

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3060	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Proposed new cladding to front elevation first floor. Car port and opening through garden wall at rear.		
Site:	4 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9TY, , ,		
Validation Date	7 Jan 2025	Overall Expiry Date:	7 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	27 Feb 2025
Target Date:	4 Mar 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	23
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Signed and Agreed By:	Steven King	Date:	27 Feb 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3060

**4 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9TY, ,
Proposed new cladding to front elevation first floor. Car port and opening through garden wall at rear.**

G Darcy

SUMMARY OF REPRESENTATIONS

25 comments have been received, 22 in support and 3 in objection.

The letters of support were on the grounds of:

- Less on-street parking
- New cladding makes more energy efficient
- Improved access away from main road
- Cladding in keeping with existing dwelling
- Garage to rear approved in 1970s
- Not visible from streetscene

The letters of objection were on the grounds of:

- highway safety
- harmful to conservation area
- Wall ownership
- Traffic within churchfields

SUMMARY OF CONSULTEES

Mid Sussex District Council Conservation Officer: The proposal is considered harmful to the character and appearance of this part of the Conservation Area, contrary to the requirements of District Plan Policy DP35. In terms of the NPPF, the proposed works would result in less than substantial harm, at the low-mid point of that scale.

PARISH COUNCIL OBSERVATIONS

The committee's recommendation is that MSDC should give permission on the basis that:

- o The committee appreciates conservation concerns but feels that whilst modern materials have been used, they are in keeping with the look and character of the property and the property has been sympathetically renovated.
- o The committee have no objection to the car port being a replacement to the wall that is in disrepair and due to lack of parking.

INTRODUCTION

Planning permission is sought for new cladding to the front elevation first floor and the installation of a car port within the rear garden and opening through garden wall at the rear to access.

RELEVANT PLANNING HISTORY

HP/067/77 - Erection of prefabricated concrete garage. (Permitted Development)
DM/18/4045 - Rear single storey extension (approved)

SITE AND SURROUNDINGS

4 High Street is a two storey end of terrace pitched roofed dwelling. The walls are a mix of face brickwork, timber cladding and green painted render, timber doors and a mix of timber and upvc windows. The dwelling is characterised by an existing rear extension and rear dormers.

To the north of the site is the highway, to the south of the site is a brick wall to Churchfields parking area beyond, to the east of the site is the adjoining No.6 High Street and to the west is brick wall to access to Churchfields.

The site is within the built-up area of Hurstpierpoint and within the Hurstpierpoint Conservation Area.

APPLICATION DETAILS

The first-floor cladding has been changed from white timber boarding to white Marley Cedral boarding.

The proposed car port within the rear garden approximately measures 4.8m in depth, 2.4m in width with a height to eaves of 2m and an overall height of 3m.

To access the car port from the road, an approximately 2.7m wide section of the boundary wall is to be removed to access the car port.

It should be noted that the applicant has outlined their rationale for the works. These reasons include the following:

- To improve the energy efficiency
- To use longer lasting materials
- To sympathetically update neglected frontage
- To improve parking arrangement

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 Hurstpierpoint 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 Areas)

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.

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Neighbourhood Plan for Hurstpierpoint was 'made' in March 2015. It forms part of the development plan with full weight.

Relevant policies:

None relevant

Other Legislation

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 (1) 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 conservation preserving or enhancing the character or appearance of that area*'.

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 stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of 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:

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)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8, 11, 131, 135 and 207 - 215 are considered to be relevant to this application.

ASSESSMENT

Design and visual impact on the Conservation Area

Policy 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:

- 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;
- 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'

Policy DP35 of the District Plan 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:

- o 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;*
- o 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;*
- o 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;*
- o 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;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o 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.'

The following features, in particular, contribute to the character of the Hurstpierpoint Conservation Area as set out in the Conservation Areas in Mid Sussex document (2018):

'The Conservation Area is centred around the core of the old village. It runs from the White Horse Inn in the west along the full length of the High Street as far as its junction with St George's Lane in the east. The following features, in particular, contribute to the character of the area:

- o the age and variety of buildings in the High Street;*
- o the panoramic views of the South Downs and surrounding countryside;*
- o the avenue of trees along the footpath in the recreation ground;*
- o the changes in level and direction of the High Street, together with the close proximity of the buildings and the twittens and side alleys which expose many side walls and provide a series of varied and interesting views; and*
- o the presence of walls, railings and trees which form attractive visual features.'*

This section of the Conservation Area is seen as 'Period properties now line both sides of this western part of the High Street, with the imposing church always in view. The tightly packed cottages have pastel painted rendered or timber clad facades, with typically timber sash windows and gabled slate or tiled roofs, with the ridge running parallel to street, sometimes hidden behind a parapet upstand. The flank and rear elevations of the buildings are often not rendered but of exposed brick or brick and flint.'

Principle DG11 of the Mid Sussex Design Guide states:

'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.'

Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric. There may be potential to introduce a new character / development form and massing:

- On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.*
- In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'*

Paragraphs 207, 212 - 215 of the NPPF are most relevant and state:

'207. In determining planning applications, local planning authorities should take account of:

- o the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- o the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- o 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* 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;*
- c) and conservation by grant-funding or some form of 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.'

