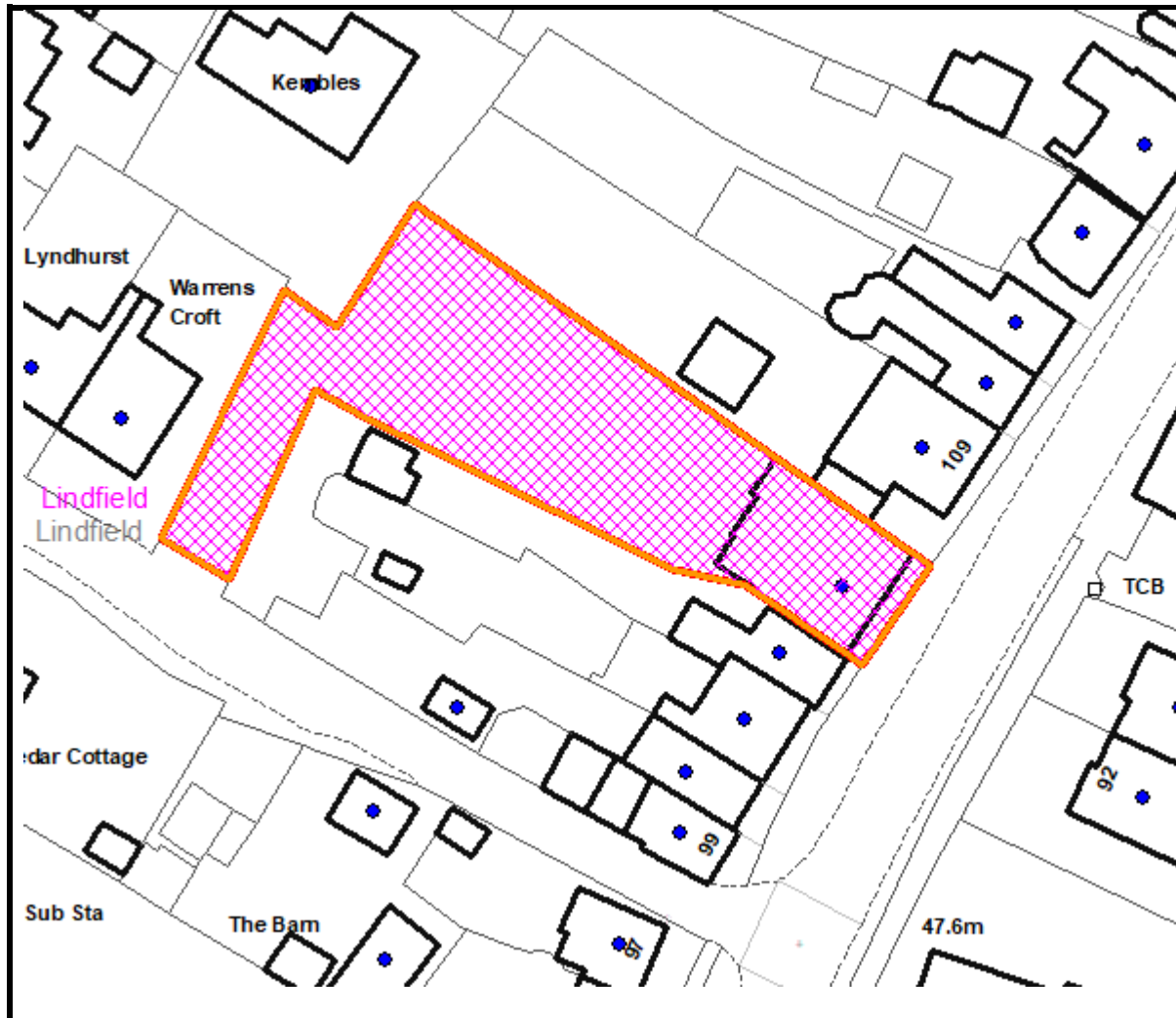


Planning Committee

Recommended for Refusal

4th December 2025

DM/25/1104



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Site:	Marlow House 107 High Street Lindfield Haywards Heath West Sussex
Proposal:	Retrospective planning permission for a variation to the scheme approved under DM/22/3694, incorporating some reinstatement works.
Applicant:	Mr S Dougall
Category:	Householder
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=SVJBMCKT04L00>

