

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1832	Case Officer:	Catherine Cardin
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Single storey rear extension.		
Site:	16 Yarrow Gate, Lindfield, Haywards Heath, West Sussex, RH16 2GB, , ,		
Validation Date	16 Jul 2025	Overall Expiry Date:	11 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Sep 2025
Target Date:	10 Sep 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Steven King</i>	Date:	4 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1832

**16 Yarrow Gate, Lindfield, Haywards Heath, West Sussex, RH16 2GB, ,
Single storey rear extension.
Mr And Mrs Carolyn Richards**

REPRESENTATIONS

One letter of objection was received. This raised concerns regarding:

- Overshadowing and loss of light to no. 18 Yarrogate
- Overbearing impact to no.18 Yarrowgate
- Parking
- Clauses within the Heathwood Park development TP1.

These concerns are noted. However, as this is an application for a Lawful Development Certificate, the planning merits of the proposal cannot be taken into consideration. Matters raised regarding the clauses within the Heathwood Park development TP1 are a civil matter and therefore fall outside the planning remit.

PARISH COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

This is an application for a Lawful Development Certificate to construct a single storey rear extension.

RECENT PLANNING HISTORY

DM/15/0139- Erection of 148 no. 2, 2.5 and 3 storey 1, 2, 3, 4 and 5 bedroom dwellings, garages and ancillary buildings with associated works. Amended design of 'Phase 2' of the development approved under application reference 12/04316/FUL. Permission.

SITE AND SURROUNDINGS

16 Yarrow Gate is a three-storey terraced property. It is constructed of red brick, with white upvc windows and a plain tile roof. The property has white rendered walls and a gabled roof.

The application property lies within the built-up area boundary of Lindfield. Neighbouring properties lie to the east, west and south. Highway lies to the north.

APPLICATION DETAILS

The proposal seeks to construct a single storey rear extension. This would measure some 6.1 metres in width and some 3 metres in depth. This would have a flat roof, with a maximum height of some 2.9 metres. This would have one set of French doors on the rear (northern) elevation. This would be finished in external materials to match the existing. It is proposed to use this as a kitchen/diner.

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:

PART 1

Development within the curtilage of a dwellinghouse

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 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 subparagraphs (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 for the proposed development. The property is not 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 the 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.

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 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: Catherine Cardin