

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0138	Case Officer:	Peter Davies
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Removal of existing conservatory and erection of a single storey rear extension		
Site:	49 Queens Road, Haywards Heath, West Sussex, RH16 1EG, , , ,		
Validation Date	21 Jan 2026	Overall Expiry Date:	17 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	4 Mar 2026
Target Date:	18 Mar 2026	Recommending Officer Signature:	<i>Peter Davies</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	5 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0138

**49 Queens Road, Haywards Heath, West Sussex, RH16 1EG, , ,
Removal of existing conservatory and erection of a single storey rear extension
Mr And Mrs Bryant**

REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Southern Water

Southern Water has that a Build Over application is to be submitted to Southern Water for approval.

Surface water should not involve disposal to a public foul sewer and should be inline with the hierarchy of H3 of Building regulations.

Any new connections to the public sewerage system will require a New Sewer Connection application to be submitted and approved by Southern Water.

TOWN COUNCIL OBSERVATIONS

As this is an application for a Lawful Development Certificate and is, therefore, a legal matter, the Town Council defers this decision to Mid Sussex District Council.

INTRODUCTION

This application seeks a lawful development certificate for the removal of existing conservatory and construction of a single storey rear extension.

PLANNING HISTORY

DM/25/3240 - Proposed single storey rear extension extending beyond the wall of the original house by 4m, to a maximum height of 3.7m and 2.4m at the eaves. Prior Approval Is Not Required.

SITE AND SURROUNDINGS

The application site is a semi detached two storey dwelling located on the north side of Queens Road, within the built-up area boundary of Haywards Heath.

The application property has a pitched roof with a large box dormer on the side. The dwelling is constructed from brick with plain roof tiles, with white fenestration. the dwelling is set back from the highway with off street parking to the front. the locality is characterised by semi-detached brick dwellings of varying scale and design.

APPLICATION DETAILS

The existing conservatory is to be removed, and a proposed single storey rear (north side) extension constructed in its place. The extension will have a width and depth of 4.0 metres. The extension will have a pitched roof with an eaves height of 2.35 metres and an overall height of 3.65 metres. The extension will have bi fold doors on the north end and a rooflight on each side of the pithed roof.

The materials used will be similar in appearance to the existing dwelling.

Prior Approval was not required in previous application DM/25/3240 for a larger home extension.

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 Class A 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.

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 subject to an Article 4 Direction or located on Article 2(3) land.

The proposed enlargement would be situated within the curtilage of the dwellinghouse and the location and dimensions of the proposal complies with applicable criteria of Class A. The exterior materials of the proposed enlargement 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 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. A Build Over Application is also required to be submitted to Southern Water for Approval. A suitable informative can be added.

CONCLUSION

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

