

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0110	Case Officer:	Stefan Galyas
Application Type:	Prior Notification - Larger Extensions		
Proposal:	Single storey rear extension extending beyond the rear wall of the original house by 6.00m, to a maximum height of 3.68m and the height of the eaves to 2.99m.		
Site:	10 Eastern Road, Lindfield, Haywards Heath, West Sussex, RH16 2LP, , ,		
Validation Date	19 Jan 2026	Overall Expiry Date:	11 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval is Granted	Recommendation Date:	26 Feb 2026
Target Date:	2 Mar 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	26 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0110

**10 Eastern Road, Lindfield, Haywards Heath, West Sussex, RH16 2LP, ,
Single storey rear extension extending beyond the rear wall of the original house by 6.00m, to a
maximum height of 3.68m and the height of the eaves to 2.99m.**

Mr Nick Clapp

LETTERS OF REPRESENTATION

There was one third party letter of representation received in response to the application which objected to the proposal for the following reasons:

- The proposal creating an oppressive structure directly adjacent to the neighbouring kitchen and primary living area.
- An enclosing impact resulting of the proposed extension on the neighbouring rear and side windows.
- A potential adverse overshadowing impact being incurred, particularly during the afternoon and evening.
- There being a loss of outlook from the neighbouring rear and side ground floor windows.
- The neighbour having revised previous planning applications with neighbouring amenity in mind. It was commented that this has not been reciprocated.

INTRODUCTION

The proposal is seeking prior approval for a single storey at 10 Eastern Road.

SITE AND SURROUNDINGS

The application relates to 10 Eastern Road, a two-storey mid terrace dwelling which features a pitched roof. A front block paved driveway sets the property back from the highway edge and the dwelling is afforded garden amenity space to the rear with a detached single storey outbuilding set towards the rear boundary. In terms of materials, the existing dwelling is composed of brick exterior walls, a tiled roof and white uPVC windows. The street scene along Eastern Road is generally made up of brick exterior residential terraced and semi-detached dwellings. These properties are typically set back from the highway by a grass verge and mature tree planting.

The site is located within the built up area boundary for Haywards Heath and Lindfield.

APPLICATION DETAILS

The application seeks prior approval for the development of a single storey rear extension. The extension would measure at 6m in length, 5.1m in maximum width, 3m high to the eaves and 3.7m in maximum height. Proposed external materials would comprise brick and render external walls.

LIST OF POLICIES

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:

Class A - enlargement, improvement or other alteration to a dwellinghouse

Permitted Development

'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.*

A.4 (1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(2) Before beginning the development the developer must provide the following information to the local planning authority—

(a) a written description of the proposed development including—

- (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;*
- (ii) the maximum height of the enlarged part of the dwellinghouse; and*
- (iii) the height of the eaves of the enlarged part of the dwellinghouse;*
- (iv) where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in sub-paragraphs (i) to (iii) must be provided in respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);*
- (b) a plan indicating the site and showing the proposed development and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined;*
- (c) the addresses of any adjoining premises;*
- (d) the developer's contact address; and*
- (e) the developer's email address if the developer is content to receive communications electronically, together with any fee required to be paid.*

(3) The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or*
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,*
- the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).*

(4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—

- (a) describes the development by setting out the information provided to the authority by the developer under paragraph A.4(2)(a);*
- (b) provides the address of the proposed development;*
- (c) specifies the date when the information referred to in sub-paragraph (2) was received by the local planning authority and the date when the period referred to in sub-paragraph (10)(c) would expire; and*
- (d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.*

(6) The local planning authority must send a copy of the notice referred to in sub-paragraph (5) to the developer.

(7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

(8) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.

(9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)—

- (a) take into account any representations made as a result of the notice given under sub-paragraph (5); and*

(b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

(10) The development must not begin before the occurrence of one of the following—

(a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;

(b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 42 days following the date on which the information referred to in sub-paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

(11) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the information provided under sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(12) The local planning authority may grant prior approval unconditionally or subject to conditions

reasonably related to the impact of the proposed development on the amenity of any adjoining premises.

(16) When computing the number of days in sub-paragraph (5)(d), any day which is a public holiday must be disregarded.'

ASSESSMENT

The Town and Country Planning (General Permitted Development) (England) Order 2015 allows single storey rear extensions to a detached dwellinghouse by up to 8 meters in depth beyond the rear wall of the original dwellinghouse.

