

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1950	Case Officer:	Anna Tidey
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Construction of a new rear extension and insertion of new window to side elevation.		
Site:	7 Eastern Road, Haywards Heath, West Sussex, RH16 3NG, , ,		
Validation Date	14 Aug 2025	Overall Expiry Date:	5 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Oct 2025
Target Date:	9 Oct 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	14 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1950

**7 Eastern Road, Haywards Heath, West Sussex, RH16 3NG, , ,
Construction of a new rear extension and insertion of new window to side elevation.
Mr And Mrs Konig**

CONSULTATIONS

Haywards Heath Town Council: No comment.

Southern Water: No objections.

SUMMARY OF REPRESENTATIONS

None received.

INTRODUCTION

This application seeks a Lawful Development Certificate for a single storey rear extension and the insertion of a new window in the side elevation at No 7 Eastern Road in Haywards Heath.

RELEVANT PLANNING HISTORY

None found.

SITE AND SURROUNDINGS

No 7 Eastern Road is a semi detached house located on the western side of an established residential road in the built up area of Haywards Heath.

The house is constructed in brick with a pebble dash finish at first floor, with a mix of aluminium and white UPVC windows and concrete roof tiles.

The property benefits from a small former outbuilding, which extends up to the mutual boundary with No 5 at the rear, and a small flat roofed porch addition. These will be removed to allow for the construction of the proposed rear extension over the rear paved patio.

A side pathway, which runs parallel to a similar pathway at the detached neighbouring house at No 9 Eastern Road, provides access to the rear of the house. The two paths are separated by a low wooden boundary fence.

APPLICATION DETAILS

The submitted plans show the addition of a 3m deep by 5.8m wide rear single storey extension, with the eaves at a height of 2.5m and a maximum roof height of 3.5m. This is shown to be constructed to within 0.1m of the mutual boundary with the attached house at No 5.

The extension is shown to be constructed in matching brickwork with a shallow lean to style roof finished in profiled concrete tiles. These materials will match those of the original house. Three roof lights are proposed within the roofline of the addition.

A 0.6m wide top vent style window is proposed in the north facing side elevation of the extension and a similar window is proposed in the existing side wall of the house. A 3.8m wide set of glazed sliding doors, will light the proposed open plan kitchen/dining space. The removal of the rear wall of the house

will create a new open plan space within the addition and in place of the existing kitchen/dining space at the rear of the house.

The submitted plans also show the reconfiguration of the ground floor layout to allow the installation of a new ground floor toilet within a current store cupboard below the stairs.

Associated with the new addition, as indicated on the submitted plans would be the construction of a 1.8m deep by 5.2m wide paved patio.

During the course of determining the application the applicant's agent has been asked to clarify the means of construction of the addition where it abuts the neighbours rear extension at No 5. It has been confirmed that: 'The intention is to remove the existing extension structure, whilst retaining the existing ridge tile which sits on top of the boundary wall. The drawings show a 50mm gap between the proposed extension wall and the shared boundary wall. The walls will thus be structurally independent. As you note, the applicants will need to comply with the Party Wall Act and this process will determine what water proofing measures will be needed to protect the boundary wall.' This correspondence is available to view on the planning file.

LIST OF POLICIES

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

Permitted Development

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).

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 sub-paragraphs (b) and (c).

Conditions

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.

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 and new window addition would be situated within the curtilage of the dwellinghouse and the exterior materials of the proposed addition will match those of the existing dwellinghouse. The location and dimensions of the proposed rear extension complies with applicable criteria of Class A.

The proposed rear extension and new window addition would comply with the applicable permitted development criteria as set out within Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

On this basis it is recommended that the Lawful Development Certificate is issued.

Decision: Permission

Case Officer: Anna Tidey