

## Delegated Decision

### Sign off Sheet

|                                              |                                                                          |                                        |                      |
|----------------------------------------------|--------------------------------------------------------------------------|----------------------------------------|----------------------|
| <b>Ref. No:</b>                              | DM/25/2319                                                               | <b>Case Officer:</b>                   | Stefan Galyas        |
| <b>Application Type:</b>                     | Householder Application                                                  |                                        |                      |
| <b>Proposal:</b>                             | Proposed single storey rear extension and garden room                    |                                        |                      |
| <b>Site:</b>                                 | North Heath, Carmelstead Close, Haywards Heath, West Sussex, RH16 3AT, , |                                        |                      |
| <b>Validation Date</b>                       | 12 Sep 2025                                                              | <b>Overall Expiry Date:</b>            | 3 Nov 2025           |
| <b>Pre-Commencement Conditions Required:</b> |                                                                          | <b>Pre-Com Conditions Date Agreed:</b> |                      |
| <b>Recommendation:</b>                       | Permission                                                               | <b>Recommendation Date:</b>            | 4 Nov 2025           |
| <b>Target Date:</b>                          | 7 Nov 2025                                                               | <b>Recommending Officer Signature:</b> | <i>Stefan Galyas</i> |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                        |              |            |
|------------------------------|------------------------|--------------|------------|
| <b>Signed and Agreed By:</b> | <i>Stephen Ashdown</i> | <b>Date:</b> | 6 Nov 2025 |
| <b>Comments:</b>             |                        |              |            |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/25/2319**

**North Heath, Carmelstead Close, Haywards Heath, West Sussex, RH16 3AT, ,  
Proposed single storey rear extension and garden room  
Mr Matt Stuart**

### **SUMMARY OF REPRESENTATIONS**

There were no letters of representation received in response to the application.

### **SUMMARY OF CONSULTEES**

**Tree Officer:** No objection.

**Southern Water:** The proposed development is not within Southern Water's supply area.

### **TOWN/PARISH COUNCIL OBSERVATIONS**

**Town Council:** No comment.

### **INTRODUCTION**

The application seeks planning permission for the development of a single storey rear extension and for a proposed single storey garden room outbuilding.

### **RELEVANT PLANNING HISTORY**

00/02502/FUL - Erection of two detached dwellings, replacement garage to serve Carmelstead and altered access. Permission 02.02.2001.

05/02897/LDC - Lawful Development Certificate for erection of a screening structure erected in May 2005. This is a legal decision to establish whether the existing structure is lawful, planning merits will not be taken into account. Refused 10.03.2006.

06/01575/FUL - Erection of trellising at a height of 2.5 meters. Refused 24.07.2006.

06/01576/FUL - Erection of trellising at a height of 2.6 meters. Refused 01.09.2006.

### **SITE AND SURROUNDINGS**

The application relates to North Heath, a detached two storey dwelling set to the north eastern side of Carmelstead Close, where the road terminates. The existing dwelling is afforded an expanse of tarmacked front driveway and ample garden amenity space to the rear. A hipped roof form is featured for the existing dwellings design and a front gable end adds further visual interest throughout. In terms of existing materials, the dwelling is composed of brick exterior walls, a tiled roof and uPVC windows.

With regard to the sites locality, there are a number of brick built dwellings set within generous plot sizes with a verdant character to the locality with large mature trees positioned nearby.

The site is within the built-up area for Haywards Heath as defined in the District Plan (DP). The site is also set within the 15m buffer of ancient woodland located to the north which is also subject to a blanket tree preservation order (TPO).

### **APPLICATION DETAILS**

The proposal would demolish the existing rear conservatory and in its place develop a single storey flat roofed rear extension. The proposed extension would measure at approximately 4.75m in depth, 11.28m wide and 3.5m in height. The proposal would be composed of brick exterior walls and a single ply flat roof membrane.

The proposal would also erect a single storey garden room outbuilding. The proposal would measure at circa 5m in depth, 10.4m wide and 3m high. The outbuilding would feature timber cladded walls and a green roof.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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

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

DP26: Character and Design

DP37: Trees, Woodland and Hedgerows

### **Site Allocations DPD**

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

There are no relevant policies.

