

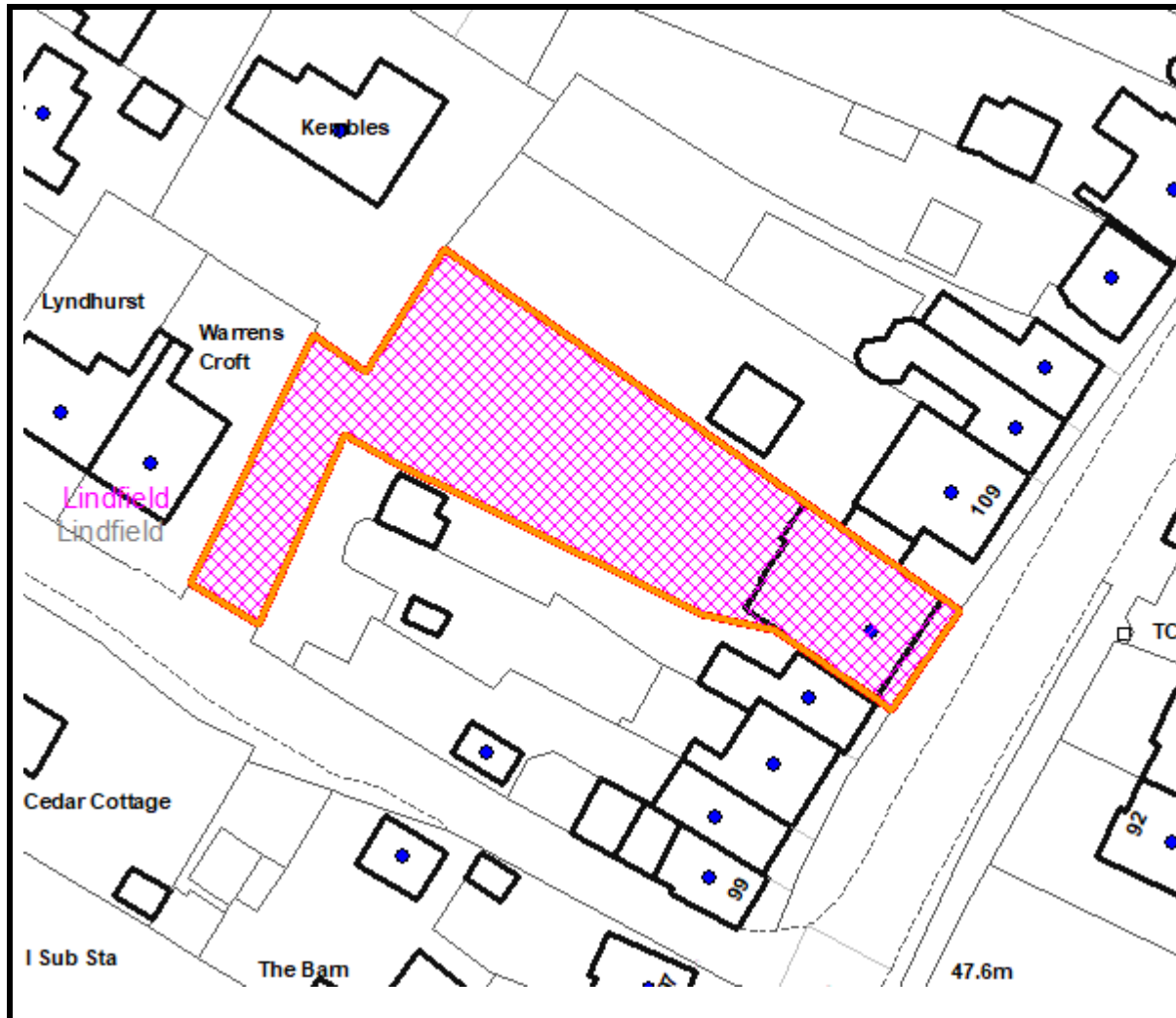
Planning Committee



Recommended for Refusal

4th December 2025

DM/25/1103



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Site:	Marlow House 107 High Street Lindfield Haywards Heath West Sussex
Proposal:	Retrospective listed building consent for a variation to the scheme approved under DM/22/3695, incorporating some reinstatement works.
Applicant:	Mr S Dougall
Category:	LBC Alterations
Target Date:	29th August 2025
Parish:	Lindfield

Ward Members:	Cllr Anne-Marie Cooke / Cllr Cavan Wood /
Case Officer:	Susan Dubberley

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SVF6UMKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks retrospective planning consent for a variation to the scheme approved under DM/22/3695, incorporating some reinstatement works.
- 2.2 The 2022 Listed building application gave consent for the demolition of the modern two-storey rear extension and demolition of the modern conservatory addition. Construction of a new, two-storey extension to the rear elevation. Alterations to Bakehouse structure to include reduced floor level, removal of mezzanine floor level, re-roofing works and internal insulation. Various works to the listed building to include roof and chimney repairs, window and door replacement, replacement of building services (mechanical and electrical) to include the installation of new sanitary accommodation. Demolition of partially built three-bay garage and construction of new detached garage building. Associated hard and soft landscaping works, to include new timber gates and brick wall to driveway entrance, new permeable driveway surfacing and new planting.
- 2.3 The works that have been undertaken have for the most part been implemented in accordance with the original plans that were submitted for the 2022 application (DM/22/3695), however these plans were subsequently significantly amended following extensive negotiations during the course of the application, to overcome concerns regarding the impact on the listed building and conservation area, to enable permission to be granted. Furthermore, other internal works to the building have taken place that were not identified at any stage as part of the previous application process.
- 2.4 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 National Planning Policy Framework (NPPF).
- 2.5 It is considered that the unauthorised retrospective variations to the scheme approved under DM/22/3695, cannot be supported in particular the first floor extension which by virtue of its design, size and scale would appear as an obtrusive and overbearing feature that would be out of character and harmful to the special interest of the listed building; The first floor extension has also engulfed the historic 19th century rear wing; The removal of at 17th century staircase and stair enclosure,

which previously connected the ground, first and attic floors of the historic house; the unauthorized works to the bakehouse which as constructed, the scale and form of the windows are considered to detract from the previously surviving historic character of the bakehouse, as an ancillary service range. The unauthorised works carried out have been identified as causing less than substantial to the heritage assets.

- 2.6 In this case there are not considered to be any material public benefits resulting from the development that would outweigh the identified harm as the proposal would result in a private benefit and the continued viable use of the building as a residential dwelling was not dependent on the proposals, there was an ongoing residential use that would not have cease in the absence of the works that have been carried out. As no public benefits have been identified that would outweigh the harm identified in heritage terms, the proposal would fail the assessment within the NPPF
- 2.7 Whilst such harm is deemed to be less than substantial to the heritage assets, this factor should be given considerable importance and weight. As the proposal would not result in any public benefits, the harm caused by the development would clearly outweigh any public benefits and consequently the proposal cannot be supported.
- 2.8 The proposal would therefore conflict with policy DP34 of the Mid Sussex District Plan and the relevant provisions of the NPPF.

3.0 Recommendation

- 3.1 It is recommended that planning permission be **refused** for the reasons as outlined at Appendix A.

4.0 Summary of Representations

- 4.1 21 letters of support:
- They have clearly gone to great lengths to design, renovate and finish their home to a high standard. I find the materials used and attention to detail exceptional and believe that they greatly benefit the building and High Street.
 - This quality of work extends to the garden and landscaping which enhances our Conservation Area.
 - Have invested significantly in restoring the building to an exceptionally high standard that helps to rejuvenate the High Street and maintain the livelihood of the village.
 - The work has been carried out sensitively, with great care taken to preserve and enhance the character of the Listed Building both inside and out.
 - The work carried out on this property is fair and reasonable and has been completed to a very high standard thus ensuring the long-term preservation of a very beautiful building. The property, both house and garden, contribute very positively to the character of the high street and the wider conservation area
 - Pleased that the height of the log store has been reduced.

5.0 Summary of Consultees

MSDC Conservation Officer

Objects, the proposal is contrary to District Plan Policy DP34. In terms of the NPPF, I would place the harm caused as less than substantial and remaining, despite the revisions made, within the higher range of that scale.

Historic England

Objects - Most works undertaken in variation of, or without, consent have harmed to a greater and lesser degree the significance of the listed building. The proposed rectification works should seek to restore or recreate lost significance, which we do not think has been achieved. The harm caused by the proposals falls within the 'less than substantial' range under the NPPF, though at a high level of that spectrum, particularly for the proposed 'reconstruction' of the unauthorised removal of the 17th-century staircase, which would not be an accurate reinstatement but a modern and confusing reinterpretation.

The enlarged and redesigned first-floor rear extension has also harmed understanding of the evolution and phases of the building and the character and appearance of the conservation area, appreciable from the rear. We consider the harm caused to be at a mid-level within the 'less than substantial' range.

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Overall, the unauthorised works have removed or obscured understanding of important historic features that help illustrate the evolution and multi-phased character of the building from its original 15th century origins up until the 19th century. In our view the proposed rectification works do not adequately reduce the harm caused by the unauthorised works. Consequently, this application fails to avoid or minimise the conflict between the proposal and the heritage asset's conservation, as paragraph 208 of the NPPF requires

6.0 Town/Parish Council Observations

6.1 Lindfield Parish Council has no objection to this application.

7.0 Introduction

7.1 This application seeks retrospective listed building consent for a variation to the scheme approved under DM/22/3695, incorporating some reinstatement works.

7.2 The 2022 listed building application gave consent for the demolition of the modern two-storey rear extension and demolition of the modern conservatory addition. Construction of a new, two-storey extension to the rear elevation. Alterations to Bakehouse structure to include reduced floor level, removal of mezzanine floor level, re-roofing works and internal insulation. Various works to the listed building to include roof and chimney repairs, window and door replacement, replacement of building services (mechanical and electrical) to include the installation of new sanitary accommodation. Demolition of partially-built three-bay garage and construction of new detached garage building. Associated hard and soft landscaping works, to

include new timber gates and brick wall to driveway entrance, new permeable driveway surfacing and new planting. Approved.

8.0 Relevant Planning History

There is a concurrent planning application for the same as this proposal currently being considered under planning reference DM/24/1104.

DM/24/0987 Listed building consent is sought for retrospective consent to re-build the chimney after work commenced on previous application DM/22/3694, where chimney crumbled away. Approved.

DM/23/3089 Planning permission for replacement front entrance door. Approved.

DM/23/2785 Listed building consent for replacement front entrance door. Approved.

