

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0529	Case Officer:	Stefan Galyas
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed hip-to-gable roof conversion, construction of dormer window to the rear roof pitch, and installation of 3no. of roof lights. Erection of a larger rear extension with maximum width to match the width of original house, max 6m deep and max 3m high. Erection of entrance canopy (porch) to the entrance doors located on the existing house side elevation.		
Site:	8 Meadow Lane, Burgess Hill, West Sussex, RH15 9JA, , ,		
Validation Date	28 Feb 2025	Overall Expiry Date:	27 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Apr 2025
Target Date:	25 Apr 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	23 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0529

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Mr Pawel Radosz

REPRESENTATIONS

None received

TOWN/ PARISH COUNCIL OBSERVATIONS

Town Council: The committee noted the application

RELEVANT PLANNING HISTORY

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

SITE AND SURROUNDINGS

The Certificate of Lawfulness relates to 8 Meadow Lane which forms one part of a pair of semi-detached bungalows. The existing dwelling features a hipped roof pitch and has previously been extended at loft level through a rear box dormer and the property is set to the western side of the highway. The existing dwelling is constructed of light brick exterior walls, a concrete tiled roof and dark coloured windows to the east and uPVC windows to the west.

APPLICATION DETAILS

The application would extend the existing dormer and the resultant dormer would measure at approximately 3.3m deep, 7.4m in length and 2.4m high. The proposal would feature tile hanging to the exterior walls and two window openings with Juliet style balconies.

A new flat roof single storey rear extension would be developed which would measure at approximately 6m in length, 7.8m wide and 2.7m high. The proposal would be constructed of light exterior brick walls and utilise a flat roof.

There would also be a porch constructed as part of the development proposal which would measure at around 2.5m in length, 1.2m wide and measure at 3m high.

Finally, the existing side (southern) hipped roof pitch would be converted into a gable end. Three rooflights would also be installed to the principal roof pitch.

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 A, B, C and D of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

Permitted Development

The proposed single storey rear extension 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

The proposed hip to gable and rear dormer would be assessed under Class B as outlined below:

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).

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.

With regards to the proposed rooflights to the principal elevation, this element of the proposal would be assessed against Class C which is outlined as follows:

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).

The proposed porch area would be assessed under Class D which requires the following criteria to be met:

D. The erection or construction of a porch outside any external door of a dwellinghouse.

Development is not permitted by Class D 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 ground area (measured externally) of the structure would exceed 3 square metres;
- (c) any part of the structure would be more than 3 metres above ground level; or
- (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.
- (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

ASSESSMENT

The property's planning history has been checked and household permitted development rights are understood to be intact. The property is not located on Article 2(3) land.

The proposed rear extension would ensure that at least 50% of the properties curtilage would remain and therefore comply with A.1(b). The proposed eaves height would not exceed that of the existing property when measured from the outer wall to the upper part of the eaves and would therefore comply with A.1(d). The proposal would project by circa 2.5m in length and would comply with A.1(f, i). The proposal would be within 2m of the shared boundary to the north with No.6 but would not exceed 3m in height and therefore comply with A.1(i).

The proposed rear dormer and hip to gable alteration would not exceed the existing ridge height and would therefore comply with B.1(b). The proposed dormer would have a resultant volume of circa 30m³ and the hip to gable would result in a further 19m³ being gained. This would fall below the 50m³ requirement and would therefore comply with B.1(d, ii). The proposed Juliet style balconies would not have a platform nor external access and the proposal is therefore considered to comply with B.1(e, i). The proposed dormer would also have a setback in excess of 0.2m from the eaves and would therefore comply with B.2(b, i bb)

With regard to the principal roof pitch, the proposed roof lights are shown not to protrude any more than 0.15m beyond the plane of the roof slope and would therefore comply with C.1(a).

A new porch area would be constructed to the southern elevation which would measure at circa 3m² and would therefore comply with D.1(b). The proposed porch would measure at approximately 3m in height and would comply with the provisions of D.1(c). There would be a greater set back from the highway than 2m and the proposal would comply with D.1(d).

CONCLUSION

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

