

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1333	Case Officer:	Andrew Watt
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/25/2438 - to allow for design changes		
Site:	22 Haywards Road, Haywards Heath, West Sussex, RH16 4HT, , , ,		
Validation Date	29 May 2026	Overall Expiry Date:	10 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	26 Aug 2026
Target Date:	24 Jul 2026	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	3
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Signed and Agreed By:	Stephen Ashdown	Date:	27 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1333

**22 Haywards Road, Haywards Heath, West Sussex, RH16 4HT, , ,
Variation of condition no 2 relating to planning application DM/25/2438 - to allow for design changes
Mr Robin Aldridge**

SUMMARY OF REPRESENTATIONS

2 letters of objection (from same occupiers, based on 2 separate consultations):

- South elevation of extension is more overbearing than previously permitted
- Overlooking from ground floor windows due to a direct view and deciduous boundary vegetation

1 letter of support:

- Happy with changes and like the overall design

SUMMARY OF CONSULTEES

None.

TOWN / PARISH COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Permission is sought under Section 73 of the Town and Country Planning Act 1990 for a variation of condition no 2 relating to planning application DM/25/2438, to allow for design changes to a single-storey rear and side extension and 2-storey rear extension.

RELEVANT PLANNING HISTORY

In February 2023, planning permission was granted for a 35sqm single-storey detached outbuilding, to the rear of existing property's garden (DM/23/0188).

In May 2025, planning permission was refused for a proposed two storey rear and side extension (DM/25/0890). The reason for refusal stated:

'The proposed extension is not considered to be appropriate in either scale or design in relation to the existing property and the street scene, by way of its visibility, lack of subservience, use of zinc cladding, roof form and the scale and proportion of the Juliet balcony. The proposal would not enhance the Area of Townscape Character and overall, it would fail to comply with Policy DP26 of the Mid Sussex District Plan, Policies E10 and H9 of the Neighbourhood Plan and the Mid Sussex Design Guide SPD.'

In December 2025, planning permission was granted for a proposed single-storey rear and side extension and 2-storey rear extension to the existing dwelling (DM/25/2438). This permission has been partially implemented, but not in accordance with the approved plans.

SITE AND SURROUNDINGS

The site is a 2.5-storey, semi-detached dwelling, which was formerly divided into 2 flats and converted back into 1 house under the Building Regulations in 2001. There is a single-storey, lean-to side

extension finished in vertical timber cladding, and building works are nearing completion for implementing the above planning permission, albeit not in accordance with the approved plans. The property has a long, narrow garden backing onto Victoria Park with a modern outbuilding at the western extent. The site is located within the built-up area of Haywards Heath within an Area of Townscape Character and is otherwise surrounded by residential properties. It is also designated as a Great Crested Newt - Impact Risk Zone (Red).

APPLICATION DETAILS

Permission is sought under Section 73 of the Town and Country Planning Act 1990 for a variation of condition no 2 relating to planning application DM/25/2438, to allow for design changes to a single-storey rear and side extension and 2-storey rear extension.

In detail, condition 2 of planning permission DM/25/2438 states:

'The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.'

The effect of this change is to substitute new plans to regularise the building works that have taken place. While the footprint of the extensions is as previously permitted, the changes have been summarised in the application form as follows:

'Change of Bi-Fold to window on South elevation:

- 1. Required support engineering meant that the double bi-fold design could not be easily achieved without a large pier separating them.*
- 2. Reduction of glass area overall was not expected to be considered a negative issue for planning consent. The next door neighbours have been inside the room and agree there was not an overlooking issue with the higher than planned windows.*

Increased height of South window / fenestration:

- 1. Allowing increased light into the room without increasing any amount of overlooking*
- 2. Central bar / opening mechanism on opening windows have been increased to a height of 1.8m to ensure there will be no potential for overlooking by either the bathroom or the existing spare bedroom*

Roofline:

- 1. Use of slate roof to match with the lean to roof at minimum gradient required a steeper pitch than was illustrated on the planning drawings.'*

As this is a Section 73 application, government advice is that the Local Planning Authority should focus attention on any material changes since the previous permission.

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 Mid Sussex District Plan, Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.

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

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP26: Character and Design

Policy DP38: Biodiversity

Site Allocations DPD

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

There are no relevant policies.

Haywards Heath Neighbourhood Plan (Dec 2016)

Mid Sussex District Council formally 'made' the Haywards Heath Neighbourhood Plan part of the Local Development Plan for the Haywards Heath Neighbourhood Plan area as of 14 December 2016.

Relevant policies:

Policy E10: Areas of Townscape Character

Policy H9: Extensions to Existing Dwellings

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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report, until that time 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:

DPN2: Biodiversity Net Gain

DPB1: Character and Design

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG49: General principles for extensions

Principle DG50: Front and side extensions

Principle DG51: Rear extensions

National Planning Policy Framework (NPPF) (Aug 2026)

ASSESSMENT

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that *'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

Accordingly there is no need to reconsider the principle of the development in this case, as the key principles have already been accepted through the original consent. The main issues for considerations are therefore the impact of the changes on the character and appearance of the area and impact on neighbouring amenity, plus biodiversity (Biodiversity Net Gain and Great Crested Newts).