DM/22/3694 Demolition of the modern two-storey rear extension and demolition of the modern conservatory addition. Construction of a new, two-storey extension to the rear elevation. Alterations to Bakehouse structure to include reduced floor level, removal of mezzanine floor level, re-roofing works and internal insulation. Various works to the listed building to include roof and chimney repairs, window and door replacement, replacement of building services (mechanical and electrical) to include the installation of new sanitary accommodation. Demolition of partially-built three-bay garage and construction of new detached garage building. Associated hard and soft landscaping works, to include new timber gates and brick wall to driveway entrance, new permeable driveway surfacing and new planting. Approved.

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The pre-commencement conditions for the above applications have been fully discharged under references DM/23/1565 and DM/23/1605.

9.0 Site and Surroundings

- 9.1 The application site 107 High Street contains a Grade II Listed building fronting the main High Street. The building was converted to residential use (from a former restaurant use) sometime in the early 1990s. The dwelling sits directly onto the frontage pavement and has a large rear garden with vehicle access off Hickman's Lane passing behind numbers 101, 103, and 105 High Street.
- 9.2 To either side of the building are other listed buildings- Everydens to the north is listed Grade II and dates from the 17th century, and Limes Cottage to the south, also Grade II listed, dates from the 16th century.

- 9.3 The dwelling is situated within the Lindfield Conservation Area and within the built-up area boundary as defined in the District and Neighbourhood Plans.

10.0 Application Details

- 10.1 This retrospective application has for the most part been implemented in accordance with the original plans that were submitted for the 2022 application (DM/22/3695), plans which were subsequently significantly amended during extensive negotiations, in order to overcome concerns regarding the impact on the listed building and conservation area to enable a permission to be granted.
- 10.2 The current application seeks retrospective consent for some of the unauthorised works, and also incorporates some reinstatement works. The works include, amongst others:

Internal works

17th century staircase and stair enclosure

- 10.3 The 17th century staircase and stair enclosure, which previously connected the ground, first and attic floors of the historic house, has been removed in its entirety. Reinstatement works are proposed to reinstate the stairs, it is shown at both floors as having a central supporting steel post with the timber treads notched into it, with steel strings to the upper steps but with the staircase enclosure omitted.
- 10.4 Retrospective consent for the removal of the door which was to the southern side of the stair trap and gave access to the cellar stairs. These stairs are now only accessible by a trap door.
- 10.5 It is noted that in respect of the removal of the staircase the applicant contends that consent was given its removal when the 2022 applications were approved. The original drawings showed the staircase as being removed however, following negotiation where it was made clear that the removal of an historic staircase within a listed building would not be acceptable, amended plans were submitted showing the staircase as retained.
- 10.6 The applicant's claims that the staircase could be removed is based on the assertion that an annotation on a drawing refers to the removal, even though the relevant floorplans show the staircase as being retained. It was also clear in both the comment of the conservation officer at the time, in meetings where the applicant was present, and in the delegated report that removal of the staircase was unacceptable. It is clearly a drafting error with the annotation not being removed from other drawings when the amended plans were submitted. If there was any confusion this could have easily been cleared up by contacting the LPA before any removal took place. In any case it is clearly the floorplans that should be relied on which show the staircase remaining.

First floor proposals

- 10.7 Retrospective consent for partition within the central room at first floor to create an ensuite and dressing room
- 10.8 Retrospective consent for fitted wardrobes between the central and southern rooms at first floor. The previously existing cupboard which sat within the space between the chimney stack and the east façade of the building, and which was shown as retained on the approved drawings, has been removed in its entirety including the shelving

and the rear wall (facing onto the southern room), and replaced with back-to-back fitted wardrobes.

- 10.9 Retrospective consent for partial removal of partition wall at first floor between the northern and central rooms. This work, which was not part of the approved scheme, has removed part of the framing to the eastern end of this partition, adjacent to the front elevation of the building, in order to create a doorway, and has also removed the infill to the adjacent panels of the frame.
- 10.10 Retrospective consent for the original historic 17th century floorboards to be overlaid with new oak flooring.
- 10.11 Retrospective consent for the removal of ceiling/attic floor structure above south-east bedroom and creation of a vaulted ceiling. The entirety of the attic floor structure above the southeast bedroom (i.e. the ceiling to this room and attic floor structure above) has been removed and a new skelting introduced to create a vaulted roof within this room.
- 10.12 Retrospective consent for the opening between stair hall and central room at first floor as implemented the door has been removed and the opening infilled. It was agreed that the existing door between the stair landing and the central room at first floor was to be retained and locked shut, rather than being removed and the opening blocked. The current proposal is to reinstate the opening with a locked door, but also to retain the sink unit which has been installed to the northern side of the opening, within the central room (this room has been subdivided without consent to create an ensuite and dressing room- see below for discussion of this).
- 10.13 With respect to the reinstatement of a false door between the hallway and central bathroom at first floor level, this has been amended to state that the door will now be exposed to both sides of the wall. However, the sink is to be retained in position, removing any possibility of easily reopening this access, whereas as approved the existing door was to be retained but simply locked shut.

Ground floor proposals

- 10.14 Retrospective consent for the at the rear of the ground floor hallway the partition to the southern side has been removed to create access to a WC which has been created by subdividing the southern room of the historic core of the house
- 10.15 Retrospective consent for the Removal of a partial partition wall within the ground floor lounge area, to the north of the building. The reinstatement of a door jamb to main northern reception room at ground floor is now proposed, where a historic partition has been removed without consent.

Works to the main entrance passageway at ground floor.

