

## Delegated Decision

### Sign off Sheet

|                                              |                                                              |                                        |              |
|----------------------------------------------|--------------------------------------------------------------|----------------------------------------|--------------|
| <b>Ref. No:</b>                              | DM/26/1019                                                   | <b>Case Officer:</b>                   | Peter Davies |
| <b>Application Type:</b>                     | Lawful Development Certificate -Proposed                     |                                        |              |
| <b>Proposal:</b>                             | Proposed loft conversion and rear extension                  |                                        |              |
| <b>Site:</b>                                 | 97 Leylands Road, Burgess Hill, West Sussex, RH15 8AA, , , , |                                        |              |
| <b>Validation Date</b>                       | 23 Apr 2026                                                  | <b>Overall Expiry Date:</b>            | 21 May 2026  |
| <b>Pre-Commencement Conditions Required:</b> |                                                              | <b>Pre-Com Conditions Date Agreed:</b> |              |
| <b>Recommendation:</b>                       | Permission                                                   | <b>Recommendation Date:</b>            | 18 Jun 2026  |
| <b>Target Date:</b>                          | 18 Jun 2026                                                  | <b>Recommending Officer Signature:</b> | Peter Davies |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |             |              |             |
|------------------------------|-------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Steven King | <b>Date:</b> | 18 Jun 2026 |
| <b>Comments:</b>             |             |              |             |

## MID SUSSEX DISTRICT COUNCIL

**DM/26/1019**

**97 Leylands Road, Burgess Hill, West Sussex, RH15 8AA, , ,  
Proposed loft conversion and rear extension  
Mr Scott Cairncross**

### **TOWN COUNCIL OBSERVATIONS**

The Committee of the 11th May noted that this was a legal decision to be made by the Mid Sussex Planning Officers.

### **SUMMARY OF CONSULTEES**

#### Southern Water

The development site is not within Southern Waters statutory area for water supply services. Please contact South East Water who are the relevant statutory undertaker.

The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

Southern Water has determined that the flow rate for the above site will remain consistent, so capacity is not an issue.

Please note surface water should not be disposed of into a public foul sewer and must comply with the Hierarchy of H3 of the Building Regulations. For more details, refer to the Drainage and Waste Disposal: Approved Document H on the GOV.UK website

### **REPRESENTATIONS**

None received.

### **INTRODUCTION**

This application seeks a Lawful Development Certificate for a loft conversion with 2 no. side dormers and single storey rear extension.

### **PLANNING HISTORY**

None relevant.

### **SITE AND SURROUNDINGS**

The application property is a detached bungalow located on the south side of Leylands Road, within the built-up area boundary of Burgess Hill.

The application property has a hipped roof and is constructed from cream render with clay roof tiles and white uPVC fenestration. The dwelling is set back from the highway with off street parking to the front and mature hedging along the front boundary with the highway. The locality is characterised by dwellings of varying scale form and design with a large Lidl supermarket to the north of the site.

## APPLICATION DETAILS

The single storey extension is to be located on the rear (south) elevation. The extension will have a width and depth of approximately 7.95 metres and a depth of 4.0 metres. The extension will have a crown roof with an eaves height of 2.90 metres and an overall height of 3.69 metres. The extension will be render to match the existing dwelling and roof tiles similar in appearance to the existing.

The proposed dormers are to be located on the east and west side elevations of the dwelling. The dormer on the east side will have a width and depth of approximately 4.82 metres and 3.03 metres. The dormer will have a flat roof with a height of 2.529 metres. The dormer will have a window that is obscure glazed and openable at 1.7 metres above the finished floor level.

The proposed dormer on west side will have a width and depth of 7.92 metres and 3.03 metres. The dormer will have a flat roof with a height of 2.529 metres. The dormer will have a 3 no. windows which are to be obscure glazed and non-opening except for parts above 1.7 metres from the finished floor level.

The proposed dormers are to be constructed from hanging tile to match the existing dwelling.

One no. Velux rooflight is proposed on the east side elevation and will protrude approximately 0.10 metre.

The existing window to front at first floor level is to be enlarged and a new window is to be installed on the rear elevation at first floor level.

## LEGAL FRAMEWORK

This application is to establish whether the existing 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 existing enlargements and alterations will be tested against the relevant criteria of Part 1 Classes A, B and C Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

*Class A - enlargement, improvement or other alteration of a dwellinghouse*

### Permitted Development

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 M, 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 the 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 subparagraphs (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).

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) 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 subparagraphs (b) and (c).

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 dwelling, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

*Class B - additions etc to the roof of a dwellinghouse*

## **Permitted Development**

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;
  - (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 - 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, 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 enlargements and alterations would be situated within the curtilage of the dwellinghouse and the location, dimensions, and volume (48.90 cubic metres) of the proposal complies with applicable criteria of Classes A, 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.

## **Other Matters**

Southern Water have provided comments on the proposal raising no objection with the proposal falling outside of Southern Waters Statutory area for water supply and state surface water should not be disposed of into a public foul sewer and that any new connection would require a new sewer connection application to be submitted and approved by Southern Water.

## **CONCLUSION**

In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Classes A, 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