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/22/3694, incorporating some reinstatement works.
- 2.2 The 2022 planning 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. The works of particular concern in respect of this application are the replacement extension to the rear of the property, and the demolition and rebuilding of the bakehouse and works to the garden and rear access.
- 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/22/3694, would detract from the special interest of the listed building and the positive contribution it makes to the character and appearance of the Conservation Area, in particular the rear 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 harm is considered to be 'less than substantial' and thus para 215 of the NPPF applies.

- 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 to the significance of the listed building. 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 ceased 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 While the Conservation Officer has objected to the rear access gates, it is relevant that planning permission has already been granted under the 2022 application for a set of timber gates and while the design now differs from the approval, and is more contemporary, it is not considered so significant such that gates now have a detrimental impact on the street scene. It is also relevant that the gates are set back from the street frontage. Therefore, this aspect of the proposal is considered acceptable by your Planning Officer.
- 2.8 The proposal would therefore conflict with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, principles DG49 and DG52 of the Mid Sussex Design Guide and the relevant provisions of the NPPF and there are no material considerations which indicate that a decision should be taken other than in accordance with development plan.

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 Policies DP34 and DP35. 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.

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

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 planning consent for a variation to the scheme approved under DM/22/3694, incorporating some reinstatement works.
- 7.2 The 2022 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

8.0 Relevant Planning History

There is a concurrent planning application for the same as this proposal currently being considered under planning reference DM/24/1103.

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.

DM/22/3695 Listed building 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.

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 following extensive negotiations, in order to overcome concerns regarding the impact on the listed building and conservation area in order to enable 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:

The replacement extension to the rear of the house

- 10.3 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.

- 10.4 The 18th century bakehouse to the rear of the building was to be retained with some alterations, as approved, but instead 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.

Works within the rear garden and to rear access

- 10.5 The current application also seek to regularise landscaping works within the rear garden of the property and to the access from Hickman's Lane, which are also not in accordance with the approved scheme. In particular the landscaping includes new structures such as a substantial timber pergola, a Corten archway, and an irrigation tank and timber enclosure. A patio and terracing have also been created directly to the rear of the house, surfaced with a black slate. The rear access from Hickman's Lane, including the vehicle gates, have also been constructed to a different design to the approval. The approved gates were traditional style timber gates and have been replaced with a contemporary design with open metalwork at the base of solid timber gates.

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:

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets

DP35 - Conservation Area

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.
- 11.6 There are no relevant policies in relation to this proposal.

Mid Sussex District Plan 2021-2039 Consultation Draft

- 11.7 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:

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3 - Conservation Area

Lindfield Neighbourhood Plan

- 11.8 The Lindfield and Lindfield Rural Neighbourhood Plan was made in March 2016.
- There are no relevant policies for consideration.

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.9 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.

Other Material Considerations

National Planning Policy Framework (NPPF) (December 2024)

National Planning Policy Guidance (NPPG)

Listed Buildings and Conservation Areas Act 1990

12.0 Assessment

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

- Impact on Listed Building
- Impact on the Conservation Area
- Impact on neighbouring properties
- Biodiversity Net Gain

Impact on Listed Building

- 12.1 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.

- 12.2 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.'*

- 12.3 From a design perspective policy DP26 of the Mid Sussex District Plan is relevant states, in part;

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high-quality design and layout and includes appropriate landscaping and greenspace;

- 12.4 Principle DG49 of the Mid Sussex Design Guide establishes principles for domestic extensions and in part states:

'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.