### **Neighbourhood Plan**

Haywards Heath Neighbourhood Plan (Made March 2016)

Policy E9 - Protection and Reinforcement of Local Character

Policy H9 - Domestic Extensions

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 some of the 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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPN4 - Trees, Woodland and Hedgerows

*Mid Sussex Design Guide Supplementary Planning Document (SPD)*

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

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

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 131, 135 & 139.

*National Design Guide (Published January 2021)*

## **ASSESSMENT**

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

- Design and Character
- Impact on Neighbouring Amenities
- Trees Impact
- Other Matters
- Biodiversity Net Gain

### **Design and Character**

DP26 of the District Plan states:

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

- o is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*

Furthermore, Policy H9 of the Neighbourhood Plan states that:

*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 of the Haywards Heath Neighbourhood Plan states that:

*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 sites to accommodate development,*
- o Car parking is designed and located so that it fits in with the character of the proposed development.*

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.'*

In terms of rear extensions, principle DG51 states:

*'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'*

The proposed rear extension would be contained to a single storey size and scale and the use of matching brickwork exterior walls will likely help the extension assimilate with the existing dwelling. Whilst the use of the flat roof would introduce a new feature to the existing dwellinghouse, it is considered that the extension would remain subservient and read as a later addition to the original dwelling.

The proposed outbuilding would utilise timber cladded exterior walls which are considered to be subservient and will likely weather and silver over time. The use of large, glazed opening would likely result in a more contemporary appearance coupled with the timber cladding. However, given the discrete position of the outbuilding with regard to the public domain, it is considered that the use of this modern design would be acceptable.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, Policies E9 and H9 of the Haywards Heath Neighbourhood Plan and the relevant principles of the Mid Sussex Design Guide SPD.

### **Impact on Neighbouring Amenities**

Policy H9 of the Haywards Heath Neighbourhood Plan states that proposals should 'safeguard' neighbouring amenities with regard to privacy, daylight, sunlight and outlook 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 Mid Sussex District Plan 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 proposed outbuilding would be set approximately 1m away from the site's eastern boundary. Furthermore, the outbuilding would be limited to a single storey size and scale, measuring at circa 3m in height. The nearby neighbouring properties to the east are also considered to be offset from the shared boundary to mitigate against any overbearing impact that may be incurred.

There would be a window positioned to the outbuildings eastern elevation which would serve as a bathroom. A condition ensuring that this window remains obscure glazed is considered necessary and relevant in the instance that planning permission is granted. This is in the interest of preserving the current neighbouring residential amenities.

In terms of the proposed single storey rear extension, this is considered to be offset from the nearby neighbouring properties and would not give rise to a significant overbearing or overshadowing impact. The proposed extension would however incorporate a flat roof design which may be used as a balcony to overlook towards neighbouring properties. A condition restricting this flat roof's use as a balcony is considered to be relevant and necessary should permission be granted.

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

### **Trees Impact**

Policy DP37 of the District Plan seeks to protect existing trees, woodland and hedgerows and among other matters states:

*'Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'*

In this instance, the proposal would be set within the 15m buffer of the ancient woodland by virtue of the existing siting of the property and its associated curtilage. It is considered that the dwelling is established within this buffer zone and no objection has been raised by the Trees Officer in response to the development proposal.

### **Other Matters**

A key element which contributes towards the acceptability of an annexe is that there should be a functional relationship with the primary use of the planning unit. However, as established within the *Uttlesford DC v SSE & White* [1992] JLP 171, even if the accommodation provides facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree.

It is considered that the proposed outbuilding would be linked to the host dwelling through an existing pathway which runs from north to south and currently connects the existing shed outbuildings to the main dwelling on site. Moreover, the two buildings on site would share the same access.

Internally, the proposed gym, home office and social area are considered to be ancillary to the main dwelling and a condition ensuring that the plot cannot be subdivided may be appended to any permission that may be granted.

### **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**

In conclusion, the proposal is appropriate in terms of design and will not negatively impact on the host dwelling nor its immediate setting and will not harm neighbouring amenities.

The proposal will comply with Policies DP26 and DP37 of the District Plan, Policies H9 and E9 of the Haywards Heath Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision:      Permission

Case Officer: Stefan Galyas