

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0871	Case Officer:	Stefan Galyas
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed new L-shaped dormer.		
Site:	104 Junction Road, Burgess Hill, West Sussex, RH15 0JZ, , , ,		
Validation Date	31 Mar 2025	Overall Expiry Date:	24 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>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	22 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0871

**104 Junction Road, Burgess Hill, West Sussex, RH15 0JZ, , ,
Proposed new L-shaped dormer.
Mr Ian Greed**

REPRESENTATIONS

None received

TOWN/ PARISH COUNCIL OBSERVATIONS

Town Council: The committee noted the application

RELEVANT PLANNING HISTORY

DM/25/0779 - Construction of new wraparound single storey extension. Insertion of one new window and blocking up of one in the existing house. Construction of decked terrace for access to the garden. Permission 15.05.25.

SITE AND SURROUNDINGS

The certificate of lawfulness relates to 104 Junction Road, a two-storey dwelling which forms one half of a pair of semis and is set to the eastern side of the highway. The property is set back from the highway edge by a front driveway and garden space and is afforded ample garden amenity space to the rear which stretches back in a linear plot format. The existing dwelling follows an L shaped form, with a two-storey gabled projection to the rear which is shared with the adjoining semi. In terms of external materials, the existing dwelling is composed of brown brickwork with red brick detailing to the external walls, a tiled roof and white uPVC windows.

With regard to the site's locality, the property is positioned within the context of a cluster of four residential dwellings, with the neighbouring semi to the south displaying a comparable brick exterior and design to the application site.

The site is within the built-up area for Burgess Hill as defined in the District Plan (DP).

APPLICATION DETAILS

The application would develop an 'L' shaped dormer at loft level which would have a total volume of 45.668m³. A new rooflight would be installed on the roof of the proposed dormer and the dormer would be constructed of matching roof tiles to the walls, a glass reinforced plaster flat roof, white double glazed uPVC sash windows, a double glazed rooflight and black uPVC guttering.

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

Permitted Development

The proposed L shaped dormer would be assessed against Class B which is set out as follows:

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).

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.

ASSESSMENT

The property's planning history has been checked and household permitted development rights are understood to be intact. The property is not located on Article 2(3) land.

The proposed volume of the dormer would measure at 45.668m³ and would therefore comply with B.1(d, ii). The proposed specified materials would be of a similar appearance to the existing dwelling and would therefore comply with B.2(a). The proposed L shaped dormer would adjoin the existing dwellings rear and side roof slopes and would be offset from the existing eaves in excess of 0.2m. As such, the proposal would comply with B.2(b, i, bb).

Further confirmation from the Applicant noted that the proposed side (north-east) elevation windows would be in an obscure glazed finish and non-opening and non-opening above 1.7m. Accordingly, the proposal would comply with B.2 (c).

CONCLUSION

In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Class B of Part 1 of 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: Stefan Galyas