

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0120	Case Officer:	Peter Davies
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Erection of an L-shaped flat roof rear dormer and insertion of 2no. roof lights to front elevation.		
Site:	19 Western Road, Haywards Heath, West Sussex, RH16 3LR, , , ,		
Validation Date	15 Jan 2025	Overall Expiry Date:	7 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	28 Feb 2025
Target Date:	12 Mar 2025	Recommending Officer Signature:	Peter Davies

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

Signed and Agreed By:	Joanne Fisher	Date:	3 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0120

**19 Western Road, Haywards Heath, West Sussex, RH16 3LR, , ,
Erection of an L-shaped flat roof rear dormer and insertion of 2no. roof lights to front elevation.
Mr Michael Benwell**

TOWN COUNCIL OBSERVATIONS

As this is an application for a Lawful Development Certificate and is therefore a legal matter, the Town Council defers the decision to Mid Sussex District Council.

REPRESENTATIONS

None received.

INTRODUCTION

This application seeks a Lawful Development Certificate for a proposed L-shaped rear dormer and 2 no. rooflights to the front elevation.

SITE AND SURROUNDINGS

The application property is a semi-detached two storey dwelling located on the northwest side of Western Road, within the built-up area boundary of Haywards Heath.

The application property has a pitched roof and is constructed from brick with plain roof tiles and white fenestration. The dwelling is set back from the highway with off street parking. The locality is characterised by semi-detached two storey dwellings of matching form, scale and design.

APPLICATION DETAILS

The proposed L-shaped dormer joins the rear of the 'main roof' of the original dwelling to the roof of a rear 'outrigger' which is also original and sits at a lower level in comparison to the main roof.

The main roof element of the dormer measures some 2.35 metres in height, 2.85 metres in depth and 5.0 metres in width. The outrigger element measures some 3.1 metres in height, 3.15 metres in depth and 2.7 metres in width. In total, the proposed dormer measures approximately 39.80 cubic metres in volume. The external materials to be used in the dormer are to be similar in appearance to those used in the existing dwellinghouse, with tile hanging to match existing.

The proposal includes two roof lights to the front elevation roof slope of the main roof, each measuring some 0.9 metres by 0.75 metres.

LEGAL FRAMEWORK

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

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

Permitted Development

Class 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 G, M, MA, N, P, PA 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;
- (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.

Class 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, PA 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 located on Article 2(3) land or subject to an Article 4 Direction.

The proposed enlargement would be situated within the curtilage of the dwellinghouse and the location, dimensions, and volume (39.80 cubic metres) of the proposal complies with applicable criteria of Classes B and C. The exterior materials of the proposed works would be similar in appearance to the materials of the exterior of the existing dwellinghouse.

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 Part 1 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: Peter Davies