- 10.16 The submitted Design and Access Statement (DAS) suggests that the original framing to the southern side of this passageway where it is adjacent to the front door (as opposed to the partition to towards the rear of the house which has been removed, see above) has been retained and exposed, with renovations
- 10.17 Exposure, with a glass cover, and relining of well shaft to the rear of the house. This well was apparently discovered during the course of works and retained as an internal feature within the rear extension. A glass cover was added, and the shaft re-lined with brick.

- 10.18 Refacing of main chimney breast at ground and first floor with brickwork, and installation of fireplace to ground floor study wall
- 10.19 To the ground floor chimney breast to the living room the previous facing has been hacked off, and new facing brickwork installed with a contemporary raised fireplace set into this. This would have been the principal hearth at ground floor to the 17th century chimney stack.
- 10.20 The removal of the internal casement windows, I note and would agree with the points made by Historic England.

Cellar

- 10.21 There has been an extensive loss of historic fabric and finishes to this area of the building. The current proposal is to retain the cellar as constructed, with no remedial works. There is no indication as to whether historic fabric survives beneath the render which has been applied to the walls, or beneath what appears despite comments within the DAS to be a new cement screed to the floor, but no attempt is made to re-expose or repair these finishes as part of the current application.
- 10.22 Floor structure above cellar, i.e. between cellar and ground floor has been removed and replaced with new fabric. The approved scheme did allow for some structural work within the cellar area to address an issue with the support given to the upright steel then situated within the main living space at the northern end of the house, which was to be replaced by an oak beam. However, the extent of the work which has taken place is in excess of that approved, in particular with respect to the replacement of the floor structure.

Attic

- 10.23 Removal of historic floorboards from the attic with no historic flooring remaining visible to any part of the attic floor, which appears to have been entirely covered with shipboard and Antinox plastic sheeting.
- 10.24 Areas of the attic floor appear to have been built up to support services such as the water tank.
- 10.25 The underside of the roof itself has been clad with silver insulation material.

'Improvement' of the timber frame throughout

- 10.26 Page 143 of the submitted DAS refers to the 'improvement' of the timber frame through removal of some overlying more modern finishes, and restoration. Further confirmation is however required specifically as to whether the frame has been cleaned, and the timber exhibiting soot blackening have not been affected.

External works

The replacement extension to the rear of the house

- 10.27 Retrospective consent for rear first floor extension, as built, the rear extension at first floor exceeds the approved dimensions in width, depth and height, and extends across almost the full width of the building to both south and north this extension has not been constructed in accordance with the approved drawings.

Demolition and rebuild of the bakehouse.

- 10.28 The 18th century bakehouse to the rear of the building was to be retained with some alterations, as approved but instead it has been demolished and rebuilt to a different design, including with respect to the form, design and extent of the fenestration, and the height of the chimney stack. The application is for retrospective consent as currently constructed, with no amendments.

Other elevation changes for which retrospective consent is sought

- 10.29 The removal of a 19th century chimney stack
- 10.30 The removal or under implementation of a number of rooflights from the rear roof slope of the house

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 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 (SADPD), and the Lindfield and Lindfield Rural Neighbourhood Plan.
- 11.3 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.

District Plan (adopted March 2018)

- 11.4 The most relevant policies are:
- Policy DP34 - (Listed buildings and other Heritage Assets)

Site Allocations Development Plan Document (SADPD)

- 11.5 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 in relation to this proposal.

Mid Sussex District Plan 2021-2039 Consultation Draft

- 11.6 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 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:

DPB2 - Listed Buildings and Other Heritage Assets

Lindfield Neighbourhood Plan

11.7 The Lindfield and Lindfield Rural Neighbourhood Plan was made in March 2016.

There are no relevant policies for consideration.

Other Material Considerations

11.8 *National Planning Policy Framework (NPPF) (December 2024)*

11.9 *National Planning Policy Guidance (NPPG)*

11.10 *Listed Buildings and Conservation Areas Act 1990*

12.0 Assessment

12.1 The application site, Marlow House, is a Grade II listed building dating, from the list description, from the 15th century, located in a prominent position on Lindfield High Street, within the Lindfield Conservation Area.

12.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

12.3 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the statutory duty placed on Local Planning Authorities to have special regard to the desirability of preserving a [listed] building or its setting or any features of special architectural or historic interest it possesses.

12.4 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.

12.5 Policy DP34 of the District Plan is relevant and states:

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

- *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;*
- *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;*

- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *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;*
- *Special regard is given to protecting the setting of a listed building;*
- *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.'*

12.6 Paragraphs 210-215 of the NPPF are relevant and state that:

'210. In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

211. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

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* 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;*
- c) *and conservation by grant-funding or some form of 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.'

- 12.7 The Council's Conservation Officer has considered the application in detail and has objected to the proposals and their full comments are available to view on the planning file. Within regard to the major aspects of the retrospective works the Council's Conservation Officer has commented as follows:

Proposed reinstatement of historic staircase.

- 12.8 *The form of the reinstated stair is described as 'visually unobtrusive with open thread steps.' It is shown at both floors as having a central supporting steel post with the timber treads notched into it, with steel strings to the upper steps. This does not reflect the form, construction, materials or character of the historic staircase which was removed. The historic staircase, which was a winder stair with closed thread timber steps within a timber framed enclosure, was a key feature of the house and was not intended to be 'unobtrusive'. It is further noted that the stair is not intended for practical use but as a decorative feature. This does not therefore serve to reinstate the vertical access from ground to first floor within the historic core of the house which was a key component of the legibility of its plan form and flow. It also seems to contradict statements elsewhere in the application documents, as the applicant claims that creating an access hatch above the first floor to attic stair is a positive aspect of the scheme, but the hatch will serve no practical purpose if the stair is not intended to be usable.*

The proposal does not include the reinstatement of the enclosure which was a key aspect of the historic stair's character. Therefore, although the reinstatement of vertical access between the floors of the historic core of the building would be a key requirement of any remedial works, the current proposal does not, despite the revisions, mitigate for the loss of the historic staircase and enclosure, including the 17th century fabric which has been lost.

