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## Appeal Decision

Site visit made on 12 August 2024

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

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

**Decision date: 30 August 2024**

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**Appeal Ref: APP/D3830/D/24/3341982**

**13 Cuckfield Road, Hurstpierpoint, Hassocks BN6 9RP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Ms Isabelle Berry against the decision of Mid Sussex District Council.
  - The application Ref. is DM/23/3001.
  - The development proposed is the erection of a first floor rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor rear extension at 13 Cuckfield Road, Hurstpierpoint, Hassocks in accordance with the terms of the application, Ref. DM/23/3001, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 2896 01 & 2896 02;
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for the occupiers of No. 11 Cuckfield Road as regards outlook and light.

### Reasons

3. The appeal scheme is for the erection of a 3m depth first floor rear extension to create a new bedroom over the existing ground floor extension. The proposed addition would have the same eaves height, ridge height and asymmetric roof profile as the existing first floor rear projection.
4. The Council has no objection to the design, scale and appearance of the proposed extension in itself, but considers that the additional area of blank wall at first floor height would result in a significant loss of outlook and daylight to windows at the rear of No. 11, the adjoining dwelling to the south.
5. As regards light, the Council's objection is based on having applied the standard BRE daylight and sunlight tests to the proposed development. The officers report says that the proposed extension would fail the 45 degree test

for 'the ground floor perpendicular window' and the 25 degree test 'for the window facing the extension'. I have taken this to mean firstly the living room window in the main rear wall of No. 11 and secondly a kitchen window in the rearward extension.

6. The concern relates only to daylight and not sunlight, as the appeal dwelling lies to the north of No. 11. Indeed, I noted that at the time of my visit (mid-afternoon on a sunny day in August) that the above-mentioned two windows and the mainly paved area (used for access to the rear garden and bin storage) immediately outside them, were in the shadow cast by that building's large rear gable, half shared with No. 9.
7. As regards daylight, the appellant's further application of the BRE tests show that eight windows are already below the minimum recommended standard and just three would be adversely affected by the appeal proposal, and then only to a minor extent. I find this conclusion unsurprising as the appeal scheme would extend the appellant's extension's existing two-storey wall for an additional length of just 2.95m. The living room window and first floor bedroom window in the main rear elevation of No. 11 would not be affected at all, whilst none of the windows in the rear projection of No. 11 are to the principal habitable rooms of the house.
8. The effect on outlook is closely associated with the effect on daylight and No. 11 is already noticeably higher than No. 13 with a larger rear garden. And as I have mentioned above, the area immediately adjacent to the proposed building work is used mainly for access and storage; is in shadow for part of the day and the downstairs windows are not to habitable rooms with an important aspect over the garden. I additionally note that the occupier of No. 11 has not submitted an objection to the Council in respect of the application.
9. Overall, I conclude that although the modestly sized first floor rear extension at No. 13 would have some effect on the outlook and daylight for No. 11, this would not be significant. Accordingly, there would be no material conflict with Policy DP26 of the Mid Sussex Local Plan 2014-2031 adopted March 2018 or with Government policy in paragraph 135f) of the National Planning Policy Framework December 2023.

### **Other Matter**

10. The appeal property falls within the designated Hurstpierpoint Conservation Area. I agree with the Council that the proposal would have no adverse effect on its character and appearance.

### **Conclusion**

11. For the reasons explained I shall allow the appeal and grant planning permission. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition requiring matching external materials will safeguard the appearance of the building and maintain visual amenity.

*Martin Andrews*

INSPECTOR