

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1267	Case Officer:	Deborah Lynn
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	A single storey rear extension and single storey side extension		
Site:	38 Foxglove Close, Burgess Hill, West Sussex, RH15 8UY, , , ,		
Validation Date	22 May 2026	Overall Expiry Date:	16 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 Jul 2026
Target Date:	17 Jul 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	15 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1267

**38 Foxglove Close, Burgess Hill, West Sussex, RH15 8UY, , ,
A single storey rear extension and single storey side extension
Mr Forman**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Southern Water

No objections to proposal.

BURGESS HILL TOWN COUNCIL OBSERVATIONS

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

INTRODUCTION

This application seeks to formally establish whether the proposed development consisting of a single storey rear extension and single storey side extension would constitute permitted development.

RELEVANT PLANNING HISTORY

BH/157/92 - Outline application for the construction of 435 dwellings of which 50 dwellings are to be for low cost social housing, together with public play areas. The reservation of a site for a proposed leisure centre. The reservation of a site for a proposed secondary school. The reservation of a site for a doctors surgery. The construction of part of the western distribution road. Permission granted 30.08.1994.

BH/091/96 - Erection of 50 3/4 bed houses. Permission granted 09.01.1997.

SITE AND SURROUNDINGS

No. 38 Foxglove Close is a detached 1990s house located on a modern residential estate within the built up area of Burgess Hill. The property is located on a bend in the road and benefits from a generous sized garden to the side and rear with a detached double garage located to the south east of the plot.

APPLICATION DETAILS

Proposed plans show that single storey extensions are proposed to the side and rear of the house.

The proposed rear extension will be sited a minimum of 900 mms from the side boundary of the property with no. 39 Foxglove Close and will measure 3 metres deep by 5.67 metres wide and 3.55 metres high. An asymmetric gable pitched roof is proposed with varying eaves height of 2.6 metres and 2.35 metres. The extension will provide a living room area and will be finished with external materials to match the existing dwellinghouse.

The side extension is shown to measure 2.15 metres wide by 3.1 metres deep and 3.7 metres high with a gable pitched roof. The extension will provide a utility room.

Proposed plans indicate that the external walls of the side extension may be finished with a different facing material to the existing house which is finished with facing brickwork. However, the planning agent for the application has confirmed that the extension will be finished with brickwork to match the existing dwellinghouse.

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, any planning merits cannot be taken into account when considering this application.

The proposal falls to 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:

PART 1

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;
- (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;...
- (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)....

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;...'.

ASSESSMENT

The property is not located on article 2(3) land, i.e. within a conservation area of Area of Outstanding Natural Beauty. Planning records indicate that permitted development rights for the property are intact in respect of enlarging the dwellinghouse.

The proposed rear extension would not extend more than 4 metres from the original rear wall of the dwellinghouse and would not exceed 4 metres in height. The eaves height of the extension would not exceed 3 metres high, by reason of the extension being within 2 metres of a boundary of the property. External materials would match the existing dwellinghouse.

The proposed side extension would not have more than a single storey or exceed 4 metres in height or have a width greater than the half the width of the original dwellinghouse. The extension would not front a highway and would be finished with external materials to match the dwellinghouse.

The proposed extensions would not result in more than 50% of the total area of the curtilage surrounding the original dwellinghouse being covered by buildings.

When assessed against relevant permitted development criteria as listed above, the proposal is found to comply. The proposal is therefore considered permitted development.

PLANNING BALANCE AND CONCLUSION

The proposed development is found to comply with permitted development criteria as stated under Part 1, Class A of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Decision: Permission

Case Officer: Deborah Lynn