I note that Historic England conclude that 'Although the stair flight from ground to first floor appears to have been altered or replaced in the late 20th century, its position remained as original and the enclosure survived. The complete removal of the stair and enclosure has caused a high level of harm to significance beyond the loss of historic fabric as the unit illustrated the historic circulation pattern and evolution of planform, from a hall house to a fully floored structure.

To regularise these works, it is proposed to build a winder staircase from ground to attic level using salvaged treads and carriage pieces where possible, but omitting the enclosure, plastered soffit and timber risers. The resulting permeable structure,

supported on a metal post, would not be an accurate reconstruction and would read as a confusing modern insertion. Although the proposal includes reinstating access to the attic via a hatch - previously floored over - we do not consider this sufficient to outweigh the harm caused.'

Basement access below the stair

- 12.9 *With respect to the basement access below the stair, the revised proposal is for retention of an access hatch in a revised form under the proposed new ground to first floor stair. However, this does not reinstate the historic form of the access, which was by a doorway to the side of the stair enclosure opening onto the cellar steps. In addition, the basement access hatch as installed has been formed from 17th century floorboards removed from the attic without consent, and cut up (other boards have been treated in a similar manner to create doors). This revised proposal would cause further damage to and potential loss of this historic fabric by further cutting down of the boards to create a two-leafed hatch. It also does not address the loss of fabric from the attic space*

Reinstatement of attic access above the staircase with an access hatch. Whilst in theory reinstatement of access to the attic from the staircase would be beneficial, the DAS suggests that this will not be readily usable due to the design of the underlying replacement stair. Any heritage benefit arising from this must be regarded as minor, and does not outweigh the harms caused by the works elsewhere.

It is now proposed whilst retaining the vaulted ceiling above the south-eastern bedroom to reinstate floorboards to the southwestern corner of the attic space. However, there is no indication that the applicant intends to reinstate the original 17th century boards which were removed, even where these have been retained and cut up to be used elsewhere throughout the house. This is not adequate mitigation for the loss of this historic fabric of significance, particularly where this apparently survives (albeit cut down) and could be reinstated, and does not address the loss of the fabric (floor structure and overlying floorboards) to the southeastern part of the attic.

Removal of ceiling/attic floor structure above south-east bedroom and creation of a vaulted ceiling.

- 12.10 *The entirety of the attic floor structure above the south east bedroom (i.e. the ceiling to this room and attic floor structure above) has been removed and a new skelling introduced to create a vaulted roof within this room. Photos within the original HS show that this was the location of original 17th century floorboards at attic level, which have consequently been lost. These boards have been chopped up to make the cellar hatch mentioned above and doors elsewhere in the building including the WC at ground floor and two adjacent positions (ref. p. 135 of the DAS). This is an unacceptable loss of fabric, not just in terms of the attic flooring, but equally importantly in terms of the underlying historic floor structure, which is presumed to have been 17th century or earlier in date. It also has an unacceptable impact on the proportions of the bedroom below, where the vaulted ceiling created gives an entirely false impression of the actual historic form of the roof structure above.*

It should be noted that the re-use of the floorboards for other purposes does not mitigate this harm- their value lay in the survival in their original position, and continuing use for their original purpose, not only in terms of the character of the attic

space, but also of the manner in which this demonstrated the timeline of the development of the building, the introduction of flooring to the attic space during the 17th century with the loss of the original open hall, and the use of the attic as part of the domestic accommodation of the house. This value is now lost.

This element of the proposal is therefore considered unacceptable

Water well within the kitchen extension:

- 12.12 *The exposure of this well is arguably a heritage benefit, however it has been completely relined. No consultation with the Council took place before this work and we are therefore unable to judge as to the impact on historic fabric which may have resulted from it, or to make an assessment as to whether the extent of the work which has taken place was fully justified. The weight attached to this element of the proposal as a benefit can therefore be described as limited at best. It should also be noted that the exposure of the well, ideally with prior consultation with the Council, could have taken place were the approved scheme to have been implemented. Any benefit which accrues from it is not reliant on the unauthorised works which it is now proposed to legitimise.*

Works to fireplaces/chimney breasts at ground and first floor:

- 12.13 *We have received comments from Historic England on this aspect of the proposal as follows: 'The hearth opening of the 17th-century principal chimney in the living room has been narrowed and a contemporary raised fireplace inserted, with new facing brickwork. A similar modern raised fireplace has been inserted in the hearth of the study's fireplace.'*

These interventions have changed the historic character of the spaces. The modern design of the fireplaces makes them appear as completely new introductions, as no indication remains of the historic nature of their chimney breasts and hearths.' I would concur with these remarks.

Removal of the ceiling and floor structure above the south east bedroom and introduction of a vaulted ceiling.

