

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3027	Case Officer:	Stefan Galyas
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Replacement of existing timber windows with uPVC replacement.		
Site:	Hunters Gate, Church Lane, Ardingly, Haywards Heath, West Sussex, RH17 6UR, ,		
Validation Date	11 Dec 2025	Overall Expiry Date:	5 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	2 Feb 2026
Target Date:	5 Feb 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	3 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3027

**Hunters Gate, Church Lane, Ardingly, Haywards Heath, West Sussex, RH17 6UR,
Replacement of existing timber windows with uPVC replacement.
Mr Topping**

REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

TOWN/ PARISH COUNCIL OBSERVATIONS

Parish Council: No response received.

RELEVANT PLANNING HISTORY

There is no recent history of planning applications relating to the site.

SITE AND SURROUNDINGS

The Certificate of Lawfulness relates to Hunters Gate, a detached two storey dwelling set to the western side of the highway. The existing dwelling is set back from the highway edge by an existing gravelled driveway as well as grassed front garden amenity space. There is an existing single storey flat roofed garage outbuilding positioned between the dwelling and the road. The property is also afforded garden amenity space to the rear of the property, whereby mature planting predominantly forms the sites boundary treatment. The existing dwelling is composed of white painted brickwork walls, a tiled roof and grey painted timber windows and doors.

APPLICATION DETAILS

The application would replace the existing timber windows with uPVC replacements. The new window units would utilise a graphite colour and would follow a casement design.

LEGAL FRAMEWORK

This application is to establish whether the proposed development would benefit from permitted development rights. This is a legal decision where the planning merits cannot be taken into account when considering this application.

The proposal will be tested against the relevant criteria of Part 1, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

Permitted Development

The proposed window replacements would be assessed under Class A which states:

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

- (i) forms the principal elevation of the original dwellinghouse; or
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

- (i) exceed 4 metres in height,
- (ii) have more than a single storey, or
- (iii) have a width greater than half the width of the original dwellinghouse;

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

(k) it would consist of or include—

- (i) the construction or provision of a verandah, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse or

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).'

Where development meets the above criteria, a number of conditions must also be adhered to in order to be considered permitted development:

'A.3 Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse'.

ASSESSMENT

The property's planning history has been checked and household permitted development rights are understood to be intact. The property is located within Article 2(3) land as the site lies within both the Ardingly (West) Conservation Area and the High Weald Area of Outstanding Natural Beauty (National Landscapes).

Although the proposed windows would differ in material from the existing timber to proposed uPVC, the test is whether the proposal would be 'similar in appearance' to the existing. As elaborated by the Planning Practice Guidance, the materials only need to offer a 'similar visual appearance' and do not necessarily need to be like for like materials.

The proposed window units would utilise a graphite colour and this is considered to be of a similar appearance to the existing grey coloured windows. As such, the proposed windows are considered to be of a similar overall appearance to the existing and would comply with A.3(a).

CONCLUSION

In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore a certificate can be issued.

Decision: Permission

Case Officer: Stefan Galyas