

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3090	Case Officer:	Peter Davies
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposal to remove a gate and replace with a window on the front elevation and replace an existing window with a door on the rear elevation.		
Site:	Renniston, Rookery Way, Haywards Heath, West Sussex, RH16 4RE, , ,		
Validation Date	19 Dec 2024	Overall Expiry Date:	14 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Feb 2025
Target Date:	13 Feb 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	10 Feb 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3090

**Renniston, Rookery Way, Haywards Heath, West Sussex, RH16 4RE, ,
Proposal to remove a gate and replace with a window on the front elevation and replace an
existing window with a door on the rear elevation.
Turton**

REPRESENTATIONS

None received.

TOWN COUNCIL OBSERVATIONS

As this is an application for a Lawful Development Certificate and is therefore a legal matter, the Town Council defers the decision to Mid Sussex District Council.

INTRODUCTION

This application seeks a lawful development certificate for the removal of a gate and its replacement with a window on the front elevation and to replace an existing door with a window on the rear elevation.

PLANNING HISTORY

None relevant.

SITE AND SURROUNDINGS

The application property is a detached two storey dwelling located on the north side of Rookery Way, within the built-up area boundary of Haywards Heath.

The application property has a hipped roof and is constructed from brick with hanging tiles at first floor level, plain roof tiles and white fenestration. The application property is set back from the highway with soft landscaping and mature hedging to the front. The dwelling has off street parking and an attached garage to the side. The locality is characterised by large, detached dwellings of varying form and design.

APPLICATION DETAILS

On the front elevation an existing gateway is to be infilled and to include a window, which will serve an ensuite bathroom. On the rear elevation an existing door is to be infilled to create a window serving the kitchen. The proposed materials will match the existing dwelling.

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

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 M, 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 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 subparagraphs (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 subparagraphs (b) and (c).

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 dwelling, 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.

Class A(e)(i) states that development is not permitted if: *'the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse'*

In determining if the proposal extends forward of the principal elevation of this dwellinghouse we need to establish where the principal elevation lies. There is no definition of "*principal elevation*" in the GPDO. This is because of the difficulty in providing a definition that would be applicable in every circumstance.

The first floor extends to above the existing gate, and there is nothing to suggest that this shouldn't form the principle elevation at both ground and first floor level. When one part of the elevation that fronts onto the highway is set back from another part horizontally there is nothing to suggest whether the principal elevation follows one plane or more than one plane.

It can be construed that in this case, the principal elevation follows the line of the first floor level to ground level and no part of the inserted wall or window will extend beyond the outer wall line with the roof above. Consequently, the works would not protrude forward of the principal elevation of the property.

The proposed alterations would be situated within the curtilage of the dwellinghouse and the location and dimensions of the proposal complies with applicable criteria of Class A. The exterior materials of the proposed enlargement would be similar in appearance to the materials of the exterior of the existing dwellinghouse.

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: Peter Davies