

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3226	Case Officer:	Andrew Horrell
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed rear dormer, rear extension and internal layout changes.		
Site:	7 Whites Close, Hurstpierpoint, Hassocks, West Sussex, BN6 9XX, , ,		
Validation Date	18 Dec 2025	Overall Expiry Date:	12 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	4 Feb 2026
Target Date:	12 Feb 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	5 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3226

**7 Whites Close, Hurstpierpoint, Hassocks, West Sussex, BN6 9XX, ,
Proposed rear dormer, rear extension and internal layout changes.
Ms Leah Blades**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

Southern Water - No objections

PARISH COUNCIL OBSERVATIONS

The committee recommends that MSDC grant permission.

INTRODUCTION

A Lawful Development Certificate is sought for a proposed rear dormer, a single storey rear extension and internal layout alterations.

RELEVANT PLANNING HISTORY

00/01161/FUL - Single storey extension (approved)
02/01579/FUL - uPVC Conservatory (approved)

SITE AND SURROUNDINGS

7 Whites Close is a pitched roofed detached bungalow, the walls are a mix of face brickwork and painted render and upvc doors and windows. The dwelling is characterised by an existing rear conservatory, a flat roofed rear extensions and a side lean to attached to flat roofed garage.

APPLICATION DETAILS

A Lawful Development Certificate is sought for a proposed rear dormer, a single storey rear extension and internal layout alterations.

The proposed flat roofed rear dormer measures 3.67m in depth, 9.686m in width with a height of 2.23m. It will be characterised by matching hanging tiles, upvc windows with four front rooflights. It is to serve a walk-in wardrobe, bedroom 4 and en-suite within the loftspace.

The existing rear conservatory is to be removed.

The proposed flat roofed single storey rear extension measures 2.994m in depth, 10.266m in width with a height of some 2.9m. This will serve a lounge and open plan kitchen/diner.

Internal alterations include bedroom 4 altered to a snug.

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, Classes A and B 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.

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development Not Permitted

B.1 Development is not permitted by Class B if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule;
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;
- (e) it would consist of or include—
 - (i) the construction or provision of a veranda, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (f) the dwellinghouse is on article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the enlargement must be constructed so that -
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension -

- (aa) the eaves of the original roof are maintained or reinstated; and
- (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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.

Interpretation of Class B

B.3 For the purposes of Class B "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

C. Any other alteration to the roof of a dwellinghouse.

Development Not Permitted

C.1 Development is not permitted by Class C if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
- (d) it would consist of or include—
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) obscure-glazed; and
- (b) 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.

ASSESSMENT

The site is not within Article 2(3) land or subject to an Article 4 Direction.

The proposed roof enlargement with a rear dormer has been calculated to measure circa 39.63 cubic metres in volume which is less than the 50 cubic metre volume allowed for this type of dwelling.

The site is not situated on article 2(3) land. It will not have any part of the dwellinghouse as a result of the works, exceed the height of the highest part of the existing roof or that any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

The elevation drawings outline that the materials used for the loft conversion dormer will be plain tiles similar in appearance to those used in the existing dwelling. The enlargement of the recessed roof will be greater than 0.2m from the outside edge of the eaves with the flat roofed eaves of the original roof maintained.

The proposed rooflights will not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof and would not result in the highest part of the alteration being higher than the highest part of the original roof and no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

In terms of the planning history the 2000 planning permission created the existing dining room extension and the 2002 planning permission created the existing conservatory. It should be noted that the link between the dwelling and the garage, as well as the conversion of the garage into a utility room and bedroom 4 have been done without planning permission.

Under A.1(ja) any extension cannot be permitted development where 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).

Therefore, the proposed rear extension taking into account the previous enlargements to the original dwellinghouse including the dining room measures some 4.78m in depth from the original rear wall.

Schedule 2 Class A.1(f) states that a single-storey extension must not extend beyond the rear of the original house by more than 4 metres if a detached house. Therefore, the proposal cannot be deemed permitted development.

CONCLUSION

In conclusion the proposed development is not deemed suitable as a Certificate of Lawful Development because the proposal is joined to previous rear enlargements to the original dwellinghouse. The proposal therefore would not comply with Schedule 2, Part 1, Class A, A.1 (f and ja) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). An application for planning permission is therefore required.

Decision: Refusal

Case Officer: Andrew Horrell