

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2351	Case Officer:	Anna Tidey
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 3 of planning application DM/25/0771 to allow for an alternative external finish on the workshop (weather edge cladding instead of brickwork).		
Site:	19 Dellney Avenue, Haywards Heath, West Sussex, RH16 3LX, , , ,		
Validation Date	17 Oct 2025	Overall Expiry Date:	11 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Dec 2025
Target Date:	12 Dec 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	3 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2351

**19 Dellney Avenue, Haywards Heath, West Sussex, RH16 3LX, , ,
Variation of condition 3 of planning application DM/25/0771 to allow for an alternative external finish on the workshop (weather edge cladding instead of brickwork).
Mr And Mrs Killick**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None.

TOWN/PARISH COUNCIL OBSERVATIONS

Haywards Heath Town Council: No comment.

INTRODUCTION

This application seeks planning permission to amend condition 3 of planning application DM/25/0771 to allow for an alternative external finish on the workshop (weather edge cladding instead of brickwork).

RELEVANT PLANNING HISTORY

DM/25/0771. Single storey rear extension and workshop. Approved May 2025.
G73.230. Rear extension.

SITE AND SURROUNDINGS

No 19 Dellney Avenue is a 3 bed semi detached house, located on an established residential road in the Built up Area of Haywards Heath.

The house benefits from a shared driveway with an off road frontage parking area for one car. There is a narrow side hard surfaced access sited between the house and the side wall of the neighbouring house to the south west, at No 17 Dellney Avenue.

An existing 2.7m wide by 8.1m (approx.) long prefabricated garage is located at the rear of No 19, which extends alongside a similar flat roofed garage serving No 17. The garage is located on a raised plinth, set level with the access drive, but approx. 1m above the lower level of the rear garden. It is understood that this building is in some disrepair and in need of replacement.

The property has also been extended at the rear by the addition of a flat roofed single storey sunroom extension. This is sited up to the mutual boundary with the attached house at No 21, and a rear conservatory addition at that house.

APPLICATION DETAILS

The current application has been submitted under Section 73 of the Town and Country Planning Act and seeks permission to vary Condition 3 of planning application DM/25/0771, which reads as follows:

'The materials and finishes of the external walls, windows and roof of the rear extension and the workshop shall match in colour and texture those of the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and with the requirements of Policies H9 and E9 of the Haywards Heath Neighbourhood Plan.'

Planning permission was granted under application DM/25/0771 for a new single storey extension and a new workshop building, the latter of which is to be located over part of the footprint of the existing garage.

The submitted application form for the approved planning application under reference DM/25/0771 indicated that the proposed walls for the new workshop building were to be constructed in a brickwork finish, and the approved plans were annotated to show facing brickwork to match the existing house.

The plans submitted under the current application indicate that the walls of the proposed workshop are now proposed to be finished with a horizontal cladding material, in a white finish. The applicant's agent has confirmed that this is to be a 'Hardie plank' material.

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 Haywards Heath Neighbourhood Plan and Site Allocation Development Plan Document (DPD).

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

There are no policies deemed relevant to this application.

Haywards Heath Neighbourhood Plan, made on 15th December 2016

Relevant policies:

Policy E9 Design

Policy H9 Building extensions

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.

DPS2 Sustainable Design and Construction

DPS6 Health and Wellbeing

DPB1 Character and Design

National Planning Policy Framework (NPPF) (December 2024)

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.'

The result of this application would be to issue a new planning permission, so it is not considered necessary to go through all of the original planning issues in this report. The specific changes to the plans that are now proposed are considered below with regards to design and the impact of the changed material upon the neighbours.

It is necessary to consider the application against the relevant policies of the development plan and any other material planning considerations.

Design

Policy DP26 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 DP29);*
- * 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.'*

Haywards Heath Neighbourhood Plan Policies H9 and E9 are relevant, and these state:

Policy H9

'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.'*

Policy E9

'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.'

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide, which seeks good design in house alterations and extensions.

Principle DG49 states:

'Extensions should respond to the design of the original dwelling and applicant 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 allow the original building to remain the dominant element of the property whether it has one or several additions.

Extensions should typically use simple, uncomplicated building forms to complement 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.

Extensions should not result in a significant loss to the private amenity area of the dwelling.

There are two general approaches to extending a property:

-designing in the style of the existing building by closely matching its facing materials, architectural features, window sizes and proportions; and

-designing in a contemporary style that takes its cues from key aspects of the existing building that might include its underlying form and proportions, facing materials, window design and other specific architectural features. The success of this approach is particularly reliant on high quality facing materials and finishes, and this will normally need to be demonstrated through detailed elevations and section drawings.

Both approaches can create successful, well designed extensions that can be mutually beneficial to both the house and the wider area. All extensions and alterations should consider their impact on neighbouring properties (refer to Chapter 8 on residential amenity).'

Principle DG51 of the MSDC Design Guide specifically 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.'

The principle of the domestic workshop provision was found acceptable under planning application DM/25/0771, and the use of the building was the subject of planning condition 4 on that approval, which reads:

'4. The outbuilding/workshop hereby approved shall be used for ancillary domestic purposes in connection with 19 Dellney Avenue, Haywards Heath, West Sussex, RH16 3LX only and for no other purpose and no trade or business shall be carried out therefrom.

Reason: To safeguard the amenities of the neighbouring properties and to accord with Policy DP26 of the District Plan 2014 - 2031, and Policies H9 and E9 of the Haywards Heath Neighbourhood Plan'.

The proposed amendment to the external wall finish for the workshop represents a minor alteration to the brickwork finish that was approved under the original consent. The cladding will not appear out of keeping in this urban setting and will not harmfully impact upon the overall character of the residential area.

Consequently the alteration is considered to accord with the aims of District Plan Policy DP26, Policies H9 and E9 of the Haywards Heath Neighbourhood Plan and the principles of the Design Guide.

Impact on residential amenities

In assessing the potential impact of the proposed extension works upon the neighbouring amenities consideration needs to be given to District Plan Policy DP26 and Neighbourhood Plan Policy H9. There is a conflict in the phrasing of these policies.

District Plan Policy DP26 requires 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.'*

In contrast Policy H9 states that extensions to existing dwellings will be permitted where 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.

In addition Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

The immediate neighbouring properties are No 17 to the south west and the attached house to the north east, at No 21. The proposed form and scale of the workshop has been approved under DM/25/0771.

As for the approval under DM/25/0771 the use of the proposed outbuilding/workshop can be restricted by a suitably worded condition to protect the amenities of the neighbouring residents.

It is considered that no significant harm will be caused to the privacy, outlook, daylight and sunlight of the immediate residents as a result of the proposed change in the external wall construction.

It is considered that the proposal is acceptable in terms of the neighbouring amenities. The proposal accords with the requirements of the more up to date Policy DP26 of the District Plan, and also with the requirements of Policy H9 of the Haywards Heath Neighbourhood Plan and the relevant principles of the Design Guide.

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 proposed altered wall finish for the proposed new workshop will not appear out of keeping in this urban setting and will not harmfully impact upon the overall character of the residential area.

The proposal would accord with Policy DP26 of the District Plan, Policies H9 and E9 of the Haywards Heath Neighbourhood Plan and the Design Guide principles.

It is considered that the cladding wall finish will not cause significant harm to the neighbouring visual amenities. The proposal accords with the requirements of the more up to date Policy DP26 of the District Plan, and also with the requirements of Policy H9 of the Haywards Heath Neighbourhood Plan and the relevant principles of the Design Guide.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey