

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0468	Case Officer:	Deborah Lynn
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed hip to gable and rear dormer and internal alterations		
Site:	235 Chanctonbury Road, Burgess Hill, West Sussex, RH15 9HG, , , ,		
Validation Date	20 Feb 2026	Overall Expiry Date:	19 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	26 May 2026
Target Date:	17 Apr 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	26 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0468

**235 Chanctonbury Road, Burgess Hill, West Sussex, RH15 9HG, , ,
Proposed hip to gable and rear dormer and internal alterations
Dan Robins**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Not applicable.

BURGESS HILL TOWN COUNCIL OBSERVATIONS

The Committee of the 9th March noted that this was a legal decision to be made by the Mid Sussex Planning Officers.

INTRODUCTION

This application seeks to formally establish whether the proposed development, consisting of a proposed hip to gable and rear dormer and internal alterations would constitute permitted development.

RELEVANT PLANNING HISTORY

D.53.134 - 3-4 bed detached and semi-detached houses. Permission granted 16.10.1953.

D53.137 - Estate road system. Permission granted 16.10.1953.

D54.144 - Detached and semi-detached houses. Permission granted 17.01.1955.

D56.368 - Garage. Permission granted 01.12.1956.

D59.423 - Garage. Permission granted 12.03.1960.

BH/110/82 - Rear entrance porch. Permission granted 26.07.1982.

SITE AND SURROUNDINGS

No. 235 Chanctonbury Road is a semi-detached 1950s bungalow located on the corner of Chanctonbury Road and Nightingale Lane in Burgess Hill. The property remains in its original state, with the exception of a rear entrance porch that has been erected on the western side of the bungalow.

APPLICATION DETAILS

Plans show that a hip to gable roof extension is proposed to the western roof slope of the bungalow. To the rear, a large box-like dormer window is proposed; this is shown to measure 7.9 metres wide by 2.42 metres high and 3.06 metres deep. Two no. windows and a set of glazed doors with Juliet style balcony are proposed to the rear wall of the dormer. External materials are shown to match the existing dwelling.

To the front (northern) roof slope, 3 no. roof lights are proposed.

The additions will allow 2 no. bedrooms and an ensuite bathroom to be installed within the loft space.

LEGAL FRAMEWORK

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

The proposal falls to 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:

PART 1

Development within the curtilage of a dwellinghouse

Permitted development

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 - 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; or
- (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

Calculations provided with the application indicate that the proposed roof extensions would total 47.3 cubic metres, thereby falling within the permitted allowance of 50 cubic metres for a semi-detached property.

Whilst the proposed extensions would appear to comply with relevant permitted development criteria as noted above, a restrictive planning condition can be found in the planning records of the property.

Application D/54/144 was granted planning permission in 1955 for detached and semi-detached houses. Condition (6) of that planning permission states that:

'The provisions of Article 3(1) of the Town and Country Planning General Development Order 1950, and of the First Schedule thereto shall not apply to the land the subject of this approval, except in regard to works of maintenance and development permission must be obtained before the carrying out of any development not hereby specifically approved and which would result in a building structure or works visible from any road (or paths) used by the public.'

As the proposed hip to gable roof addition and dormer window would be visible from both Chanctonbury Road and Nightingale Lane and the footpath / pavement that runs adjacent to the road, it is considered that the proposed development would require planning permission as set out by the above planning condition. Consequently, the proposed works are not considered to benefit from permitted development rights.

PLANNING BALANCE AND CONCLUSION

By reason of a restrictive planning condition imposed under planning permission D/54/144, the proposed development is not found to constitute permitted development as the development would be visible from adjoining roads and paths used by the public.

Decision: Refusal

Case Officer: Deborah Lynn

