

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/2117	Case Officer:	Catherine Cardin
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed loft conversion with gable-end and rear dormer		
Site:	5 The Holt, Haywards Heath, West Sussex, RH16 4XR, , , ,		
Validation Date	27 Aug 2026	Overall Expiry Date:	22 Sep 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	1 Oct 2026
Target Date:	22 Oct 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	3
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Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	2 Oct 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/2117

**5 The Holt, Haywards Heath, West Sussex, RH16 4XR, , ,
Proposed loft conversion with gable-end and rear dormer
Mark McMillen**

TOWN COUNCIL OBSERVATIONS

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

REPRESENTATIONS

Three letters of representation were received. These raised concerns regarding:

- Increased parking demand.
- Commercial vehicle parking.
- Loss of privacy and overlooking to neighbouring properties.
- Whether permitted development rights remain available having regard to previous planning permissions and conditions.
- Whether the proposed roof enlargement complies with the Class B volume limitations.
- Whether the required 200mm eaves setback has been adequately demonstrated.
- Whether the proposed rear doors would constitute a balcony, veranda or raised platform.
- Whether the rooflights comply with the requirements of the GPDO.
- Whether the proposal complies with all relevant limitations and conditions of Schedule 2, Part 1 of the GPDO.
- Whether the Council can be satisfied that the proposal is lawful before issuing a Certificate of Lawful Development.

INTRODUCTION

This is an application for a Lawful Development Certificate to establish whether the proposed development, of a proposed loft conversion with gable-end and rear dormer would constitute permitted development.

RECENT PLANNING HISTORY

DM/16/1312- Outline Application for residential development comprising 134 dwellings with associated garaging, car parking, open space, landscaping and access roads (phase 2 to permission ref:12/00535/OUT for phase 1). Permission.

DM/16/2180- Reserved Matters application for the approval of the appearance, landscaping, layout and scale of the proposed development of 134 dwellings and associated works on the land at Rocky Lane following outline application DM/16/1312. Permission.

DM/18/3472- Reserved Matters Application for the approval of the appearance and landscaping, relating to Outline Planning Application DM/16/1312. Permission.

DM/25/1996 - Proposed front ground floor extension to extend the existing garage. Side first floor extension over the existing garage and utility room. Hip-to-gable loft conversion with dormers, with juliette balconies to the front elevation. Refused.

AP/26/0015- Proposed front ground floor extension to extend the existing garage. Side first floor extension over the existing garage and utility room. Hip-to-gable loft conversion with dormers, with Juliette balconies to the front elevation. Dismissed.

SITE AND SURROUNDINGS

The application property is a two-storey semi-detached dwelling. The property is characterised by red brickwork and hanging tiles, white uPVC fenestration and a plain tile roof. The dwelling benefits from an attached garage and off-street parking to the side of the property.

The site is within the built-up area of Haywards Heath within a cul-de-sac off Buckeridge Way. To the east of the site is the block of flats at 7-13 The Holt. To the north is the raised garden of 14 Buckeridge Way, which is enclosed by close-boarded fencing and lies at a higher level.

APPLICATION DETAILS

This proposal comprises of a hip to gable roof extension, loft conversion including the erection of a rear dormer and the installation of three front rooflights.

The proposed dormer extension would be located on the rear (northern) elevation. Submitted plans show that the dormer would be approximately 5.9 metres wide and some 3.5 metres deep, with a flat roof reaching a maximum height of approximately 2.8 metres. It would include full-height glazed doors with a Juliet-style balustrade fixed across the external face of the opening.

The submitted plans indicate that the cumulative additional volume of the proposed hip-to-gable enlargement and rear dormer would be 49.4 cubic metres.

All external materials will be similar in appearance to the existing dwelling.

The submitted plans also show it is proposed to install three rooflights to the front pitch roof.

LEGAL FRAMEWORK AND 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, Classes B and C of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

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 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; or
- (f) the dwellinghouse is on article 2(3) land; or
- (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.

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;
- (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

The planning history and relevant conditions have been reviewed, and permitted development rights under Classes B and C have not been removed. The property is not located on article 2 (3) land.

The proposed height of the dormer extension would not exceed the height of the highest part of the existing roof. The dormer extension would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling. The applicant's volume calculation has been checked independently against the dimensions shown on the submitted plans. The cumulative volume of the hip-to-gable enlargement and rear dormer has been calculated as 49.4 cubic metres. There are no previous roof enlargements that must be included in the cumulative calculation. Accordingly, the proposal would not increase the cubic content of the original roof space by more than 50 cubic metres and complies with paragraph B.1(d)(ii) of Class B. The edge of the dormer enlargement would be 0.3 metres from the eaves, with the eaves of the original roof maintained. The exterior materials of the proposed works would be similar in appearance to the materials of the exterior of the existing dwellinghouse. No part of the enlargement would extend beyond the outside face of any external wall of the original dwellinghouse.

The submitted plans show full-height glazed doors within the rear dormer, with a Juliet-style balustrade fixed across the external face of the opening. The proposal would not include an external floor area, projecting structure or platform onto which a person could step. The balustrade would function solely as a safety barrier to the opening. Accordingly, the proposed arrangement would not constitute the construction or provision of a verandah, balcony or raised platform and would comply with paragraph B.1(e)(i) of Class B.

Regarding the proposed front roof lights, plans show that they would not protrude by more than 0.15 metres from the roof plane. The rooflights would not exceed the highest part of the original roof.

The proposed loft conversion therefore complies with the criteria set out in Classes B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Other matters

It is noted that representations have been submitted in respect of parking demand, commercial vehicle parking, overlooking, loss of privacy and other amenity impacts. However, this is an application for a lawful development certificate under Section 192 of the Town and Country Planning Act 1990 which is a legal decision. As such the planning merits of the proposal cannot be taken into consideration.

CONCLUSION

In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Classes B and C 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