

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0536	Case Officer:	Stuart Malcolm
Application Type:	Householder Application		
Proposal:	Proposed single storey front porch and side extension		
Site:	3 Cherry Close, Burgess Hill, West Sussex, RH15 9PR, , , ,		
Validation Date	18 Mar 2025	Overall Expiry Date:	9 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Apr 2025
Target Date:	13 May 2025	Recommending Officer Signature:	<i>Stuart Malcolm</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	11 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0536

**3 Cherry Close, Burgess Hill, West Sussex, RH15 9PR, , ,
Proposed single storey front porch and side extension
Mr And Mrs Fuller**

SUMMARY OF REPRESENTATIONS

One letter highlighting concerns over the impact on the attached garage of the neighbour, plus any water/debris coming over the boundary.

SUMMARY OF CONSULTEES

Southern Water: No objections

TOWN COUNCIL OBSERVATIONS

Recommend approval but regret loss of garage.

INTRODUCTION

This application (DM/25/0536) seeks planning permission for a single storey front porch and side extension at 3 Cherry Close, Burgess Hill.

RELEVANT PLANNING HISTORY

None

SITE AND SURROUNDINGS

The application site is a 2.5 storey semi-detached dwelling located in a residential setting of similar properties. The surrounding estate is open plan in nature with most properties having open frontages.

The nearest neighbours, and those most likely to be affected by the proposals, are at no.1 which is attached to the immediate east, and no.3, which is to the west and attached to the application site via the respective single garages that sit in between the two houses.

In policy terms the site is within the built up area of Burgess Hill.

APPLICATION DETAILS

The existing garage to the side of the house, which is attached the neighbouring garage of no.5, is to be removed. A more than full depth side extension is proposed and this measures just over 10 metres and projects off the front of the house by 2.88 metres. The width of this front projection is 6.02 metres. A pedestrian passage way to facilitate rear access is shown on the plans.

In terms of external appearance, the materials (brickwork) and roof tiles are to match the existing house.

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, the Site Allocations Development Plan Document 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 in 2018. The most relevant policy is:

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.

Burgess Hill Neighbourhood Plan

The Neighbourhood Plan is made so forms part of the development plan. The most relevant policy is:

Policy S4 - Parking standards for new developments

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 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.

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 is a material consideration. Paragraphs 8, 11, 131 and 135 are considered to be relevant to this application.

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 residential amenity;

- Parking standards; and
- Biodiversity net gain.

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."*

The Mid Sussex Design Guide SPD also provides advice for extensions to dwellings. Principle DG49 states that:

"Extensions should respond to the design of the original dwelling and applicants will be expected to demonstrate how local character has informed the design proposal. Extensions should also normally be designed to be well-integrated with the existing scale, form and massing allowing the original building to remain the dominant element of the property whether it has one or several additions".

Principle DG50 refers specifically to front and side extensions and states in part that:

"Front and side extensions are typically visible from the public realm and will be resisted where they have an adverse impact on the street scene or the appearance of a dwelling."

The front extension protrudes beyond the front of the existing house and as such has more visual impact on the public realm than the existing garage does at present. The proposal is however single storey and has a shallow roof so these factors limit the visual impact of the addition. As such the extension does not appear so visually dominant from the street scene so as to be an obtrusive feature and the open frontage of the plot is retained. Furthermore, although the individual site circumstances are different, there is an example of a similar development in the vicinity at number 8 Cherry Close to the north west. Overall, it is not considered that the proposal fails to meet the design requirements of the development plan or the principles in the MSDC Design Guide.

The proposal, owing to the removal of the attached garage, will result in the wall of the side flank of the garage at no. 5 being newly exposed. A condition will be used to ensure details of the appearance of this newly exposed side wall are submitted to the local planning authority. This ensures compliance with the design requirements of Policy DP26.

In residential amenity terms, the test of development here is whether or not it causes 'significant harm' to neighbouring amenity as per Policy DP26.

The single storey extension replaces an existing garage and the design, size and scale of the addition is such that the proposal will not cause significant harm to the neighbours at numbers 1 or 5 through being overbearing, causing a loss of light or creating a loss of privacy. Other neighbouring properties are not significantly affected either.

Some concern has been raised about water/debris coming off the site onto the neighbour's property. Notwithstanding that building control regulations should address such issues, guttering is shown along the side of the extension which should negate such an issue being a significant nuisance.

As noted above, a condition is required to ensure that the newly exposed side wall of the neighbouring garage is designed appropriately. Whilst it is understood that the works on the boundary may well require a Party Wall Agreement, this is a matter that falls beyond the scope of planning control and is not a material planning consideration.

It can be concluded therefore that the proposal will not cause significant harm to neighbouring residential amenity ensuring compliance with Policy DP26.

In respect of parking, Policy S4 from the Neighbourhood Plan states: *"In cases where planning permission is necessary for alterations and extensions to properties support will not be given for the conversion of garage space to habitable rooms/ residential use unless there is adequate space to park cars off street in line with the parking standards."*

The proposal will result in there being just one parking space available on the smaller, retained drive and this is a shortfall against the standards set out in the Burgess Hill Neighbourhood Plan. Whilst the loss of the off street parking is regrettable, there do not appear to be on street parking restrictions in the immediate vicinity and there does not appear to be a highway safety reason to resist the loss of the existing off street parking. Neither is there an amenity reason to resist it.

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.

CONCLUSION

In conclusion, the proposal is acceptable in respect of its design and the impact on neighbouring residential amenity insofar as significant harm cannot be demonstrated. As such the proposal accords with the requirements of Policy DP26 of the Mid Sussex District Plan, the Mid Sussex Design Guide and the NPPF.

Whilst there is some conflict with Policy S4 of the Burgess Hill Neighbourhood Plan, the application accords with the development plan as a whole and there are no material planning considerations which indicate an alternative conclusion should be reached.

Planning permission should therefore be granted.

Decision: Permission

Case Officer: Stuart Malcolm