The full comments of the Conservation officer were:

'The application site, 4 High Street, is an unlisted building located to the western end of Hurstpierpoint High Street within the Conservation Area. The cottage, which appears to date from the 19th century or earlier (from internal photographs available online earlier is likely), forms one end of terrace of 19th century properties of varying design. The building is an attractive and characterful property which makes a strong positive contribution to the character and appearance of the Conservation Area. The Council's adopted Conservation Area appraisal contains a detailed analysis of this part of the Area, which notes that:

'Period properties now line both sides of this western part of the High Street, with the imposing church always in view. The tightly packed cottages have pastel painted rendered or timber clad facades, with typically timber sash windows and gabled slate or tiled roofs, with the ridge running parallel to street, sometimes hidden behind a parapet upstand. The flank and rear elevations of the buildings are often not rendered but of exposed brick or brick and flint.'

The Cottage has a small rear garden, which is enclosed to the western and southern sides by a tall brick and bungaroosh wall. Bungaroosh, is a composite building material, which may include broken bricks, cobblestones, pebbles, flints and pieces of wood, set between shutters in a hydraulic lime mix. It is specific to the Brighton and coastal Sussex area, making it a truly local material. It is found in several locations within Hurstpierpoint, and makes a positive contribution to the special character of the Conservation Area, which is reflected in the Council's adopted Conservation Area Appraisal. The positive contribution to the Area of brick boundary walls is also noted in the Appraisal.

The current proposal, which is partly retrospective, is for retention of replacement cladding to the first-floor front elevation, and for the creation of an opening within the side boundary wall to allow access to a new car port structure.

The replacement cladding to the front elevation is Marley Cedral, which is a cement-fibre composite. Although the Cedral is intended to emulate the appearance of the painted timber it replaced, it is apparent, especially on closer inspection, that it is an artificial product. This detracts from the character and appearance of this period building and the positive contribution which it makes to the wider Conservation Area. This aspect of the proposal is therefore considered contrary to the requirements of District Plan Policy DP35.

The partial loss of the brick and bungaroosh wall to the side boundary is also considered harmful to the Conservation Area. Although this is a side wall, it is prominent in semi-public views from Churchfields to the west, and also in public views from the High Street looking across the front garden to 2A. In addition, although a moderately sized outbuilding within the rear garden space might not be considered contentious in principle, off street parking within a garden area within this, rural edge of the Conservation Area will not in general be favourably viewed due to the adverse impact on its semi-verdant character. This aspect of the proposal is also therefore considered contrary to the requirements of District Plan Policy DP35.

In summary, the proposal is considered harmful to the character and appearance of this part of the Conservation Area, contrary to the requirements of District Plan Policy DP35. In terms of the NPPF, the proposed works would result in less than substantial harm, at the low-mid point of that scale.

In respect of the cladding, which is retrospective, I would recommend that this is removed and replaced with painted timber, as was previously present. In respect of potential enforcement works, I also note that the original concern included uPVC windows at first floor, so these may also require attention. We would need to see details of previously existing windows and the replacements in order to determine whether PP would be required, but this is a matter outside of the current application'.

The use replacement of timber cladding with Marley Cedral cladding whilst visual similar, is deemed by the conservation officer to be harmful to the period character of the dwelling and the historic nature of the wider Conservation Area.

In terms of the installation of a car port, this will be no more than glanced, and in itself would not be deemed out of character anymore than an outbuilding within the rear garden. The garages and car ports within Churchfields are also noted.

The removal of the wall to access this car port however, would be more visible and the partial loss of this wall is deemed harmful to the Conservation Area.

The harm is considered to be less than substantial and as such the tests in paragraph 215 of the NPPF would apply. The proposed development would provide a private benefit to the applicant but it is considered that the public benefits of this proposal are very limited. Whilst the application refers to improving parking arrangements, there is no substantive evidence that the existing situation results in a significant highway safety issue. The energy efficiency of the property could be improved in alternative ways more sympathetic to the Conservation Area. Therefore it is not considered that the public benefits would outweigh the harm to the heritage asset.

The proposal therefore conflicts with the objectives of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy DP35 of the Mid Sussex District Plan, as they relate to the quality of development and the preservation or enhancement of the character or appearance of conservation areas.

Impact on Neighbouring amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states that it must be demonstrated that any 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.

Given the nature of the proposal, significant harm to neighbouring amenities is not caused. Therefore, in terms of neighbouring amenities, the proposal is deemed to comply with DP26 of the Mid Sussex District Plan.

Other

Concerns have been raised as to highway safety, given the proposal is to use the existing access from the High Street to Churchfields, the level of harm cannot be seen to be significant. A question as to who owns the wall which is to be removed to allow for the car port to be accessed, has been raised, this is a legal rather than a planning matter.

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

It is considered that the proposed development would not result in harm to neighbouring amenity.

For the reasons outlined above, it is considered that the proposed development is unacceptable on design grounds and would not conserve the character and appearance of the Conservation Area.

It would therefore fail to comply with Policies DP26 and DP35 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and the relevant paragraphs of the NPPF and should be refused.

Decision: Refusal

Case Officer: Andrew Horrell