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## Appeal Decision

Site visit made on 20 July 2022

**by Elizabeth Lawrence BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17th August 2022**

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**Appeal Ref: APP/D3830/D/22/3294366**

**46 Lucastes Avenue, Haywards Heath, RH16 1JY.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs M and B Pawson against the decision of Mid Sussex District Council.
  - The application Ref DM/21/4043, dated 22 November 2021, was refused by notice dated 18 February 2021.
  - The development proposed is described as a two storey rear extension and alterations to single storey extension roof (Re-submission of DM/21/2352).
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension and alterations to single storey extension roof at 46 Lucastes Avenue, Haywards Heath, RH16 1JY in accordance with the terms of the application, Ref; DM/21/4043, dated 22 November 2021, and the plans submitted with it, subject to the following conditions.
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan submitted 22.11.2021, block plan submitted 22.11.2021 and proposed and existing plan submitted 24.11.2021.
  - 3) The external materials to be used in the construction of the two storey rear extension hereby permitted shall match those of the host dwelling.

### Preliminary matter

2. In the description for the proposed development, it states that it is a resubmission of a previous application. Whilst this refers to the application background it is not relevant to the description of the proposed scheme. Accordingly, in this decision the reference to the previous application is omitted.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling, the locality and the Lucastes Conservation Area (LCA).

## Reasons

4. The LCA is irregular in shape and primarily includes dwellings fronting onto Lucastes Avenue and Lucastes Road. Both roads are characterised by a diverse range of family sized dwellings which occupy generous sized plots and which predominantly date from the 1950's. Most of the dwellings are set back from the highway behind good sized front gardens that are enclosed by mature hedges and trees. There are just two listed buildings in the LCA, which are located adjacent to the junction of the two roads and comprise a late 16<sup>th</sup> century timber framed dwelling and adjacent barn. These buildings and features, together with the trees and verges within the highway, mature landscaped gardens and sloping topography contribute to the informal, spacious and sylvan character and appearance of the LCA and its significance.
5. The appeal dwelling is located at the northern end of the LCA and comprises a chalet bungalow with a pitched barn hipped roof. It has a two storey extension to the rear, which stretches across most of the rear elevation of the original dwelling. This extension has a shallow crown roof, its eaves line sits at a materially higher level to those of the original dwelling and it projects beyond the southerly facing roof-slope of the original dwelling. Overall, this extension pays little regard to the character and appearance of the original dwelling and has resulted in the character and appearance of the front and rear elevations being completely different.
6. The dwelling also has a single storey side and rear extension with broken building lines to the side and rear and a shallow pitched crown roof. This roof has a low parapet at the sides and front of the extension, but to the rear the roof is lower and the flat roof is apparent. This extension sits in an elevated position and dominates the rear elevation of the dwelling. This together with its fragmented design results in the rear elevation of the dwelling appearing cluttered and disjointed.
7. Within the rear garden the northern end of the original dwelling projects beyond the rear two storey extension, although it is largely screened from the rear garden environment. This is due to the proximity of the two storey rear extension, tall boundary planting and the mature planting within the rear garden. From the street scene the roof and upper flank wall of the two storey extension and the roof of the single storey extension are visible over and between the boundary hedge with 44 Lucastes Avenue and a number of garden trees. The roof junction between the original dwelling and the two storey extension is awkward and has a negative impact on the original dwelling. Notwithstanding this, the front of the dwelling has retained its original character and appearance and makes a small contribution to the character and appearance of the LCA.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Policy DP35 of the Mid Sussex District Plan 2014-2031 (DP) and policy E9 of the Haywards Heath Neighbourhood Plan 2016 (NP) seek to protect the character and appearance of conservation areas.
9. Section 16 of the National Planning Policy Framework 2021(Framework), states that when considering the impact of a development on the significance of a

designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

10. Collectively and amongst other things policy DP26 of the DP and policies E9 and H9 of the NP, seek to ensure that new development protects and reinforces local character. The scale, height and form of extensions should fit unobtrusively with the existing building and the character of the street scene. Section 12 of the Framework seeks to ensure that new development is of high-quality design, reflects the distinctive character of the area and addresses the character and scale of the surrounding buildings and landscape.
11. The proposed two storey rear extension would be set in from the southerly facing side elevation of the host dwelling by at least 3.5 metres and is designed to match the appearance of the existing rear two storey elevation of the host dwelling. The false pitched roof around the existing single storey extension would be removed and the flat roof would sit above a slate grey eaves line detail. The resultant rear elevation would be visually less fragmented and cluttered and would reflect, respect and enhance the existing rear elevation of the dwelling. At the same time the extension would be sited away from neighbouring properties and screened from them by a combination of mature planting and the sloping topography within the rear garden environment. As a result of these factors the proposal would respect and be readily assimilated into the rear garden environment.
12. From the street scene the proposed two storey rear extension would be barely visible. Any glimpses would be restricted to the outer edge of the proposed extension from a very small section of Lucastes Avenue to the south of the appeal site. In such views the upper part of the outer end of the proposed two storey extension would be glimpsed above the roof of the dwelling at No.44, beyond the end of the existing two storey extension and against a backcloth of trees and hedges. In view of this and having regard to the distances involved any glimpses of the proposed extension would be insignificant and would not impact on the character and appearance of the original dwelling, or the street scene.
13. The removal of the false pitched roof around the single storey side extension would simplify the appearance of that extension. Due to the extension's recessed and enclosed position and modest height, this roof change would similarly be insignificant and would not impact on the character and appearance of the host dwelling or the street scene.
14. For these reasons, I find that the proposal would respect the character and appearance of the existing dwelling, the rear garden environment and the street scene. It would preserve the character and appearance of the LCA and would not result in any harm to its significance. As such there is no need to consider any public benefits that would result from the proposal.
15. I note that Principle DG49 of the Mid Sussex Design Guide -Supplementary Planning Document (SPD), advises that proposals should respond to the design of the original dwelling and normally allow the original dwelling to remain the dominant element of the dwelling. That extensions should be informed by local character and should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original

dwelling. However, it also identifies two approaches to designing extensions, including designing in the style of the existing building or adopting a contemporary style which takes its cues from key aspects of the existing building. Also that extensions may also benefit from coordinating with the existing pattern of fenestration and materials.

16. SPD Principle DG51 advises that there can be some flexibility with rear extensions, although consideration should be given to the character of the existing building. In addition, I find that the proposal complies with DP Policies DP26 & DP35, NP Policies E9 & H9 and Sections 12 and 16 of the Framework. For these reasons I find that the merits of the scheme outweigh the limited conflict with SPD Principle 49.
17. Finally, the council has suggested the imposition of conditions relating to adherence to the submitted drawings and the use of matching external materials. These conditions are necessary to ensure the development respects the host dwelling and in the interests of certainty.
18. I conclude on the main issue that the proposal would respect the character and appearance of the host dwelling and the surrounding area. It would preserve the character and appearance of the LCA and would not cause any harm to its significance. Accordingly, the proposal would comply with DP Policies DP26 & DP35, NP Policies E9 & H9, SPD Principles DG49 & DG51 and Sections 12 and 16 of the Framework.

*Elizabeth Lawrence*

INSPECTOR