

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3127	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	Proposed rear conservatory.		
Site:	69 Gordon Road, Haywards Heath, West Sussex, RH16 1EL, , , ,		
Validation Date	3 Jan 2025	Overall Expiry Date:	28 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	27 Feb 2025
Target Date:	28 Feb 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Steven King	Date:	27 Feb 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3127

**69 Gordon Road, Haywards Heath, West Sussex, RH16 1EL, , ,
Proposed rear conservatory.
Mr And Mrs Newson**

REPRESENTATION RECEIVED

One letter of representation has been received in support from no. 67 Gordon Road raising the following points:

- The guttering to not be overhanging the boundary.
- The fence panels of no. 67 are not to be removed at their cost.
- Notification that no. 67 use a BBQ close to the shared boundary of where the proposed conservatory is to be located.

SUMMARY OF CONSULTEES

Southern Water - no objection

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks planning permission for the construction of a conservatory on the rear elevation.

RELEVANT PLANNING HISTORY

CU/260/83 - Ground floor rear extension and alterations. Permission

HH/145/88 - Ground floor rear extension and alterations. Permission

07/00479/FUL - First floor rear extension and room in roof. Alteration to main hipped roof to gable with barn hip. Replacement of front porch. Permission

SITE AND SURROUNDINGS

The application property is a semi detached two storey dwelling located on the north side of Gordon Road, within the built-up area boundary of Haywards Heath.

The application property has a pitched roof and is externally clad in pebble dash with brick at low level with plain roof tiles and white fenestration. The dwelling has had a hip to gable extension with loft conversion and velux rooflights on the front elevations. The application property is set back from the highway with off street parking. The locality is characterised by detached and semi-detached dwellings both single and two storey of varying form scale and design.

APPLICATION DETAILS

The application seeks planning permission for the construction of a single storey rear conservatory with a width and depth of 4.0 metres and 5.50 metres. The conservatory will have a hipped roof with an eaves height of 2.80 metres and an overall height of 3.80 metres. The conservatory will be constructed from brick to match the existing dwelling, white uPVC fenestration and a white uPVC and glass roof. the conservatory will have doors on the north end with large windows along the east side and small high windows on the west side to be obscure glazed. The conservatory is to be set in approximately 0.40 metres from west side boundary.

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 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

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

H9 - Building Extensions

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 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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

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 Character
- Impact on neighbouring properties
- Other Matters
- Biodiversity Net Gain

Design and Character

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:

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

o *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.'

Policy H9 of the Haywards Heath Neighbourhood Plan states:

'Extensions to existing dwellings will be permitted where it meets the following criteria:

- o *The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- o *Spacing between buildings would respect the character of the street scene.*
- o *Gaps which provide views out to surrounding countryside are maintained.*
- o *Materials are compatible with the materials of the existing building.*
- o *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- o *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

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.'*

Principle DG51 relates to rear extensions and states: *'Rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens.'*

Whilst relatively large in size, the proposed conservatory is shown to be subordinate to the form of the original dwellinghouse and the design is considered acceptable. The conservatory would not be visible from the street scene and would not have a harmful impact on the character of the area.

Therefore, in terms of character and design, the proposal complies with policy DP26 of the Mid Sussex District Plan, policies E9 and H9 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);'

Policy H9 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The proposed conservatory is close to the shared boundary with no. 67 Gordon road marked by close board fencing. The conservatory is single storey and the windows along the side elevation are high

windows and to be obscure glazed. These windows can be conditioned to remain obscure glazed so as to not cause significant harm to the neighbouring properties amenity area.

To the east is no. 71 Gordon Road with a shared boundary marked by close board fencing. The application side also has an outbuilding along the shared boundary between no. 71 property and the location of the proposed conservatory.

The proposal is therefore, considered to comply with the above-mentioned part of Policy DP26 of the Mid Sussex District Plan.

Other Matters

Southern Water have provided comments on the proposal and state that any new connection would require a new sewer connection application to be submitted and approved by Southern Water.

The comments received from no. 67 Gordon Road are noted, however they are not considered to be planning matters. The conservatory is set in 0.40 metres from the shared boundary.

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, form and scale to the dwellinghouse and locality, would not cause significant harm the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policy DP26, policies E9 and H9 of the Haywards Heath Neighbourhood Plan and 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