

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0244	Case Officer:	Catherine Cardin
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed loft conversion		
Site:	17 Dellney Avenue, Haywards Heath, West Sussex, RH16 3LX, , , ,		
Validation Date	30 Jan 2025	Overall Expiry Date:	25 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Mar 2025
Target Date:	27 Mar 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	10 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0244

**17 Dellney Avenue, Haywards Heath, West Sussex, RH16 3LX, , ,
Proposed loft conversion
Mr And Mrs Burton**

REPRESENTATIONS

None received.

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 undertake a loft conversion with a rear facing dormer, a side hip to gable roof extension and to install one roof light on the front roofslope.

RECENT PLANNING HISTORY

DM/24/2879- Replace conservatory, lean-to structure and garage with single storey rear extension and patio. Permission.

SITE AND SURROUNDINGS

17 Dellney Avenue is a semi-detached, two-storey dwelling. It forms part of a symmetrical pair of dwellings, with a shared pitched hipped roof and mirroring front gable projection. The property is constructed of brick, a plain tile roof and has white uPVC windows. The dwelling has white pebble dash render to the ground and first floor elevations. The dwelling is set back from the highway, and benefits from off road parking to the front and side of the property. To the rear of the property is a single storey garage which has previously been extended.

The property is located within the built-up area of Haywards Heath. Neighbouring properties are located to the north-east, north-west and south-west, whilst the highway is to the east.

APPLICATION DETAILS

The proposed dormer extension would be located on the rear (western elevation). Plans show the dormer extension would be some 3.7 metres deep and be some 5.7 metres long. The dormer would have a flat roof with a maximum height of some 2.6 metres. It is proposed to install one roof light on the front (eastern) roofslope, which would measure some 0.8 metres in length and some 0.7 metres in width.

The plans show that there would be a 'hip to gable' roof extension, which would have a side facing window. This would be obscure glazed.

All external materials would be similar in appearance to the existing dwelling.

LEGAL FRAMEWORK AND LIST OF POLICIES

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 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.

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; or
 - (f) the dwellinghouse is on article 2(3) land.; or
 - (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.

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 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 proposed height of the dormer extension would not exceed the height of the highest part of the existing roof. The extension would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling. In addition, the proposal would not result in a roof space that would exceed the cubic content of the roof by more than 50 cubic metres (the proposed enlargement would be some 45.4 cubic metres in total). The edge of the dormer extension enlargement would be some 0.3 metres from the eaves, with the eaves of the original roof maintained. Plans show that the proposed side facing window on the side (northern) elevation on the proposed 'hip to gable' roof extension would be obscure glazed and openable only 1.7 metres above floor level. The exterior materials of the proposed works would match the exterior of the existing dwellinghouse.

The proposed roof light on the front elevation would not protrude more than 0.15 metres beyond the plane of the original roof and would not be higher than the highest part of the original roof. The roof light would not be located on a side elevation. The proposal would not 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.

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