

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1676	Case Officer:	Tracie Axford
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed rear extension of 3m depth to the rear of the semi-detached property. Demolition of existing garage in the garden.		
Site:	6 Chichester Way, Burgess Hill, West Sussex, RH15 0RH, , , ,		
Validation Date	9 Jul 2026	Overall Expiry Date:	3 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Sep 2026
Target Date:	3 Sep 2026	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	3 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1676

**6 Chichester Way, Burgess Hill, West Sussex, RH15 0RH, , ,
Proposed rear extension of 3m depth to the rear of the semi-detached property. Demolition of
existing garage in the garden.
Mr Malcolm Setford**

SUMMARY OF REPRESENTATIONS

None

SUMMARY OF CONSULTEES

Southern Water commented that the development site is not within their supply area.

BURGESS HILL TOWN COUNCIL OBSERVATIONS

The Committee of the 3rd August noted that this was a legal decision to be made by the Mid Sussex Planning Officers.

INTRODUCTION

This application is seeking a Lawful Development Certificate for a proposed single storey extension of 3m depth to the rear of the semi-detached property and the demolition of the existing garage in the garden.

SITE AND SURROUNDINGS

The application property is semi-detached dwelling located on the eastern side of Chichester Way. Externally, the property has facing brickwork to the ground floor and a combination of white cladding and hanging tiles to the first floor with white fenestration throughout. To the front of the property is a driveway.

The site is located within the built-up area boundary of Burgess Hill. The character of the locality is defined by two-storey semi-detached properties of similar form and scale. Properties are generally set back from the highway, with driveways providing off-street parking. The garage, located to the rear of the property, which is to be demolished is accessed via the side of the property and measures 2.6 m wide and 4.8 m length with a height of approximately 3m.

APPLICATION DETAILS

The applicant is seeking a Lawful Development Certificate for a proposed single storey rear extension measuring 4.8m in width, 3m in depth and will have a pitched roof of approximately 3.1m in height. To the rear elevation, bi-fold doors are proposed leading out onto the rear garden and there will be another small window. On the side elevations, there will also be a set of windows. External windows are proposed to match the existing dwelling.

Demolition of the garage, located to the rear of the dwelling, is proposed to make room for the extension.

LEGAL FRAMEWORK

This application is to establish whether the proposed development for the rear extension 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:

Permitted Development

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 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, 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 element proposed. The property is not subject to an Article 4 Direction or located on Article 2(3) land. The single storey rear extension complies with the criteria set out in Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The overall height of the extension does not exceed the height of the highest part of the roof of the existing dwellinghouse. The height of the eaves of the proposed extension is not higher than the eaves height of the existing dwelling. External materials proposed will match the existing dwelling complying with the condition in paragraph A.3.

Other Matters

The Town and Country Planning (Demolition - Description of Buildings) Direction 2021 provides that the demolition of a building with a cubic content, measured externally, not exceeding 50 cubic metres shall not be taken to involve development for the purposes of the Town and Country Planning Act 1990.

The garage proposed to be demolished measures approximately 2.6m in width, 4.8m in length and 3m in height, giving an approximate cubic content of 37.4 cubic metres. As the cubic content does not exceed 50 cubic metres, its demolition would not constitute development and planning permission is therefore not required for those works.

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 of Lawful Development can be issued.

Decision: Permission

Case Officer: Tracie Axford