- 12.14 *This is linked with the loss of the historic flooring at attic level noted above. This work has resulted not only in the loss of the ceiling finish to the bedroom in question but of the overlying attic floor structure. There is no evidence before us, particularly given the previously overlying 17th century floorboards (noted and pictured in the applicant's own original heritage statement submitted with the original applications) that this was not a historic floor structure, which is now lost. Coupled with the impact on the overlying floorboards, and on the proportions of the room in question, there is significant harm to the special interest of the listed building.*

The replacement extension to the rear of the house

- 12.15 *This extension has not been constructed in accordance with the approved drawings. As approved, the bulk and form of the extensions were subject to negotiation to ensure that the scale of the additions to the rear remained appropriately subordinate to the historic building (in the context of the existing 20th century extensions which were to be replaced), including the surviving 19th century rear wing, which had a gabled roof with attractive arched Gothic window at first floor overlooking the garden, and the single storey bakehouse, which was an important contributor to the narrative of the house's development, as surviving tangible evidence of an earlier, part*

commercial role. The form and massing of the first floor of the extension were particularly important in achieving a scheme which was considered, in its final approved form, to achieve on balance an acceptable relationship with the listed house.

As built, the rear extension at first floor exceeds the approved dimensions in width, depth and height, and extends across almost the full width of the building to both south and north, engulfing the historic rear wing, which has been either internalised or demolished, and resulting in a significant increase in bulk at this level both in relation to the approved scheme and the pre-existing situation. The current proposal is to retain this extension as built.

As approved, the scheme for a replacement first floor extension retained the existing 19th century rear wing to the southern end of the elevation, with the roof form and west elevation, including the attractive, original Gothic window, exposed, so that this aspect of the building's development could be clearly read. As constructed, all but the very top ridge of the roof of the extension has been lost to view (the remainder of the structure either internalised or demolished). This is considered detrimental to the fabric of the building, and to how the narrative of its development over time can continue to be appreciated. The potential to reinstate the Gothic window as an internal feature of the applicant's bedroom does not compensate for the adverse impact on the external appearance of the building (ref. drawing number 2001). The adverse impact on its special interest is not considered acceptable. Indeed, extending around and the rear wing was one aspect of the earliest submissions with respect to the ultimately approved applications which was designed out of the scheme as it developed on Officer advice, in order to achieve an ultimate approval.

The extension as built also includes a flat roofed element sitting above the first floor bathroom, to the northern side of the rear of the house, behind the reconstructed bakehouse. On the approved elevations, the northern side of the rebuilt rear extension had a hipped roof, which reduced its bulk, and also allowed some continuing appreciation of the original rear roofslope of the house behind.

In my opinion, this element of the proposal is contentious both in terms of the increased bulk of the rear addition, which has as a result (even when viewed in the context of the previously existing modern extensions) an inappropriate relationship of scale with the historic core of the building, and of its impact on the historic fabric, and narrative of the building, through the loss or internalisation of the 19th century rear wing and its window.

Given that the approval for the rebuilt extension was very much 'on balance', and that concerns had been expressed throughout the process about the scale of the proposed replacement addition (as noted above), which was amended during the course of the applications, this is considered contentious. The flat roof adds further high level bulk to an already very substantial addition, and obscures yet more of what little of the original house remains appreciable.

The cumulative impact of the variations from the unauthorised work at the rear of the building, including the increased scale of the additions, the loss or concealment of historic fabric to the rear wing, the demolition of the original bakehouse, and the demolition of the 19th century rear chimney, is that when standing in the rear garden of the property one would now struggle to realise that Marlow House is a historic building, let alone a listed one (see for example Fig. 6 page 6 of the Heritage Statement). This is notwithstanding the previously existing, less than ideal situation, which despite the arguably poor design of the 20th century extensions, preserved

some prominent elements of the building's historic rear plan form and fabric, and allowed better views towards the rear of the core of the house.

Demolition and rebuild of the bakehouse.

- 12.15 *The 18th century bakehouse to the rear of the building was to be retained with some alterations, but instead has been rebuilt to a different design, including with respect to the form, design and extent of the fenestration, and the height of the chimney stack. The submitted DAS also appears to suggest that the roof of the bakehouse has been raised to allow for a concealed gutter. The current proposal is to retain this as constructed, with no amendments.*

Although the current application suggests that the bakehouse was in some way structurally unsound, we have no evidence before us to support this, and no approach was made to the Council during the course of works to highlight potential issues in this respect, or to discuss remedial works. There is therefore no convincing justification for the loss of this structure, and this aspect of the current applications (i.e. the demolition of the historic bakehouse) is therefore considered unacceptable.

Furthermore, the amendments to the approved design in terms of the fenestration and elevational treatment of the reconstructed structure are considered contentious-again this aspect of the previous applications was carefully considered and subsequently amended prior to approval. As constructed, the scale and form of the windows are considered to detract from the previously surviving historic character of the bakehouse, as an ancillary service range. As noted above, these considerations were extensively discussed with the applicant and his agents during the course of the previous applications.

Demolition of the rear 19th century chimney stack.

- 12.16 *This was a later addition to the building, but none-the-less part of its narrative, illustrating a particular phase of its development, and was of some interest. It has been demolished in its entirety. In my opinion, this is harmful to the special interest of the listed building, and therefore unacceptable. There is no intention to reinstate the stack.*

The submitted DAS suggests that the stack was structurally unsound, however we have no evidence before us that that was the case, and no contact was made by the applicant during the course of works to raise this as an issue or to discuss potential remedial actions. The DAS quotes a section of a Debruslais Statement of Heritage Significance, however I cannot currently find this version of the statement including this text within the previous application documents- this requires clarification. Notwithstanding this, this section does not contain any seemingly serious structural issues, highlighting the need for only relatively minor repair works. There is therefore no compelling justification for the loss of this historic feature of the building.

