

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2879	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Replace conservatory, lean-to structure and garage with single storey rear extension and patio.		
Site:	17 Dellney Avenue, Haywards Heath, West Sussex, RH16 3LX, , , ,		
Validation Date	26 Nov 2024	Overall Expiry Date:	23 Dec 2024
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 Jan 2025
Target Date:	21 Jan 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	20 Jan 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2879

**17 Dellney Avenue, Haywards Heath, West Sussex, RH16 3LX, , ,
Replace conservatory, lean-to structure and garage with single storey rear extension and patio.
Mr And Mrs Burton**

SUMMARY OF REPRESENTATIONS

A letter of objection has been received from No.19 Dellney Avenue on the following grounds:

- Adequate drainage
- Out of character
- Impact on light

CONSULTEE COMMENTS

Southern Water

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

Surface water should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations.

Drainage and waste disposal: Approved Document H - GOV.UK (www.gov.uk)

Any new connections to the public sewerage system will require a New Sewer Connection application (we sometimes refer to this as a Section 106) to be submitted and approved by Southern Water.

Due to changes in legislation that came in to force on 01 October 2011 regarding the future ownership of sewers it is possible that some previously owned private sewers now deemed to be public could also be crossing the above property which are not shown on the Southern Water records. Therefore, should any other sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on site.

TOWN COUNCIL OBSERVATIONS

Haywards Heath Town Council: No comment

INTRODUCTION

Planning permission is sought for the replacement of the existing conservatory, lean-to structure and garage with a single storey rear extension and patio.

RELEVANT PLANNING HISTORY

None relevant

SITE AND SURROUNDINGS

17 Dellney Avenue is a two storey semi-detached hipped roofed dwelling with a front gable. The dwelling has an existing rear conservatory and rear lean-to and an existing flat roofed garage. The dwelling is characterised by upvc doors and windows with a mix of face brickwork, pebbledash and hanging tiles.

To the south-west of the site is the adjoining No.15, to the north-east of the site is the adjacent No.19, to the south-east of the site is the driveway to the highway beyond and to the north-east of the site is the rear garden with close boarded fencing to neighbours in Eastern road beyond

The site is within the built-up area of Haywards Heath.

APPLICATION DETAILS

The existing rear conservatory approximately measures 2.7m in depth, 2.9m in width with a height to eaves of 3m and an overall height of 3.55m.

The existing rear lean-to approximately measures 1.5m in depth, 2.55m in width with a height to eaves of 2.65m and an overall height of 3.4m.

The proposed single storey rear extension approximately measures 6m in depth, 5.55m in width with a height of 3.5m with the roof lantern creating an overall height of 4.05m

A rear patio is to be created which approximately measures 3m in depth and 5.6m in width.

The existing garage (4.8m x 2.4m) to the front of the retained store is to be removed.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and Haywards Heath Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP21 (Transport)

DP26 (Design and Character)

WSCC Guidance on Parking at New Developments - September 2020

Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 (Design)

H9 (Residential Extensions)

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Other Material Considerations

Mid Sussex District Plan 2021-2039 Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPB1 - Character and Design

DPT4 - Parking and Electric Vehicle Charging Infrastructure

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131 and 135.

ASSESSMENT

Design and Character

Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*

- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

Policies Policy H9 and E9 of the Haywards Heath Neighbourhood Plan are most relevant.

Policy H9 states:

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

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

Policy E9 states:

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

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

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.

Principle DG49 of the Mid Sussex Design Guide states:

'Extensions should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise, it should demonstrate the appropriateness of the alternative approach.'

Principle DG51 specifically relates to rear extensions and states that:

'rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens.'

Rear extensions are widespread within the streetscene including at No.12 (DM/16/3021), No.13 (02/00841/FUL), adjoining No.15 is characterised by a rear conservatory, No.18 (12/00934/FUL) No.33 (DM/17/2033), No.35 (DM/21/0880) and No.37 (DM/22/0677)

It has been shown that the proposed works will be predominantly characterised by external materials that match those used within the existing dwelling. The proposed roofing, door and window frames will

not be characterised by external materials similar in appearance to those used in the existing dwelling. However, it is noted that there are a variety of external materials within the surrounding area, there would be limited views of the proposal due to its rearward location and the proposed external materials are considered to be prevalent within residential areas. As such the proposed external materials are considered to address the character of the surrounding buildings and landscape.

The proposed rear extension is modest in its single storey nature and would be subservient in size and scale to the existing dwelling. Due to the rearward position of the proposed extension, and the existing boundary treatment, there would be limited views of the proposal from the surrounding area. Taking into account the above the proposed works are considered to address the character and scale of the existing and surrounding buildings and landscape. The existing highways access will remain unchanged which is considered acceptable. Therefore, the proposal is considered to comply with policy DP26 of the Mid Sussex District Plan, principles DG49 and DG51 of the Mid Sussex Design Guidance SPD and policies E9 and H9 of the Haywards Heath Neighbourhood Plan.

Impact on neighbouring properties

Policy H9 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The existing boundary treatment consists of some 1.8-metre-high closed board fencing, there are existing outbuildings to the rear/side of the property to the north.

The proposed rear extension fairly large in its depth, but only modestly extends beyond the adjoining conservatory at No.15 and does not include any side facing windows. Taking into account the above the proposed works do not cause significant harm to the amenities of nearby residents including taking account of the impact on overlooking and loss of privacy.

In terms of reduction in sunlight and daylight and a loss of outlook, it is not deemed harmful to the adjoining No.15 given its extended nature. In terms of adjacent No.19, its kitchen has a side window which would be affected by the enlarged nature of No.17.

The BRE 25-degree rule of thumb can be a useful tool when determining the impact on neighbouring amenities, and it has been utilised to assess the impact of the proposed. The level of harm in terms of light and outlook to neighbouring No.19, BRE guidance outlines that a significant amount of light is likely to be blocked if the centre of the window lies within the 25° angle on both plan and elevation plan. Drawings have been provided, using this and it is found that the proposed extension does not intersect this 25-degree rule of thumb on elevation form. Therefore, the harm to this neighbouring dwelling is not deemed significant.

The proposal is therefore, considered to comply with the above-mentioned part of policy DP26 and H9 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Parking Provision

As the garage is to be lost, parking standards should be assessed.

The existing driveway can accommodate 2 parked cars off the road at the side of the house.

West Sussex County Council Guidance on Parking sets out the minimum parking standards for residential houses. For a 3-bed property in this location in Haywards Heath 1.7 spaces should be provided.

As outlined above, the proposal complies with WSCC parking standards.

Therefore, the proposal will accord with the WSCC parking standard requirements for a 3-bed dwelling in this part of Haywards Heath. Therefore, the proposal accords with policy DP21 of the Mid Sussex District Plan.

Other

Concerns have been raised by No.19 as to the impact on drainage. It is noted that the site is within Flood Zone 1 and is not in 1-1000-year event flood risk. Therefore, this is not a planning concern and can be dealt with at the building control stage.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposal is considered to be of an appropriate design that are in keeping with the existing dwelling and will not cause harm to the surrounding area, coupled with this significant harm is not deemed to be caused to neighbouring amenities with sufficient parking provision being retained.

In conclusion, the proposal would accord with the requirements of policies DP21 and DP26 of the Mid Sussex District Plan as well as policies E9 and H9 of the Haywards Heath Neighbourhood Plan and the requirements of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Andrew Horrell