

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3009	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	To remove existing windows in the kitchen to the back of the property and to replace with a bifolding door.		
Site:	20 Lucastes Road, Haywards Heath, West Sussex, RH16 1JL, , , ,		
Validation Date	21 Mar 2025	Overall Expiry Date:	14 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 May 2025
Target Date:	16 May 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	15 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3009

**20 Lucastes Road, Haywards Heath, West Sussex, RH16 1JL, , ,
To remove existing windows in the kitchen to the back of the property and to replace with a
bifolding door.
Mrs Sarah Saunders**

REPRESENTATION RECEIVED

None received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

As it stands, I consider that the proposal will result in a low level of less than substantial harm to the character and appearance of the Lucastes Conservation, contrary to the requirements of District Plan Policy DP35 and so that the balancing exercise set out in paragraph 215 of the NPPF will apply.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks planning permission to replace existing window and door on the rear elevation with bi-folding doors.

RELEVANT PLANNING HISTORY

00/00223/FUL - Alterations to existing kitchen. Permission
11/00689/FUL - Extend terrace area and install raised decking at the rear of the property and provide access from the ground floor level to the rear garden. Permission
DM/15/2275 - Proposed demolition of existing single storey garage and erection of replacement garage. Proposed loft conversion with 2no. proposed dormers to the rear elevation and one proposed dormer to the front elevation. Permission

SITE AND SURROUNDINGS

The application property is a detached two storey dwelling located on the west side of Lucastes Road, within the built-up area boundary of Haywards Heath. The application site is located within the Lucastes Conservation Area.

The application property has a hipped roof and is constructed from brick with plain roof tiles and white timber fenestration. The property has an attached double garage, and front and rear facing dormers. The dwelling is set well back from the highway with off street parking and mature hedging along the boundary fronting the highway. The locality is characterised by large, detached dwellings of varying form and design.

APPLICATION DETAILS

The application seeks planning permission to replace two existing timber framed windows and door on a rear extension with bi-folding doors. The proposed bi-folding doors will be anthracite grey aluminium.

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
DP35 - Conservation Area

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.

Haywards Heath Neighbourhood Plan (made December 2016)

Relevant policies:

E9 - Design

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the 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
DPB3 - Conservation Areas

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)

Paragraphs 8, 11, 131 and 135 are considered to be relevant.

National Planning Policy Guidance

ASSESSMENT

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

- Design and Impact on the Conservation Area
- Impact on neighbouring properties
- Biodiversity Net Gain

Design and Impact on the Conservation Area

Section 72 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.'

Paras 210, 212-215 of the NPPF state:

'210. 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* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

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

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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

Mid Sussex District Plan policy DP35 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.'

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.'*

Policy E9 of the Haywards Heath Neighbourhood Plan 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:

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

A similar ethos is found within the Mid Sussex Design Guide SPD.

The Council's Conservation Officer has been consulted on the application and has made the below comments:

'20 Lucastes Road is an unlisted late 19th/early 20th century house located within the Lucastes Conservation Area. The house is one of the earliest in the Conservation Area is an attractive and characterful building retaining many period features, including Queen Anne style sash windows. It makes a strong positive contribution to the character and appearance of the Area.

The property appears to have been extended to the side and rear. The current proposal relates to one of these additions and is for enlargement of the existing window openings and replacement of the existing casement windows, which reference the style of the sashes to the main house, with sliding folding metal framed doors in an anthracite grey finish.

In my opinion, while the enlargement of the window openings and replacement of the existing casement windows with doors may not be contentious in principle, the style, material and finish of these doors should relate appropriately to the original house. The currently proposed grey metal frames are not sympathetic to the context, and I would suggest they should be amended to white painted timber as per the remainder of fenestration to the house.

As it stands, I consider that the proposal will result in a low level of less than substantial harm to the character and appearance of the Lucastes Conservation, contrary to the requirements of District Plan Policy DP35 and so that the balancing exercise set out in paragraph 215 of the NPPF will apply.'

The proposed alterations are to the rear elevation on the ground floor and will not be visible from the street scene or public realm. The comments from the Conservation Officer are noted, however, other dwellings along Lucastes Road have had permission for alterations and extensions to the rear with anthracite grey fenestration including neighbouring property no. 18 Lucastes Road in application 11/02874/FUL. As such it is considered that the proposed works would have a neutral impact to the Conservation Area. The proposed alterations are considered to be of an acceptable design. The proposal is therefore considered to comply with policies DP26 and DP35 of the Mid Sussex District Plan, policy E9 of the Haywards Heath Neighbourhood Plan and the relevant paragraphs of the NPPF.

Impact on neighbouring properties

Policy DP26 in part seeks to ensure that development:

'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'

Due to the nature of the proposed works, and being located at ground floor level, they will not result in any additional overlooking into neighbour amenity areas. The proposal is therefore, considered to comply with the above-mentioned part of Policy DP26 of the Mid Sussex District Plan.

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 considered to be acceptable in terms of design and form to the dwellinghouse, would have a neutral impact on the character of the Conservation Area and would not cause harm to the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP26 and DP35, and policy E9 of the Haywards Heath Neighbourhood Plan, with the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Peter Davies