In order to benefit from this permitted right, before beginning the development, the developer is required to notify the Local Planning Authority (LPA) who is then required to notify the immediately adjoining owners/ occupiers.

Where any owner/ occupier of any adjoining premises objects to the proposed development, the prior approval of the LPA is required as to the impact of the proposed development on the amenity of any adjoining premises. As noted above, the only matter that the LPA can consider with this prior approval process is the impact on the amenity of any adjoining premises. "Amenity" is however not defined anywhere in the regulations.

In this case, one letter of objection has been received from the adjoining neighbouring property to the north-east. The objection raised concerns on a number of grounds, which will be addressed within this report.

Loss of Light

The proposed extension would form the side boundary between the application site and No.12 to the north-east. There is a slight curve in the site's boundary moving towards the south-east and the proposed extension would follow this curve. There has been a part two storey, part single storey extension recently developed at the neighbouring site at No.12 under DM/23/2728 and since varied by DM/24/2870.

The recent neighbouring extension features two full height windows serving a kitchen/ dining room. These windows would likely face out towards the proposed extension and concerns have been raised by the adjoining neighbouring occupier with regard to the potential overshadowing and loss of light impact.

Further guidance is set out within the "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" document. The "25 degree approach" should be taken whereby a 25 degree line is drawn from the centre of the lowest opposite habitable room. If the neighbouring properties window lies beneath the 25 degrees as measured, then the building will not likely cause a significant reduction in light received to the concerned window. This guidance is taken as a rule of thumb and each planning application is assessed based on its own merits.

Despite being full height side (south-western) elevation windows, when assessed against the 25-degree test, the proposed extension would likely breach this line. Accordingly, the proposed windows may suffer from some loss of light during the afternoon and evening. However, it is considered that these are not the only primary windows serving the kitchen/ dining room and light would continue to be supplied to this room through the rear (south-eastern) elevation bifold opening doors and two rooflights. As these openings are partly south facing, it is considered that a substantial amount of light would continue to be supplied through these sources.

The proposed bathroom window would also likely fail when assessed against the 45-degree test both in plan and elevational format. The "45 degree approach" should be taken whereby a 45 degree line is drawn from the top of the elevation and a second 45 degree line is taken from the end of the projection. Whilst this is a primary window, this is a non-habitable room and utilises an obscure glazed finish.

Accordingly, it is not considered that the proposal would result in a significant loss of light.

Overbearing Impact

Concerns have been raised by the neighbouring occupier in terms of the proposed extensions overbearing impact which may give rise to a 'tunnelling' or 'canyoning' effect. A blank side (north-eastern) elevation would be left on the side boundary between the sites in place of the existing circa 2m high closeboarded fence.

The proposed extensions would increase the height of the boundary from circa 2m to 3.7m and would be of an overall single storey size and scale. The proposed extension would not project any further out into the rear garden amenity space beyond the rear elevation of the neighbouring extension. Circa 0.8m would remain between the two extensions to the rear elevation and this would taper in to approximately 0.25m moving to the south-east. The additional circa 1.7m of built form in addition to the current fence arrangement is not considered to be significantly give rise to an added overbearing impact.

In light of the above, it is considered that the proposed development would not result in a significant overbearing impact.

Other Matters

It was commented in response to the proposal that the extension would result in a loss of outlook. However, the right to a view is not considered to be a material planning consideration.

The neighbouring property had revised their previous permissions for the two and single storey extension. It was commented that a reciprocation of this would be appreciated. Whilst this point is noted, this does not form a material planning consideration and cannot be assessed under the remit of a prior approval.

The proposed plans submitted appear to show a 0.3m decking area proposed as well as alterations to the existing windows to the rear elevation at ground and first floor level. It is considered that the prior approval is only pursuant to a single storey rear extension as per the description of development. Furthermore, the approval of these elements would fall outside the realms of a prior notification. As such, should the prior approval be granted, this would not constitute the permission of these additional works.

CONCLUSION

The proposed extension is not considered to be harmful to neighbouring amenities in terms of its impact on loss of light or overbearing.

The proposal does comply with the relevant criteria in the GPDO and is therefore permitted development. It does not extend beyond the rear wall of the original dwellinghouse by more than 6 metres and does not exceed 4 metres in height. It will also be constructed of materials to match existing, all as specified above in the legislation of the GPDO.

Decision: Prior Approval is Granted

Case Officer: Stefan Galyas