

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0883	Case Officer:	Catherine Cardin
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Erection of an L-shaped flat roof rear dormer and insertion of 2no. roof lights to front elevation.		
Site:	14 Church Avenue, Haywards Heath, West Sussex, RH16 1ED, , , ,		
Validation Date	31 Mar 2025	Overall Expiry Date:	25 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 May 2025
Target Date:	26 May 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	22 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0883

**14 Church Avenue, Haywards Heath, West Sussex, RH16 1ED, , ,
Erection of an L-shaped flat roof rear dormer and insertion of 2no. roof lights to front elevation.
Miss Hett**

REPRESENTATIONS

One objection was received. This related to the following:

- The mass/volume of the extension being too big
- The impact on light to the attic room
- The design being out of keeping with the area
- The impact on property value.

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 is an application for a Lawful Development Certificate to establish whether the proposal, consisting of an L shaped flat roof dormer and insertion of no. 2 rooflights to the front elevation, would constitute permitted development.

RECENT PLANNING HISTORY

No relevant history.

SITE AND SURROUNDINGS

14 Church Avenue is a two storey semi detached dwelling. It is constructed of red brick, with white uPVC windows and a pantile roof. The property benefits from off street parking to the front of the property.

The application site lies within the built-up boundary of Haywards Heath where properties are similar in age and design. Neighbouring properties are located to the north, south and east. The highway is located to the west.

APPLICATION DETAILS

Plans show that the proposed rear dormer extending from the roof slope over the existing two storey extension would measure some 2.6 metres in height, some 3.9 metres in depth and some 3.3 metres in width. This would have a flat roof. It is also proposed to install a 'Juliet' balcony on the rear (eastern) elevation.

Plans show that the proposed rear dormer would extend from the roof slope and would measure some 4.7 metres in width, some 2.4 metres in height and some 2.4 metres in depth. It is also proposed to install a window on the rear (eastern) elevation.

It is also proposed to install 2 no. roof lights on the front elevation roof slope and to install 1 no. rooflight on the rear elevation roof slope.

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 B and Class C, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

Permitted development

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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (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 verandah, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; ...
- (f) the dwellinghouse is on article 2(3) land ;...
- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or
- (h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Conditions

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

- (a) the materials used in any exterior work must 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 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.

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)—

- (a) 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; and
- (b) "rear or side extension" includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

Permitted Development

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, PA or Q of Part 2 of this Schedule (change 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 shall 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 property's planning history has been checked and household permitted development rights are understood to be intact for the proposed development. The property is not located on article 2 (3) land.

The height of the proposal would not exceed the highest part of the roof or the eaves of the dwellinghouse. The development would not form the principle elevation or front the highway. The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres. The proposal does not consist of or include; the construction or provision of a verandah, balcony or raised platform; the installation, alteration or replacement of a microwave antenna; the installation, alteration or replacement of a chimney, flue or soil and vent pipe or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment. The proposal includes a 'Juliet' balcony on the rear (eastern) elevation. Technical Guidance for permitted development rights for householders states that 'Juliet' balconies are permitted where there is no platform. The proposed materials are of similar appearance to those used in the construction of the existing dwellinghouse.

The proposed 2 no. rooflights on the front elevation roof slope would 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. The proposed roof lights would not result in the highest part of the alteration being higher than the highest part of the original roof. The proposed alterations to the roof would not consist of or include; the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment. No windows are proposed on a side elevation.

OTHER MATTERS

One letter of objection was received. As this is an application for a Lawful Development Certificate, this is therefore a legal decision and as a result the planning merits of the proposal cannot be considered.

CONCLUSION

In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Classes B and C 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: Catherine Cardin