Extensions should typically use simple, uncomplicated building forms to complement 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.'

- 12.5 While Principle DG52: Loft conversions and roof extensions, 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.'

- 12.6 The NPPF is an important material consideration and paragraphs 205, 212 to 215 relate to the conservation and enhancement of the historic environment, specifically designated heritage assets, and they states:

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

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

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. Having regard to the major aspects of the retrospective works the Council's Conservation Officer has commented as follows:

The replacement extension to the rear of the house

'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. The historic bakehouse has also been demolished and rebuilt to different dimensions- see below.

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.

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.

During the course of the approved applications extensive discussions took place regarding the treatment of this part of the building, which was regarded as being of historic and architectural interest, and contributing positively to the significance of the listed building. Concern was raised at that time regarding the impact of the originally received proposal on the fabric and character of the bakehouse- this original proposal did not involve the rebuilding of the structure, or the heightening of the chimney, but was similar in appearance in terms of the fenestration to the as built scheme. The proposal was amended on Officer advice to reduce the size of the openings to the elevations of the building and amend the design of the new windows and doors, so that the fabric and character of the range and its contribution to the narrative and special interest of the house was appropriately preserved in the approved drawings.

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.'

- 12.8 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.'

- 12.9 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'

- 12.10 Having considered all the submitted information, your Planning Officers would agree with the assessment of the Conservation Officer and Historic England that the retrospective development is unacceptable and considered to detract from the special interest of the listed building. In particular, the rear first floor extension 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. It is noted that most of the representation received refer to the high standard of workmanship and high-quality material that have been used in the alterations that have been made to the building both internally and externally, and while this may be the case this, in itself, is not a benefit.
- 12.11 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 weighed against the public benefits. The National Planning Practice Guidance states that public benefit 'should not just be a private benefit'. The property while 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 ceased in the absence of the works that have been carried out. It is noted that most of the representation received refer to the high standard of workmanship and high-quality material that have been used in the alterations that have been made to the building both internally and externally, and while this may be the case this, in itself, is not a benefit. 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.

- 12.12 Therefore, the development is contrary to policies DP26 and DP34 of the Mid Sussex District Plan, principles DG49 and DG52 of the Mid Sussex Design Guide and the NPPF.

Impact on the conservation Area

- 12.13 Section S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

- 12.14 Policy DP35 of the Mid Sussex District Plan relates to the development in conservation areas and states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- *Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*

- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

- 12.15 The Council's Conservation Officer in respect of the works within the rear garden and to rear access has commented as follows:

'The current applications also seek to regularise landscaping works within the rear garden of the property and to the access from Hickman's Lane, which are also not in accordance with the approved scheme. In particular the landscaping includes new structures such as a substantial timber pergola, a corten archway, and an irrigation tank and timber enclosure. A patio and terracing have also been created directly to the rear of the house, surfaced with a black slate. The rear access from Hickman's Lane, including the vehicle gates, are also to a different design to the approval.

In general, although these works have a contemporary aesthetic which might not be appropriate in all circumstances in the context of a listed building, given the contemporary design of the replacement rear extension as approved, these works are not considered contentious.

I do however consider that the design of the vehicle gates as installed is not sympathetic to the traditional context of Hickman's Lane, within which they appear out of place. They are of an unusual contemporary design with open metalwork at the base of solid timber gates, which gives an awkward, top-heavy appearance and is at odds with the more conventional approach of solid gates with an open top, which might have been considered more appropriate if an alternative to the approved simple, solid timber gates was sought. This aspect of the landscaping is therefore in my opinion unacceptable, and detracts from the setting of the listed building and in particular from the street scene of Hickman's Lane, and the character and appearance of this part of the Conservation Area.'

