

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0952	Case Officer:	Andrew Horrell
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Removal of old conservatory and build brick built single storey ground floor extension.		
Site:	20 Elm Drive, East Grinstead, West Sussex, RH19 3UH, , , ,		
Validation Date	7 Apr 2025	Overall Expiry Date:	2 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	28 May 2025
Target Date:	2 Jun 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	28 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0952

**20 Elm Drive, East Grinstead, West Sussex, RH19 3UH, , ,
Removal of old conservatory and build brick built single storey ground floor extension.
Mr Alex Mason**

SUMMARY OF REPRESENTATIONS

None

SUMMARY OF CONSULTEES

None

TOWN COUNCIL OBSERVATIONS

The Committee of the 28 April made no comment.

INTRODUCTION

A Lawful Development Certificate is sought for a proposed erection of a ground floor extension.

RELEVANT PLANNING HISTORY

A prior notification application (DM/25/1229) for the following development has been submitted and is pending determination: Removal of conservatory and proposed single storey rear extension extending beyond the rear wall of the original house by 5.60m, to a maximum height of 3.50m and the height of the eaves to 2.50m.

SITE AND SURROUNDINGS

The site is a two storey end of terrace dwelling within a cul-de-sac off Estcots Drive within the built up area of East Grinstead. The walls are face brickwork with upvc doors and windows. The dwelling is characterised by a upvc rear conservatory.

APPLICATION DETAILS

A Lawful Development Certificate is sought for a proposed erection of a ground floor extension.

The existing rear conservatory approximately measures 4.15m in depth, 4.15m in width with a height to eaves of 2.5m and an overall height of 3.15m

The proposed rear extension will measure 5.625m in depth, 4.603m in width with an approximate height to eaves of 2.6m and an overall height of 3.6m. This will serve a living room.

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 Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

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 site is not within Article 2(3) land or subject to an Article 4 Direction. The planning history of the site has been checked and the permitted development rights are understood to be intact.

The entirety of the development is within the curtilage of the dwellinghouse. The materials are to be visually similar to the existing dwelling.

The depth of the proposed rear extension would be 5.625m and would therefore breach Class A.1 (f) which limits single-storey extensions on semi-detached dwellings to 3m. This extension would therefore not constitute permitted development.

CONCLUSION

The proposed development is deemed to conflict with the applicable permitted development criteria as set out within Schedule 2, Part 1, Classes A.1 (f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore a certificate cannot be issued. Either a householder planning application or a Larger Home Prior Approval application as outlined under Class A.1(g) should be submitted.

Decision: Refusal

Case Officer: Andrew Horrell