

Delegated Decision
Sign off Sheet

Ref. No:	DM/25/1310	Case Officer:	Stefan Galyas
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Loft conversion including erection of rear box dormer.		
Site:	40 Wickham Way, Haywards Heath, West Sussex, RH16 1UQ, , , ,		
Validation Date	20 May 2025	Overall Expiry Date:	11 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 Jul 2025
Target Date:	15 Jul 2025	Recommending Officer Signature:	Stefan Galyas

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

Signed and Agreed By:	Joanne Fisher	Date:	11 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1310

40 Wickham Way, Haywards Heath, West Sussex, RH16 1UQ, , ,
Loft conversion including erection of rear box dormer.
Mr J And Mrs S Mumford

REPRESENTATIONS

None received

TOWN/ PARISH COUNCIL OBSERVATIONS

Town Council: 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.

RELEVANT PLANNING HISTORY

CU/132/84 - Provision of cloakroom and porch at rear. Permission 09.05.1984.

HH/119/94 - Demolition of existing timber building and covered way at rear and erection of new permanent utility room. Permission 02.09.1994.

DM/24/2640 - Proposed new single storey rear extension, following part demolition of existing. Part conversion of garage and amendments to fenestration (Amended plans received 22.11.24).

DM/25/0882 - Proposed loft conversion including erection of rear box dormer. Withdrawn 20.05.25.

SITE AND SURROUNDINGS

The proposed certificate of lawfulness relates to number 40 Wickham Way, a two-storey detached dwelling set to the western side of the highway and features a hipped roof. The existing dwelling has previously been extended to the rear through the addition of a single storey conservatory, a single ply flat roof membrane single storey projection and a two-storey pitched roof extension. The property is provided access through a tarmacked driveway which leads off from the highway and is set back from the roadside by front garden amenity space. Ample garden amenity space is also contained to the rear of the property which is set within a linear plot form. The sites rear boundary is abutted by the railway line which skirts the boundary from south to the north. The existing dwelling is composed of facing brickwork walls and vertical tile hanging to the front and side elevations, plain roof tiles to the main dwelling, a felt flat roof to the rear projection, a polycarbonate conservatory, casement windows, uPVC double glazed units to the rear and single glazed aluminium casements with timber sub-frames to the front and blackwater uPVC rainwater goods.

There are a number of large spacious dwellings set within generous plot sizes within the site's locality. Properties are primarily brick built and have been extended and altered in various forms to their rear elevations.

With regard to policy constraints, the site is located within the built-up area boundary for Haywards Heath and Lindfield.

APPLICATION DETAILS

The application would develop a rear elevation box dormer in order to facilitate a loft conversion and add a new rooflight to the principal elevation.

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

Permitted Development

The proposed 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 rooflight 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).

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 existing property has previously been extended through a two-storey side extension which contributes towards the calculation in the overall resultant roof volume when taken from the original dwellinghouse. Calculations show that this addition contributed an additional 20.01m³ towards the resultant volume. As such the proposed dormer which would measure at 19.6m³ and would ensure that criterion B.1(d, ii). The proposal would include a Juliet balcony which would not include a raised platform and therefore comply with B.1 (e, i).

It is considered that the proposed plain vertical tile hanging and uPVC casement windows would be of a similar appearance to the existing dwelling and would therefore accord with B.2(a). The proposed dormer would be set in excess of 0.2m from the existing eaves and would comply with B.2(b, i, bb).

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

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 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