

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0475	Case Officer:	Caroline Grist
Application Type:	Householder Application		
Proposal:	Demolition of garage and conservatory. Construction of annexe and side extension.		
Site:	11 Orchard Close, Haywards Heath, West Sussex, RH16 1UU, , , ,		
Validation Date	24 Feb 2025	Overall Expiry Date:	21 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	29 Apr 2025
Target Date:	21 Apr 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	30 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0475

**11 Orchard Close, Haywards Heath, West Sussex, RH16 1UU, , ,
Demolition of garage and conservatory. Construction of annexe and side extension.
Samantha Hyde**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Southern Water

Southern Water has that a Build Over application is to be submitted to Southern Water for approval.

Surface water should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations.

Any new connections to the public sewerage system will require a New Sewer Connection application (we sometimes refer to this as a Section 106) to be submitted and approved by Southern Water.

Due to changes in legislation that came in to force on 01 October 2011 regarding the future ownership of sewers it is possible that some previously owned private sewers now deemed to be public could also be crossing the above property which are not shown on the Southern Water records. Therefore, should any other sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on site.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Planning permission is sought to demolish an existing garage and conservatory and to construct an annexe and side extension.

RELEVANT PLANNING HISTORY

06/01925/FUL - Rear facing dormer window. Withdrawn.

06/02410/FUL - Loft conversion with rear facing dormer windows. Permission.

SITE AND SURROUNDINGS

11 Orchard Close is a north facing, detached, chalet bungalow. It is constructed of red brick, with a pan tile roof and upvc windows. The dwelling is characterised by a front facing gable projection. It benefits from a conservatory to the western side, a flat roof garage to the east and two flat roof dormer windows to the rear.

The site is located within the built up area of Haywards Heath. Neighbouring dwellings are situated to the south, east and west whilst the highway is to the north. The dwelling is set back behind a front garden and driveway and is at a higher land level than the highway.

APPLICATION DETAILS

Planning permission is firstly sought to demolish the existing garage and construct a single storey, side extension. The space is to be used as an annexe and would contain a living room, bedroom and bathroom. A wedge shaped footprint is proposed that would have a minimum width of some 3.9 metres and maximum of 6.7 metres. It is to have an overall depth of some 9.4 metres, of which some 2.5 metres would protrude beyond the rear elevation. A flat roof design is proposed that would have an overall height of approximately 3.3 metres.

It is also proposed to replace the existing conservatory with a single storey side extension, which would enlarge the main living room and contain a study. This addition is to be some 3.2 metres wide and 5.5 metres deep. Again a flat roof design is proposed with an overall height of approximately 2.9 metres.

The extensions are to be finished in materials to match the host dwelling.

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, Haywards Heath Neighbourhood Plan and Site Allocations Development Plan Document.

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 Development Plan Document

The Site Allocations DPD 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

The Haywards Heath Neighbourhood Plan was formally made on 15th December 2016.

Relevant policies:

Policy E9 - Design

Policy 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 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:

DPS2 - Sustainable Design and Construction

DPS6 - Health and Wellbeing

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)

ASSESSMENT

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:

- 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 protects valued townscapes and the separate identity and character of towns and villages;*
- 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 (see Policy DP27);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development'.*

This ethos is echoed within Policy E9 from the Haywards Heath Neighbourhood Plan.

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'.*

In terms of the Mid Sussex Design Guide SPD, Principle DG49 establishes general principles for extensions and states:

'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 relates specifically to side extensions and states 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.

The gaps between dwellings can sometimes positively contribute to articulating (for example, through the consistent rhythm of repeated houses) and adding interest in a street frontage or by providing views / visible connections to the surrounding countryside. Side extensions will therefore need to appropriately respond to the character of the street form and will not normally be accepted where they close an important gap and view'.

The application property is a detached dwelling that is situated within an established residential area of Haywards Heath. Whilst there is variation in surrounding properties, they are traditionally designed and share a palette of materials.

This application seeks planning permission to demolish an existing garage and conservatory, to each side of the dwelling, and to replace them with an annexe and side extension. It is considered that, whilst the proposed annexe is large, the proposed additions would be of a scale that would not entirely overwhelm the property or result in an overdevelopment of the site. Both extensions are to be single storey and include a set back from the front elevation, which would allow the original building to remain defined, and would be of an appropriate design. Additionally the extensions are to be finished in brick, which would provide a consistent finish.

With regards to the impact on the wider area, as noted the streetscene is varied and the proposed works would respond appropriately to the application property. Furthermore, as the development would replace existing additions of a similar overall scale in views from the highway, it is considered that the extensions would not result in an important gap or view being enclosed.

In terms of the impact to neighbouring dwellings the test, as set out under policy H9 of the Haywards Heath Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded. 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 annexe extension would be sited closest to 12 Orchard Close. This neighbour is a two storey dwelling that is situated at a lower land level than the application site. The shared boundary comprises the flank wall of the dwelling, which contains no side windows, then fencing and mature hedging. There are openings within close proximity to the shared boundary, which form part of an extension granted under application HH/229/91. The approved plans for this addition shows the closest ground floor window associated with a utility room, positioned behind a garage.

It is acknowledged that the proposed extension is only to be set back from the shared boundary by some 0.5 metres and would project beyond the rear elevation by some 1.9 metres. However, given the arrangement of these properties, the existing situation and the single storey nature of this addition, it is considered that whilst light and outlook to the window would likely be impacted the harm would not be significant enough to warrant the refusal of this application.

In terms of the proposed side extension, this addition would be sited closest 10 Orchard Close, which is a two storey dwelling situated on a higher land level than the application site. This neighbour has no side windows facing the application site and this extension would not protrude beyond the rear elevation. As such it is considered that the light and outlook to this property would not be affected by this development.

No windows are proposed that would result in any direct overlooking.

With regards to the annexe, it is acknowledged that the proposed accommodation would be relatively large and would have its own external door to the front. This matter has been raised during the application and it has been advised that the annexe is to be used by elderly relatives who would also require easy access to the driveway. The proposed plans do, however, show that the annexe would not include a kitchen and so would have a level of dependency on and retain a connection to the main house. A condition can also be attached to any consent, restricting its use. It is therefore considered that, on balance, the annexe accommodation would remain ancillary to the host dwelling.

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 would accord with the requirements of policy DP26 of the Mid Sussex District Plan and policies E9 and H9 of the Haywards Heath Neighbourhood Plan. The proposal is therefore considered to be acceptable.

Decision: Permission

Case Officer: Caroline Grist