- 12.16 Historic England have visited the site and have also objected to the application, and their comments are available to view in full on the planning file (and are also referenced above in the Council's Conservation Officer's comments). In summary Historic England state:

'Most works undertaken in variation of, or without, consent have harmed to a greater and lesser degree the significance of the listed building. The proposed rectification works should seek to restore or recreate lost significance, which we do not think has been achieved. The harm caused by the proposals falls within the 'less than

substantial' range under the NPPF, though at a high level of that spectrum, particularly for the proposed 'reconstruction' of the unauthorised removal of the 17th-century staircase, which would not be an accurate reinstatement but a modern and confusing reinterpretation.

The enlarged and redesigned first-floor rear extension has also harmed understanding of the evolution and phases of the building and the character and appearance of the conservation area, appreciable from the rear. We consider the harm caused to be at a mid-level within the 'less than substantial' range.

The enlarged and redesigned first-floor rear extension has also harmed understanding of the evolution and phases of the building and the character and appearance of the conservation area, appreciable from the rear. We consider the harm caused to be at a mid-level within the 'less than substantial' range.

Overall, the unauthorised works have removed or obscured understanding of important historic features that help illustrate the evolution and multi-phased character of the building from its original 15th century origins up until the 19th century. In our view the proposed rectification works do not adequately reduce the harm caused by the unauthorised works. Consequently, this application fails to avoid or minimise the conflict between the proposal and the heritage asset's conservation, as paragraph 208 of the NPPF requires.'

- 12.17 In support of the application, extensive information has been provided by the applicant's Heritage Consultant. As set out in the Design and Access Statement, their conclusion on the works is as follows:

'Taken as a whole the effects of the Proposed Scheme would be positive in heritage terms, accepting a degree of harm resulting from the full width rear extension, and master bathroom dormer roof extension. Nonetheless, the heritage benefits of the proposal are manifold, in conjunction with the overarching benefit of securing the heritage asset's beneficial use as a single dwelling on a long term basis as part of a fully restored property which was previously in very poor condition. Indeed the implemented scheme included the restoration of the building's external envelope and adjoining gable wall to No. 109 which has been repointed in hydraulic lime mortar. Overall the heritage benefits of the proposal outweigh the harm, resulting in no residual heritage harm on the basis of internal heritage balance'

- 12.18 Having considered all the submitted information, your Planning Officers would agree with the assessment of the Conservation Officer and that of Historic England. The majority of the retrospective development are unacceptable. The proposed works to reinstate features such as the proposed staircase are not considered an acceptable solution nor do other rectification works do anything to reduce the overall less than substantial harm to the significance of the listed building that has been identified.

- 12.19 Where, as in this case, development results in less than substantial harm to the significance of a designated heritage asset, para 215 of the NPPF requires the harm to be weighed against the public benefits. National Planning Practice Guidance states that public benefit 'should not just be a private benefit'. The property while previously somewhat neglected by the previous owners was not at risk and was in use as a dwelling. The enhancement to the living accommodation within the building, is a private benefit and does not fall to be considered in the balance.

Furthermore, the continued viable use of the building as a residential dwelling was not dependent on the proposals, there was an ongoing residential use that would not have cease in the absence of the works that have been carried out. The exposure of the water well in the kitchen is arguably a heritage benefit, however it has been completely relined and without further details, as set out in the Conservation Office's comments, the weight attached to this element of the proposal as a benefit can therefore be described as limited at best. Even if greater weight was given to it, any benefits of this element alone would not outweigh the harm that has been identified. As no public benefits have been identified that would outweigh the harm identified in heritage terms and the proposal would fail the assessment within the NPPF.

- 12.20 Therefore, having regard to the above the proposal is contrary to policy DP34 of the Mid Sussex District Plan and the requirements of the NPPF.

13.0 Planning Balance and Conclusion

- 13.1 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 National Planning Policy Framework (NPPF).
- 13.2 It is considered that the unauthorised retrospective variations to the scheme approved under DM/22/3695, cannot be supported in particular the first floor extension which by virtue of its design, size and scale would appear as an obtrusive and overbearing feature that would be out of character and harmful to the special interest of the listed building; The first floor extension has also engulfed the historic 19th century rear wing; The removal of at 17th century staircase and stair enclosure, which previously connected the ground, first and attic floors of the historic house; The unauthorised works to the bakehouse which as constructed, the scale and form of the windows are considered to detract from the previously surviving historic character of the bakehouse, as an ancillary service range. The unauthorised works carried out have been identified as causing less than substantial to the heritage assets, and thus para 215 of the NPPF applies.
- 13.3 In this case there are not considered to be any material public benefits resulting from the development that would outweigh the identified harm as the proposal would result in a private benefit and the continued viable use of the building as a residential dwelling was not dependent on the proposals, there was an ongoing residential use that would not have cease in the absence of the works that have been carried out. As no public benefits have been identified that would outweigh the harm identified in heritage terms, the proposal would fail the assessment within the NPPF
- 13.4 Whilst such harm is deemed to be less than substantial to the heritage assets, this factor should be given considerable importance and weight. As the proposal would not result in any public benefits that would outweigh the identified harm the proposal cannot be supported.
- 13.5 The proposal would therefore conflict with policy DP34 of the Mid Sussex District Plan and the relevant provisions of the NPPF and there are no material consideration which indicate that a decision should be taken contrary to the development plan.
- 13.6 Therefore, the application is recommended for refusal.

