

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0565	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Proposed rear balcony and front extension with associated car port.		
Site:	26 Janes Lane, Burgess Hill, West Sussex, RH15 0QR, , , ,		
Validation Date	6 Mar 2025	Overall Expiry Date:	2 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	29 Apr 2025
Target Date:	1 May 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
--	--	-------------------------------	---

Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	29 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0565

**26 Janes Lane, Burgess Hill, West Sussex, RH15 0QR, , ,
Proposed rear balcony and front extension with associated car port.
Mr And Mrs Parsons**

SUMMARY OF REPRESENTATIONS

There was one letter of representation received in response to the proposal which objected for the following reasons:

- The proposed balcony resulting in a direct overlooking impact towards the neighbouring garden resulting in a significant privacy issue.
- An overbearing impact being incurred by the neighbouring property due to the height of the proposed car port due to its siting close by the shared boundary.

SUMMARY OF CONSULTEES

Southern Water: No objection.

BURGESS HILL TOWN COUNCIL OBSERVATIONS

Recommend Refusal. The Committee felt it contravened:

Mid Sussex District Plan:

DP26 - Character and Design due to overbearing impact on adjacent residents and detrimental effect on the street scene.

Mid Sussex Design Guide:

DG45 - Privacy of existing and future residents.

DG47 - Provide homes with sufficient daylight and sunlight.

DG50 - Front and side extensions

INTRODUCTION

The application seeks planning permission for the development of a rear retractable balcony and a single storey front car port.

RELEVANT PLANNING HISTORY

14/01237/FUL - First floor front extension and rear two storey extension. Permission 27.05.14.

SITE AND SURROUNDINGS

26 Janes Lane is a two storey, detached dwelling with a cross pitched roof and set to the southern side of the highway. The existing property has been previously extended to the rear elevation through the addition of a two storey and single storey extension. The plot is linear in form and rises gradually up to the south where some garden outbuildings are positioned. The existing dwelling is positioned back from the highway edge to the north where there is a mature boundary hedge and low brick-built boundary wall which acts as the boundary treatment. The existing dwelling is composed of brickwork and dark tile cladding to the first floor for the exterior walls, concrete roof tiles and grey windows and doors.

There are a mix of detached and semi-detached dwellings within the site's locality from varying time periods. Properties appear to have been extended and modernised in various ways over time, including several rear extensions.

The site is within the built-up area for Burgess Hill as defined in the District Plan (DP).

APPLICATION DETAILS

The proposal would develop a front elevation, single storey car port which would measure at approximately 8.5m in length, 5.6m wide, 2.4m high to the eaves and 4.5m high to the ridge. The proposed car port would be constructed of an oak and post cladding arrangement, concrete roof tiles and grey coloured windows and doors.

A new retractable balcony would be installed to the existing rear elevation at first floor level. The level of glazing would be increased from two window openings to one singular larger scaled opening in order to facilitate the addition of the balcony. The proposed window would match the colour of the existing window which is of a dark grey colour.

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 Burgess Hill 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: Character and Design

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

Burgess Hill Neighbourhood Plan (Made January 2016)

None relevant

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

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 2, 8, 11, 39, 48, 115-117, 131, 135 & 139.

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
- Highways Impact
- Biodiversity Net Gain

Design and Character

DP26 of the District Plan 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:

- 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'*

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.'

Additionally, Principle DG50 as set out within the Design Guide, relates to front extensions:

Front extensions are more likely to be acceptable where the building line is staggered or where the dwelling is set well back from the road. They are less likely to be acceptable in streets with a strong consistent building form as they risk disrupting the underlying order.

It is noted that other dwellings within the site's locality have been extended to their front elevations, including that at No.30 Janes Lane under DM/19/4637 for a timber framed shed within the front driveway. It is therefore considered that front car port structures are not uncommon within the sites locality and are conspicuous from the roadside.

The proposed car port subject to the current application would utilise a pitched roof design and be of a sizeable projection in order to accommodate sufficient space for the parking of vehicles within. It is considered that the perceived size of the car port would be reduced through the use of subservient 'soft' materials such as oak and post cladding throughout. When read against the existing brickwork and tile cladding of the host property, it is considered that the car port would be of a subsidiary appearance.

It is considered that the proposed car port would be of a limited height in relation to the host property and would measure at to the eaves 2.4m compared to 4.4m at the host dwelling. Furthermore, there would be a significant offset from the host dwellings ridge height and it is considered that the proposal would appear subservient in this regard.

The proposed rear balcony would be set in a visually discrete position with regard to the public domain and would not contribute towards the streetscene. As such, this element is considered to have an acceptable impact on the character and appearance of the area.

The proposal is therefore considered to comply with Policy DP26 of the District Plan.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, 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 DP29);'*

The proposal would develop a first-floor rear (southern) elevation window and retractable balcony which would occupy the position of two existing windows. It is considered that the level of outlook from the window itself would mirror the existing. However, concern was raised in a representation letter in response to the development proposal regarding the retractable balcony and the potential overlooking impact arising from this element. It is considered that the balcony at its full extent would offer a limited area for a raised platform and would not permanently be in use as a balcony.

A site visit was conducted by the Case Officer at the neighbouring site immediately to the east at No.28 which confirmed that the land also sloped gradually upwards to the south up the rear garden. Whilst views will likely be further obscured during the winter months, it is considered that the existing boundary hedgerow and fencing would also help in obscuring views from the proposed balcony towards the adjacent neighbouring sites. It is also noted that there is a residential dwelling immediately to the south of the site at No.15 which has one high level ground floor window which faces towards the application site. Nevertheless, the neighbouring site to the south is in excess of 30m and it is not considered that the proposed balcony would give rise to an overlooking impact in this regard. As such, it is not considered that a significant overlooking impact would be incurred.

To the front of the property, the proposed car port would be set within a close proximity to the neighbouring site at No.28. The proposal would present the entirety of its eastern roof pitch and a blank elevation back towards the neighbouring site. There would be an offset of approximately 1.5m from the shared boundary and the closest window opening to the proposal at ground floor level would be set further east whilst a garage door is set within the closest proximity to the shared boundary.

In terms of light impact to the rear windows, Principle DG47 of the Design Guide states among other matters that all dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards. Further guidance is set out within the "Site Layout Planning for

Daylight and Sunlight: A Guide to Good Practice" document. The "45 degree approach" should be taken whereby a 45 degree line is drawn from the top of the elevation and a second 45 degree line is taken from the end of the projection. If the neighbouring properties window lies within the centre of both lines, then the building will likely cause a significant reduction in light received to the concerned window. This guidance is taken as a rule of thumb, and each planning application is assessed based on its own merits.

When the 45 degree test is applied at the nearest ground floor window which is set towards the eastern side of the neighbouring property at No.28, the proposed car port would pass in both plan and elevational format. It is therefore considered that the proposed car port would not give rise to a significant overshadowing impact. Furthermore, by virtue of the car ports single storey size and scale coupled with the 1.5m offset from the shared boundary it the proposal is not considered to result in an overbearing impact.

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

Highways Impact

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. Additionally, Policy DP21 of the District Plan requires development proposals to protect the safety of road users and pedestrians.

A four-bedroom dwelling in Burgess Hill St Andrews would be required to demonstrate 3 off road parking spaces. The proposed car port would provide sufficient space for at least two cars whilst the remainder of the site would have sufficient space to accommodate a further space. As such, the proposal is not considered to be contrary to the provisions of DP21 of the 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 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 DP21 and DP26 of the District Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas