to the proposed workshops eastern facing roof pitch.

A covered patio structure would also be erected within the properties plot to the south of the host dwelling on site. The structure would measure at around 6.2m in length, 4.5m wide, have an eaves height of 2.7m and a ridge height of 4.3m. Proposed external materials would include a flagstone patio, an oak framing and clay roof tiles to match the main house.

A new post and rail fence would be erected to the sites western boundary behind a mature boundary hedgerow. The proposed fence would measure at approximately 1.2m high. Furthermore, metal railings would be reinstated to the western boundary above the low brick-built boundary wall.

The existing driveway would also be extended to accommodate further access for the proposed workshop. Furthermore, a range of solar panels would be installed to the existing garage outbuildings southern facing roof slope.

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 Cuckfield 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

DP34: Listed Buildings and Other Heritage Assets

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

Cuckfield Neighbourhood Plan (Made May 2014)

Relevant Policies:

Policy CNP1 - Design of New Development and Conservation

CNP10 - Building Extensions Within and Outside the Built-Up Area Boundary

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting.

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) was published for public consultation on 12th January 2024 for six weeks and as a result of this consultation there are unresolved objections to some of the Policies in the draft District Plan. 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

DPB2 - Listed Buildings and Other Heritage Assets

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, 207, 208, 209, 212-215, 219 & 220.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Impact on Heritage Assets and Character and Design
- Impact on Neighbouring Amenities
- Biodiversity Net Gain

Impact on Heritage Assets and Character and Design

With regard to the setting of the listed building, DP34 requires:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*
- o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Paragraph 207 of the NPPF requires the applicant to describe the significance of any heritage asset affected. Significance is defined in Annex 2 of the NPPF as *["The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."]*. The applicant has provided a Heritage Statement in support of the application which assesses the proposals impact on the relevant heritage assets. Therefore, this requirement of the NPPF is considered to have been met.

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The listed building is considered to be significant in heritage terms by virtue of its designation and this significance is likely to arise from its historical, aesthetic (fortuitous) value and historical (illustrative) value.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraphs 212 - 215 of the NPPF states:

'212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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 CNP1 of the Cuckfield Neighbourhood Plan states that:

'New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of:*
 - i. height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) Is sympathetic to the setting of any heritage asset and*
- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) Makes best use of the site to accommodate development.'*

Additionally, Policy CNP10 of the Neighbourhood Plan states:

'Building extension will be permitted where it meets the following criteria:

- a) The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- b) Spacing between buildings would respect the character of the street scene.*
- c) Gaps which provide views out of the village to surrounding countryside are maintained.*
- d) Materials are compatible with the materials of the existing building.*
- e) The traditional boundary treatment of an area is retained and, where feasible, reinforced and*

f) 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.'

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the listed building or its setting in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal would incorporate a native species hedgerow planting to both the western and northern boundaries. The western boundary plating would conceal a 1.2m high post and rail fence whilst the other would cover the existing wire fencing. It is considered that the proposed soft boundary treatment would be in keeping with the localities prevailing character of softer boundary treatments abutting the highway edge. Furthermore, the reinstatement of the metal railings to the front of the property, above the existing low brick wall is considered to be of an acceptable appearance given the existence of the scaffold posts currently occupying this position.

A number of alterations would be made to the existing doorways and windows towards the rear of the property, including on the southern and eastern elevations. To the southern elevation, a number of ground floor windows and doors would be removed and replaced with a painted timber framed slimline double glazed bi-folding doors and windows. The existing rotten windows would be refurbished throughout and have an additional layer of glazing. No further concerns were raised following consultation with the Council's Conservation Officer.

A new workshop outbuilding would be erected to the east of the host dwelling on site which would be contained to a single storey size and scale. The workshop would utilise a pitched roof design and would use larch timber cladded walls with matching clay roof tiles to the host dwelling. It is considered that whilst the proposed outbuilding would have a large linear footprint, the proposed single storey height coupled with the use of subservient timber cladded exterior walls would allow the proposal to be read as subsidiary to the main dwelling on site. However, further details of exterior materials including the external doors and eaves details would be required should the application be approved.

The proposed solar panels proposed to the workshops eastern roof pith are considered to be positioned in an area with little prominence with regard to public viewpoints. Furthermore, the proposed solar panels to the southern roof slope to the existing outbuilding are not considered to be in a significantly conspicuous position with regard to the public domain. As such, the use of the solar panels are not considered to be contentious within the immediate setting of the listed building and it is noted that no further concerns were raised by the Conservation Officer.

A covered patio area would be constructed to the south of the host dwelling on site which would utilise an oak framing and clay roof tiles above. It is considered that the structures use of supporting beams in an oak framing would allow the structure to be read as lightweight and not an entire separate outbuilding on site. The structure would also be contained to a single storey size and scale which would improve its subservience towards the main dwelling on site.

In light of the above, the proposal is considered to preserve the special interest of the listed building. The proposal would not significantly remove nor alter the existing historic fabric and as such would comply with the provisions of Policies DP26 and DP34 of the District Plan, Policies CNP1 and CNP10 of the Cuckfield Neighbourhood Plan and the statutory duties as set out within the Listed Buildings and Conservation Areas Act.

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);'

There would be an array of solar panels installed to the proposed workshops western elevation which would face towards the neighbouring site at Woodgates. There are two upper floor windows which would face back towards the proposed solar panels at the neighbouring property, however, there is an existing outbuilding at the neighbouring site which would sit between the proposed workshop and the aforementioned windows. Additionally, there is mature boundary planting which obscures the two sites and while this could be removed in the future, this also acts as a screen in addition to the neighbouring outbuilding from glint and glare. As such, it is not considered that the proposed solar panels would give rise to a significant glint and glare impact.

The proposed workshop would be offset from the sites shared boundary with Woodgates to the east and would be contained wholly to a single storey size and sale. It is therefore considered that the proposed outbuilding would not give rise to a significant overbearing impact.

A number of new windows with a greater area would be installed as part of the development proposal to the existing host dwelling. It is considered that these proposed windows both to the southern and eastern elevations would mirror the existing level of outlook offered and would not result in an unacceptable overlooking impact.

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

Other Matters

It is noted that a condition was recommended which would require a lighting design scheme to be submitted in the case that external lighting was required within the scheme. Whilst Paragraph 5.8 of the submitted Bat Emergence Survey Report stated that any lighting to be installed at the property would conform to the specifications as outlined within the BCT Guidance Note (2023b), the proposed elevations and Design and Access Statement make no reference to any proposed external lighting. As such, it is considered that this recommended condition would not pass the six condition tests as it would not be necessary nor precise.

There was an additional consultation response received from The Environmental Protection Officer which put forward a condition to restrict the hours of construction work and deliveries on site. However, this is a domestic application rather than a major development and it is considered standard practice that an informative can be used to restrict hours of construction and demolition on site under the Environmental Protection Act 1990.

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

To summarise, it is considered that the proposals will have an acceptable impact on the listed building, the character and appearance of the area and neighbouring amenities. As such, the application complies with Policies DP26 and DP34 of the Mid Sussex District Plan, Policies CNP1 and CNP10 of the Cuckfield Neighbourhood Plan, the Mid Sussex Design Guide, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) act and the National Planning Policy Framework.

Decision: Permission

Case Officer: Stefan Galyas