APPENDIX A – REASONS FOR REFUSAL

1. It is considered that, the application would cause less than substantial harm to the significance of a designated heritage asset, in particular the first floor extension which by virtue of its design, size and scale would appear as an obtrusive and overbearing feature that would be out of character and harmful to the special interest of the listed building; The first floor extension has also engulfed the historic 19th century rear wing; The removal of a 17th century staircase and stair enclosure, which previously connected the ground, first and attic floors of the historic house; The unauthorized works to the bakehouse which as constructed, the scale and form of the windows are considered to detract from the previously surviving historic character of the bakehouse, as an ancillary service range. As the harm is considered to be less than substantial and thus para 215 of the NPPF applies. In this case there are not considered to be any material public benefits resulting from the development that would outweigh the identified harm. The proposal is therefore considered to be contrary to the requirements of policy DP34 of the Mid Sussex District Plan and the requirements of the NPPF.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Proposed Floor Plans	900_25_400		05.09.2025
Proposed Floor Plans	900_25_401		05.09.2025
Proposed Floor Plans	900_25_402		05.09.2025
Proposed Floor Plans	900_25_5026	lounge door jam	05.09.2025
Other	900_25_5027	Bsmt attic hatch	05.09.2025
Other	900-25_5029	Attic floorboards	05.09.2025
Location Plan	Drg No: 0500		28.04.2025
Block Plan	Drg No: 0600		28.04.2025
Existing Floor Plans	Drg No: 1000		28.04.2025
Existing Floor Plans	Drg No: 1001		28.04.2025
Existing Floor Plans	Drg No: 1002		28.04.2025
Existing Roof Plan	Drg No: 1003		28.04.2025
Existing Elevations	Drg No: 1100	East	28.04.2025
Existing Elevations	Drg No: 1101	West	28.04.2025
Existing Elevations	Drg No: 1102	South	28.04.2025
Existing Elevations	Drg No: 1103	North	28.04.2025
Sections	Drg No: 1200	A-A	28.04.2025
Proposed Floor Plans	Drg No: 2000	Basement Ground FI Rev A	05.09.2025
Proposed Floor Plans	Drg No : 2001	First Floor Rev A	05.09.2025
Proposed Floor Plans	Drg No : 2002	Second Floor Rev A	05.09.2025
Proposed Roof Plan	Drg No : 2003		28.04.2025
Proposed Elevations	Drg No : 3000	East and West	28.04.2025
Proposed Elevations	Drg No : 3001	North South	28.04.2025
Proposed Sections	Drg No : 4000	A-A Rev A	05.09.2025
Proposed Roof Plan	Drg No : 5000		28.04.2025
Proposed Elevations	Drg No : 5001	West and South	28.04.2025
Proposed Elevations	Drg No : 5002	North and Section A-A	28.04.2025
Proposed Site Plan	Drg No : 0700		28.04.2025
Planning Layout	Drg No 08	REV B	28.04.2025
Planning Layout	Drg No 09	REV B	28.04.2025
Other	D11-12, S1,2 and 4	REV D surface	28.04.2025
Tree Survey	Drg No T1	REV A	28.04.2025
Proposed Elevations	Drg No : 5025	Balustrade terracesheet2	28.04.2025
Proposed Floor and Elevations Plan	Drg No : 5003	Gable Wall	28.04.2025
Proposed Floor Plans	Drg No : 5004	WC	28.04.2025
Proposed Floor Plans	Drg No : 5005	Chimney 1	28.04.2025
Proposed Floor Plans	Drg No : 5006	Chimney 2	28.04.2025
Proposed Floor and Elevations Plan	Drg No : 5007	Corkscrew stair Rev A	05.09.2025
Proposed Floor and Elevations Plan	Drg No : 5008	Corkscrew stair Rev A	05.09.2025
Proposed Floor and Elevations Plan	Drg No : 5009		28.04.2025

Proposed Floor Plans	Drg No : 5010	Flat Roof sheet 1	28.04.2025
Proposed Floor Plans	Drg No : 5011	Flat Roof sheet 2	28.04.2025
Proposed Elevations	Drg No : 5012	Driveway Gates	28.04.2025
Proposed Floor Plans	Drg No : 5013	Wardrobes	05.09.2025
		Doors Rev A	
Proposed Elevations	Drg No : 5014	Pergola	28.04.2025
Proposed Floor Plans	Drg No : 5015	Ground Floor	28.04.2025
		Unility	
Proposed Floor Plans	Drg No : 5016	Passage	28.04.2025
Proposed Floor Plans	Drg No : 5017	timber Floor	28.04.2025
Proposed Floor Plans	Drg No : 5018	Layout Changes	28.04.2025
		North BED	
Proposed Sections	Drg No : 5022	FF SE Bedroom	28.04.2025
Proposed Elevations	Drg No : 5019	Removal	28.04.2025
		Rooflights	
Proposed Floor Plans	Drg No : 5020	Casement	28.04.2025
		windows	
Proposed Floor and Elevations Plan	Drg No : 5021	Well Shaft	28.04.2025
Proposed Floor and Elevations Plan	Drg No : 5023	Replacement window	28.04.2025
Proposed Elevations	Drg No : 5024	Balustrade	28.04.2025
		terracesheet1	