Design and impact on the character and appearance of the area

Policy DP26 of the Mid Sussex District Plan aims to ensure that all development is well designed and reflects the distinctive character of towns and villages while being sensitive to the countryside.

Policy E10 of the Haywards Heath Neighbourhood Plan requires proposals to retain the special character of Areas of Townscape Character and Policy H9 seeks to ensure the scale, height and form of extensions fit with the existing building and street scene.

Chapter 9 of the Mid Sussex Design Guide SPD relates to household extensions. Design Principle DG49 states that extensions should respond to the design of the original dwelling. Principle DG50 relates to front and side extensions and advises that side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building. Principle DG51 relates to rear extensions and advises that they should have consideration for the character of the existing building and the relationship with side boundaries and adjacent buildings and gardens.

The existing semi-detached property is Edwardian and contributes positively to the Area of Townscape Character, as designated in the Neighbourhood Plan. It has a traditional double bay sash window (albeit now replaced with UPVC frames) and recessed porch to the front with large chimney and a 2-storey monopitched rear wing and small lean-to off it. A more modern lean-to garage to the side is finished in vertical timber boarding, adjacent to the lean-to garage of no. 24 to the south.

The assessment of application DM/25/2438 stated:

'The proposed extension is considered to be appropriate in scale and design in relation to the existing property and the street scene. Whilst the first floor element will be visible from the street scene, due to the width of the plot, there is an existing ground floor garage in between, so the projecting ground floor element will not be visible and the first floor flank will match that of the existing building, so is appropriate. The materials palette is also sympathetic to the existing traditional building and the street scene and the fenestration acceptable too in terms of their proportions - visible from the rear, including Victoria Park.'

Although the flank wall of the first-floor side extension has been raised by approximately 1.1m, to accommodate the slate tiles and associated steeper roof pitch, it is of a similar pitch to the original rear wing of the dwelling, and from the rear it blends in more appropriately to the character of the existing building. While the increased height is more visible from the neighbouring property to the side (no. 24), there is still a generous gap to the boundary and the property itself, and the first-floor part of the extension does not extend beyond the flank wall of the dwelling. Accordingly, it is still considered to be of an appropriate scale in relation to the building.

The changes to the fenestration on the ground and first floor side elevation are considered acceptable in their own right and in relation to the building, particularly with a reduction in glazing on the ground floor overall. The materials are also acceptable.

Overall, it is considered that the amendments enhance the Area of Townscape Character and comply with Policy DP26 of the Mid Sussex District Plan, Policies E10 and H9 of the Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan seeks to ensure that development does not cause significant harm to the amenities of existing nearby residents and future occupants.

Although the Haywards Heath Neighbourhood Plan requires development to safeguard the privacy, daylight, sunlight and outlook of adjoining residents, the Mid Sussex District Plan seeks to ensure that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. Paragraph: 084 Reference ID: 41-084-20180222 of the government's Planning Practice Guidance (Revision date: 22 02 2018) states: 'policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a Local Plan that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence.' As the Mid Sussex District Plan is the most up-to-date Plan, then the correct test to apply in this instance is whether the impact of the development causes significant harm to neighbouring residents.

The main properties affected by the extension are nos. 20 to the north (the other half of this pair) and 24 to the south. The neighbouring occupants of the former are supportive of the changes; those to the latter have objected, specifically on grounds of overlooking from the ground floor windows, whereby their head height has been raised slightly by approximately 0.15m. It is noted that the approved wraparound bi-fold doors on this southern (side) elevation has been replaced with a single window, being approximately 2.1m narrower. There is a boundary fence with a wisteria belonging to the neighbouring property, that separates the extension from the neighbouring side extension and side lounge window. The neighbouring residents advise that when they prune back this climber, privacy will be a concern for at least 6 months of the year.

It is not considered that the very slightly increased head height of the ground floor windows will result in a significantly harmful loss of privacy to the occupants of this neighbouring property. This is based on the occupants of the application property using the extension at the internal floor level shown on the plans and as built, as opposed to using artificial aids to raise their height, such as stepladders. It is noted that the application property previously had two side windows and a door facing directly towards this neighbouring extension and that the neighbouring extension is a more modern addition to the property. Therefore it is not considered that the windows result in any further overlooking that may have existed previously while the boundary vegetation was not in full bloom.

Mitigations to the first floor windows were secured through conditions of the previous planning permission in the form of ensuring that the bottom parts below 1.8m are fixed shut and obscured with top-hung openings only. These conditions are retained, subject to updating the plan number.

Accordingly the development is considered to comply with 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.

Other matters

The site is located within a designated Great Crested Newt - Impact Risk Zone (Red). However, having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with biodiversity legislation, policy and guidance.

PLANNING BALANCE AND CONCLUSION

The amendments to the approved extension are considered to be appropriate in scale and design in relation to the existing property and the street scene and do not cause significant harm to surrounding residents, subject to safeguarding conditions. There is no harm to biodiversity. Accordingly it is considered that the development complies with Policies DP26 and DP38 of the Mid Sussex District Plan, Policies E10 and H9 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF 2026 and is therefore considered acceptable.

Decision: Permission

Case Officer: Andrew Watt