- 12.16 The view of the Conservation Officer in regard to the gates is noted, however your Planning Officer do not agree that harm is caused to the character and appearance of the conservation area in this instance. It is relevant that planning permission has already been granted, under the 2022 application, for a set of timber gates and while the design now differs from the approval, and is more contemporary, it is not considered so significant such that gates now have a detrimental impact on the

street scene. It is also relevant that the gates are set back from the street frontage. Therefore, you Planning Officers consider this aspect of the proposal is acceptable.

- 12.17 In view of the above it is considered that the application complies with Policy DP35 of the Mid Sussex District Plan

Impact on the amenities of neighbouring properties

- 12.18 Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...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*'.
- 12.19 In this case the retrospective works have increased the width of the first-floor extension so that it is now closer the adjoining neighbour to the south, 105 High Street. However, there are no windows on the south facing elevation of the extension and there are no windows on the rear of 105 adjacent to the boundary, the rear windows that do exist are at a sufficient distance so as not to be impacted by the extension.
- 12.20 While the balcony element of the first-floor extension has also been extended and is now the full width of the extension, given that a balcony has been accepted under the earlier consent, it is not considered that the increase in width of the balcony will lead to any more overlooking to the extent that a refusal would now be justified.
- 12.21 Therefore, due to the orientation, and distance between the main properties, it is considered that the proposed extension would not result in a loss of light or an overbearing nature to the neighbouring amenities.
- 12.22 Therefore, the development is considered to comply with policy DP26 of the Mid Sussex District Plan with regard to residential amenity.

Biodiversity Net Gain

- 12.23 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.

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 NPPF.
- 13.2 It is considered that the unauthorised retrospective variations to the scheme approved under DM/22/3694, would detract from the special interest of the listed

building and the positive contribution it makes to the character and appearance of the Conservation Area, in particular the rear 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 harm is considered to be less than substantial and thus para 215 of the NPPF applies.

- 13.3 While the conservation officer has object to the rear access gates, it is relevant that planning permission has already been granted under the 2022 application for a set of timber gates and while the design now differs from the approval and is more contemporary, it is not considered so significant such that gates now have a detrimental impact on the street scene. It is also relevant that the gates are set back from the street frontage. Therefore, this aspect of the proposal is considered acceptable
- 13.4 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.
- 13.5 The proposal would therefore conflict with policies DP26 and DP34 of the Mid Sussex District Plan, principles DG49 and DG52 of the Mid Sussex Design Guide and the relevant provisions of the NPPF and there are no material consideration which indicate that a decision should be taken other than in accordance with the development plan.
- 13.6 Therefore, the application is recommended for refusal.

APPENDIX A – REASONS FOR REFUSAL

1. It is considered that the proposed retrospective variation to the scheme approved under DM/22/3694, would detract from the special interest of the listed building. The rear first floor extension 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. Whilst such harm is deemed to be less than substantial to the heritage assets, this factor should be given considerable importance and weight. 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 would therefore conflict with policies, DP26 and DP34 of the Mid Sussex District Plan, principles DG49 and DG52 of the Mid Sussex Design Guide and the relevant provisions 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 Grnd Flr 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 terraceshee t2	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 Doors Rev A	05.09.2025
Proposed Elevations	Drg No : 5014	Pergola	28.04.2025
Proposed Floor Plans	Drg No : 5015	Ground Floor Utility	28.04.2025
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
Proposed Elevations	Drg No : 5019	North BED Removal	28.04.2025
Proposed Floor Plans	Drg No : 5020	Rooflights	28.04.2025
Proposed Floor and Elevations Plan	Drg No : 5021	Casement windows	28.04.2025
Proposed Sections	Drg No : 5022	Well Shaft	28.04.2025
Proposed Floor and Elevations Plan	Drg No : 5023	FF SE Bedroom	28.04.2025
Proposed Elevations	Drg No : 5024	Replacement window	28.04.2025
		Balustrade terracesheet1	28.04.2025
Proposed Elevations	Drg No : 5025	Balustrade terracesheet2	28.04.2025