

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2451	Case Officer:	Tracie Axford
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed rear dormer extension and addition of two roof windows to facilitate a loft conversion to habitable space.		
Site:	125 Orchard Road, Burgess Hill, West Sussex, RH15 9PJ, , ,		
Validation Date	29 Sep 2025	Overall Expiry Date:	27 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 Nov 2025
Target Date:	24 Nov 2025	Recommending Officer Signature:	Tracie Axford

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Stephen Ashdown	Date:	21 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2451

**125 Orchard Road, Burgess Hill, West Sussex, RH15 9PJ, , ,
Proposed rear dormer extension and addition of two roof windows to facilitate a loft conversion to habitable space.
Mr And Mrs Perkins**

SUMMARY OF REPRESENTATIONS

One representation letter was received objecting to the proposals on grounds of impact on privacy, light and noise to the neighbouring dwelling, design concerns and building integrity.

SUMMARY OF CONSULTEES

None

PARISH COUNCIL OBSERVATIONS

Burgess Hill Town Council noted this was a legal decision for the Officers to make at MSDC.

INTRODUCTION

This application is seeking a Lawful Development Certificate for a proposed rear dormer extension and the addition of two roof windows consisting to facilitate a loft conversion.

SITE AND SURROUNDINGS

The site is designated as being within the Burgess Hill built up area. The existing dwelling is a semi-detached residential property which is characterised by bare brown brickwork walls, a tile-hung section to the front elevation, brown clay roof tiles and white uPVC window and door frames. There is a driveway to the south western side of the dwelling leading to a single garage. To the front of the dwelling is a front garden.

The surrounding area consists of residential properties that are characterised by similar external materials and are of a similar design to the application site.

APPLICATION DETAILS

This application is seeking a Lawful Development Certificate for a proposed roof conversion consisting of a flat roof rear facing dormer and rooflights to the front.

LEGAL FRAMEWORK

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

The proposals will be tested against the relevant criteria of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as follows: the rear-facing dormer will be tested against Part 1, Class B of Schedule 2.

Permitted Development

Part 1, Class B of Schedule 2:

Class B - additions etc to the roof of a dwellinghouse
Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
Development not permitted

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

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

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

(e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; F4...

(f) the dwellinghouse is on article 2(3) land

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

(c) any window inserted on 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.

Interpretation of Class B

B.3 For the purposes of Class B, "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii)—

(a) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement; and

(b) "rear or side extension" includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

Part 1, Class C of Schedule 2:

Class C - other alterations to the roof of a dwellinghouse Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

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

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof;
- (d) it would consist of or include—
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment; or
- (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) obscure-glazed; and
- (b) 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.

ASSESSMENT

The property's planning history has been checked and household permitted development rights are understood to be intact for the element proposed. The property is not subject to an Article 4 Direction or located on Article 2(3) land.

The representation letter received concerns itself primarily with the impact to neighbouring amenity and also mentions design. However, this application is to establish whether the proposals would benefit from permitted development rights and will be a legal decision and therefore planning merits cannot be taken into account when considering this application.

The proposed rear dormer measures 2.3 metres in height, has a depth of 3.9 metres and a length of 5.5 metres. Therefore the total increase in volume created by the extension of the dormer will be approximately 24.7 metres cubed, which is less than 50 metres cubed, thus complying with paragraph (d)(ii) of Part 1, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The materials proposed will match the existing external materials of the dwelling and the rooflights not protrude more than 0.15 metres beyond the plane of the roof slope, complying with Part 1, Class C of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

CONCLUSION

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

Decision: Permission

Case Officer: Tracie Axford