

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1285	Case Officer:	Tracie Axford
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed rear-facing dormer and solar panels to rear, front-facing velux window.		
Site:	Holtye View, 252 Holtye Road, East Grinstead, West Sussex, RH19 3EY, , ,		
Validation Date	16 May 2025	Overall Expiry Date:	11 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	9 Jul 2025
Target Date:	11 Jul 2025	Recommending Officer Signature:	Tracie Axford

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	10 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1285

**Holtye View, 252 Holtye Road, East Grinstead, West Sussex, RH19 3EY, ,
Proposed rear-facing dormer and solar panels to rear, front-facing velux window.
Mrs Jenny Barden**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

None

PARISH COUNCIL OBSERVATIONS

East Grinstead Town Council made no comment.

INTRODUCTION

This application is seeking a Lawful Development Certificate for a rear-facing dormer, solar panels to the rear and a front-facing velux window.

SITE AND SURROUNDINGS

The application property is a detached four-bedroomed dwelling located at the eastern end of Holtye Road, situated on the northern edge of East Grinstead. The site falls within the built-up area of East Grinstead.

To the north of the site is the sloped driveway to the highway, to the south of the site is the rear garden with hedging to neighbours, to the east of the site is the set back No.254 Holtye Road and to the west of the site is the set forward No.250 Holtye Road.

APPLICATION DETAILS

The applicant is seeking a Lawful Development Certificate for the rear-facing dormer, solar panels to the rear and a front-facing velux window. It is proposed that the materials will match the existing dwelling.

LEGAL FRAMEWORK

This application is to establish whether the proposals would benefit from permitted development rights and will be a legal decision; planning merits cannot be taken into account when considering this application.

The proposals will be tested against the relevant criteria of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as follows: the rear-facing dormer will be tested against Part 1, Class B of Schedule 2, the front facing velux will be tested against Part 1, Class C of Schedule 2 and the solar panels will be tested against Part 14, Class A of Schedule 2.

Permitted Development

Part 1, Class B of Schedule 2:

Class B - additions etc to the roof 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 M, N, P 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; F4...
- (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.

Part 1, Class C of Schedule 2:

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 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).

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.

Part 14, Class A of Schedule 2:

Class A - installation or alteration etc of solar equipment on domestic premises

Permitted development

A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—

- (a) a dwellinghouse or a block of flats; or
- (b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or, in the case of a pitched roof, the roof slope when measured from the perpendicular with the external surface of the wall or pitched roof slope;
- (b) in the case of solar PV or solar thermal equipment on a pitched roof, it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);
- (ba) in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney);
- (c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;
- (d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- (e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

- (a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area;
- (ba) in the case of solar PV or solar thermal equipment installed on a flat roof located on article 2(3) land, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to the impact of the appearance of the solar PV or solar thermal equipment on that land;
- (bb) in relation to an application under sub-paragraph (ba), paragraphs J.4(3) to J.4(12) of this Part apply as if "Class A" substitutes the reference to "Class J" in paragraph J.4(4); and
- (c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

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.

Rear-dormer: The proposed rear-dormer is proposed to measure 3.7m wide with a depth of 2.1m depth. It will have a height of 1.9m and a flat roof. This will result in overall increase in volume of 7.4 metres cubed. A previous roof extension (ref: GR/313/85) resulted in a roof volume increase of approximately 24 metres cubed. Therefore the total increase in volume of the previous roof extension plus the increase in volume created by the addition of the dormer will be less than 50 metres cubed, thus complying with paragraph (d)(ii) of Part 1, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The materials proposed will match the existing external materials of the dwelling.

Front-facing velux window: It is proposed that a velux window will be added to the roof on the front elevation of the dwelling, measuring 2.45 metres high and 2 metres wide. The window frame will be graphite grey matching the existing fenestration of the dwelling and will project no further than 150mm from the existing roof. It is therefore considered to meet the criteria set out in Part 1, Class C of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Solar Panels: It is proposed that 9 No. Solar panels will be fixed to the roof on the rear elevation of the property and will not project beyond 20cm of the roof plane. This proposal therefore conforms with the criteria set out in Part 14, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

CONCLUSION

In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Class B and C of Part 1, and Class A of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore a certificate of Lawful Development can be issued.

Decision: Permission

Case Officer: Tracie Axford