

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0230	Case Officer:	Stefan Galyas
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed single storey rear extension for larger living area.		
Site:	27 The Kiln, Burgess Hill, West Sussex, RH15 0LU, , , ,		
Validation Date	29 Jan 2025	Overall Expiry Date:	25 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Mar 2025
Target Date:	26 Mar 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	18 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0230

**27 The Kiln, Burgess Hill, West Sussex, RH15 0LU, , ,
Proposed single storey rear extension for larger living area.
Mr Ricky Bygraves**

REPRESENTATIONS

None received

TOWN/ PARISH COUNCIL OBSERVATIONS

Town Council: The committee noted the application

RELEVANT PLANNING HISTORY

There is no recent history of planning applications relating to the site.

SITE AND SURROUNDINGS

The Certificate of Lawfulness relates to 27 The Kiln, a two-storey semi-detached dwelling featuring a hipped roof pitch. The dwelling is set to the north-eastern side of the road and is set back from the pavement edge by a front parking area. There is garden amenity space contained to the rear of the property, set within a linear plot and enclosed by closeboard timber fencing. The existing dwelling is composed of rendered exterior walls, a tiled roof and uPVC windows.

APPLICATION DETAILS

The application includes a rear elevation, single storey extension. The proposal would measure at 3m in length, 5m wide, have an eaves height of 2.4m and a maximum height of 3.3m. The proposed extension would make use of matching external materials and would also alter the existing doorway to the south-eastern elevation at ground floor level to a window.

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:

Permitted Development

The proposed side elevation windows would be assessed under Class A which states:

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).

Where development meets the above criteria, a number of conditions must also be adhered to in order to be considered permitted development:

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. The property is not located on Article 2(3) land.

The proposed ground floor window which would be inserted in a similar position to the existing doorway on the side (south-eastern) elevation at ground floor level has been noted under point 10 on the proposed that any window to the side elevation shall be opaque glazed.

The total area of ground covered by the extension would not exceed 50% of the total area of the curtilage when measured from the original dwellinghouse footprint and would therefore comply with A.1(a). The proposed extension would have an eaves height of 2.4m high when measured from the outside wall to the upper surface of the roof slope as indicated by the 'Permitted Development Rights for Householders: Technical Guidance' and would therefore comply with A.1(i). The proposed extension would not project beyond 3m when measured from the rear wall of the original dwellinghouse and would therefore comply with A.1(f, i). Moreover, the proposed extension would not exceed 4m in maximum height and therefore would comply with A.1(f, ii).

The materials specified are considered to be that of a similar appearance to the existing dwellinghouse and therefore would comply with A.3(a).

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 to 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: Stefan Galyas