

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0838	Case Officer:	Andrew Watt
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Changes to the rear fenestration - enlarged kitchen and bedroom window and new bifolding doors in place of existing windows. Installation of MVHR system. Reroofing to match existing. Existing render to be removed and replaced with new breathable lime render. New UPVC windows throughout. New internal insulation to specific rooms.		
Site:	Gibbshaven, Lingfield Road, East Grinstead, West Sussex, RH19 2EJ, , ,		
Validation Date	27 Mar 2025	Overall Expiry Date:	23 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	22 May 2025
Target Date:	22 May 2025	Recommending Officer Signature:	Andrew Watt

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

MID SUSSEX DISTRICT COUNCIL

DM/25/0838

**Gibbshaven, Lingfield Road, East Grinstead, West Sussex, RH19 2EJ, ,
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Mrs Kathryn Gunter**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

None.

TOWN / PARISH COUNCIL OBSERVATIONS

The Committee of the 28 April made no comment.

INTRODUCTION

A Lawful Development Certificate is sought for proposed alterations to the existing dwelling.

RELEVANT PLANNING HISTORY

None relevant.

SITE AND SURROUNDINGS

The site is an attractive, 2-storey, detached dwelling gabled to the front with a pitched roof over the bay window and canopied porch. Materials are a mix of brickwork, clay roof tiles, render and timber Tudor styling and white timber/UPVC windows. The property is located on the western side of Lingfield Road within the built-up area of East Grinstead, and backs onto Windmill Lane, with a detached outbuilding and access for parking.

Gibbshaven is an unlisted building and not located within a Conservation Area or Area of Outstanding Natural Beauty.

APPLICATION DETAILS

A Lawful Development Certificate is sought for proposed alterations to the existing dwelling, consisting of changes to the rear fenestration (enlarged kitchen and bedroom windows and new bi-fold doors), installation of an internal Mechanical Ventilation with Heat Recovery (MVHR) system, re-roofing to match the existing (i.e. new slates), replacement of external render with breathable lime render, installation of new UPVC windows, and internal insulation improvements.

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, Class A 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.

The proposal will also be tested against the relevant criteria of Schedule 2, Part 1, Class C of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

Class C - other alterations to the roof of a dwellinghouse

Permitted development

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 G, M, MA, N, P, PA 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;
- (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.; or
- (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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 planning history of the site has been checked and the permitted development rights are understood to be intact.

In respect of the enlargement of windows/door openings, replacement of timber frames with UPVC and replacement of render, Class A allows these provided that the materials are of a similar appearance to those existing. It is considered that the bi-fold aluminium doors at the rear, while of a different material to those elsewhere on the building, will be of the same dark colour and hence appearance as the front door. These elements of the proposal would therefore comply with the alterations permitted under Class A in all respects.

The proposed re-roofing of the property is deemed to comply with Class C.

In respect of the internal insulation improvements and MVHR system, they are not defined as development and therefore do not require planning permission.

Therefore, in conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Classes A and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore a certificate can be issued.

CONCLUSION

The proposed development is deemed to comply with the applicable permitted development criteria as set out within Schedule 2, Part 1, Classes A and C 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: Andrew Watt