

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1282	Case Officer:	Rachel Richardson
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed single storey rear / side extension		
Site:	21 Bartlett Close, Burgess Hill, West Sussex, RH15 0AT, , , ,		
Validation Date	22 May 2026	Overall Expiry Date:	17 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Aug 2026
Target Date:	17 Jul 2026	Recommending Officer Signature:	<i>Rachel Richardson</i>

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

MID SUSSEX DISTRICT COUNCIL

DM/26/1282

**21 Bartlett Close, Burgess Hill, West Sussex, RH15 0AT, , ,
Proposed single storey rear / side extension
Julie Foulkes**

SUMMARY OF REPRESENTATIONS

None received

TOWN COUNCIL COMMENTS

The Committee of the 22nd June noted that this was a legal decision to be made by the Mid Sussex Planning Officers

INTRODUCTION

Burgess Hill Town Council commented that:

The Committee of the 22nd June noted that this was a legal decision to be made by the Mid Sussex Planning Officers.

PLANNING HISTORY

DM/23/1147 - Variation of condition 2 in relation to DM/22/0732 - to provide an alternative design for a replacement of a pergola to garage (sales office until all plots have sold) and removal of garage to units 1-6. Permission 09.08.2023

DM/22/0732 - Replacement of existing dwelling at 64 Folders Lane and development to provide a mix of 17 one, two, three, and four bedroom dwellings (Use Class C3), new access and associated infrastructure. Permission 16.11.2022

SITE AND SURROUNDINGS

This is a recently built development on land rear of 62 and 64 Folders Lane in Burgess Hill. It is a two storey semi detached property situated in the south western corner of the development.

APPLICATION DETAILS

The proposal is for a single storey rear extension to be built flush with the rear elevation and southern side elevation, so that it infills the corner of the ground floor footprint of the existing dwelling.

It would measure 2.6m wide by 2.3m deep. It would have a lean to roof with an overall height of 3.3m above ground level and 2m to the eaves.

It will be built in materials to match comprising brickwork and tiled roof. The French doors will be re-used in the proposed rear elevation.

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, 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 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

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 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 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.
- (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 sub-paragraphs (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, 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 applicants planning statement reads as follows:

'It is considered that the proposed rear extension to this property is considered to be lawful meeting all the limits and conditions of Class A of the Schedule Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 for the following reasons:-

- o extend no more than 6 metres beyond the rear wall, or no more than 8 metres in the case of a detached house (or no more than 3 metres beyond the rear wall, or 4 metres for a detached house on article 2(3) land or sites of special scientific interest),*
- o be a single storey and must not exceed 4 metres in height;*
- o have a total width that does not exceed more than half the width of the house (measured at its widest point).*
- o No more than ½ the area of land around the original house would be covered by the addition.*
- o The extension is not on the principle elevation.*
- o The height is less than 4m.*
- o The eaves height is not higher than 3m within 2m of a boundary*
- o The eaves height is not higher than the existing.*
- o All materials will be similar in appearance to the existing dwelling.*
- o The proposal is not situated within a designated area.*
- o There are no verandas, balconies or raised platforms.'*

This is a correct description of the proposed development and as such planning permission is not required. It should also be noted that the permitted development rights have not been removed by way of a planning condition in relation to earlier planning permissions for the housing development.

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: Rachel Richardson