
[Draft] Fw: DM/25/0562 1 Five Oaks Way Hassocks BN6 9ZU

From kelly@kmarchitecture.co.uk

Draft saved Wed 03/09/2025 14:47

From: **Hamish Evans** <Hamish.Evans@midsussex.gov.uk>

Date: Tue, 15 Apr 2025 at 12:37

Subject: DM/25/0562 1 Five Oaks Way Hassocks BN6 9ZU

To: Brett Anderson <blanderson86@gmail.com>

Dear Brett,

Thank you for your enquiry relating to the above and apologies for the delayed response. The proposal seeks to install a full width side facing dormer at [1 Five Oaks Way Hassocks BN6 9ZU](#).

In terms of whether planning permission is required, Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for additions etc to the roof of a dwellinghouse provided it complies with specific conditions and limitations. I have listed these below:

- Materials must be similar in appearance to the existing house,
- Must not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway,
- Volume of enlargement (including any previous enlargement) must not exceed the original roof space by more than 50 cubic metres,
- Must not exceed the height of the existing roof.
- Must not include:
 - o verandas, balconies or raised platforms; or
 - o installation, alteration or replacement of any chimney, flue, or 'soil and vent pipe'
- Side-facing windows must be obscure-glazed; and, if opening, to be 1.7 metres above the floor of the room in which they are installed.
- Construction must ensure that:
 - o The eaves of the original roof are maintained (or reinstated)(does not apply to the relevant parts of any hip-to-gable enlargement)

- o Any enlargement is set back, so far as practicable, at least 20cm from the original eaves (does not apply to the relevant parts of any hip-to-gable enlargement)
- o The roof enlargement does not overhang the outer face of the wall of the original house

Provided the proposal complies with the above conditions and limitations it is my informal opinion that formal planning permission would not be required.

In our meeting we discussed whether Juliet balconies could be installed on a side facing wall and not be obscure-glazed and non-opening up to 1.7 metres above floor level. I have looked into this and have found several appeal decisions that state that the glazed doors behind the Juliet balcony would need to be obscure-glazed and non-opening up to 1.7 metres above floor level. As such any opening on the proposed side elevation of the dormer would need to be obscure-glazed and non-opening up to 1.7 metres above floor level. I have included an excerpt from one of the appeal decisions below:

'The submitted plans annotate the [south] elevation facing Oaks Lane as the side elevation and show the facing wall of the proposed dormer to include two sets of patio style doors, with flanking, full height windows behind Juliet balconies.

Although the Design and Access Statement indicates that any window facing the side would be obscure glazed and non-opening up to 1.7m, that is not reflected in the proposed floor plan which show both sets of patio doors to be fully openable. Moreover, there is nothing on those plans to indicate that the windows or patio doors would be obscure glazed. Indeed, the appellant's case appears to argue why such measures are not necessary in this case.

In that regard, I understand why the appellant argues that the windows would not affect the privacy of neighbours. However, the Technical Guidance for Class B is explicit in that it states that windows for a loft extension on a side elevation of a house must be obscure glazed to benefit from permitted development rights.

We also discussed the possibility of using film to obscure glaze windows and I have done some research and due to the film not being considered an integral part of the glazing it is not considered to satisfy the above condition and the glazing itself would need to be obscure-glazed.

In our meeting you advised that your proposed dormer may not comply with the above as you may look to clad it in materials that would not be similar in appearance to those used in the existing dwelling. If this is the case or the proposal does not comply with the above in another way, then it would be my informal opinion that formal planning permission would be required. The application would be assessed against the local development plan which consists of the Mid Sussex District Plan (MSDP) and the Hassocks Neighbourhood Plan (HNP). The Mid Sussex Design Guide SPD (MSDG) and the National Planning Policy Framework (NPPF) are considered to be material considerations. I have listed the relevant policies below:

MSDP:

DP26 - Character and Design

HNP:

Policy 5 – Enabling Zero Carbon

Policy 9 - Character and Design

Character and design

Policy DP26 of the MSDP states that proposals need to demonstrate that the development addresses the character and scale of the surrounding buildings and landscape. A similar ethos is contained with policy 9 of the HNP.

Principle DG52 relates to loft conversions and roof extensions and states that *'A loft conversion is a space efficient means of extending the amount of living accommodation in a dwelling. Roof accommodation is normally reliant on dormer windows and rooflights to provide light and ventilation. However, if they are out of scale or out of character with the roofscape and proportions of a dwelling they can have an adverse impact on the character of both the dwelling and the streetscape. The roof pitch and form are intrinsic to a building's character and roof extensions should be sensitive to this. Roof extensions and dormer windows that alter the existing ridge of the roof or significantly alter the roof profile of a building will not normally be acceptable, particularly on the front roof slope, and where there is a strong established roofline. Where a clear rhythm of fenestration is established, the position and proportion of dormer windows should respond to existing windows and / or doors. Further guidance on dormer windows and rooflights is provided in chapter 6 under sections 6.3.5 to 6.3.8.'*

Section 6.3.5 to 6.3.8 states:

'6.3.5 While dormer windows can sometimes be prominent features in the streetscene, care needs to be taken with their design, proportions and position on the roof. The choice of design should be informed by the character and appearance of the local vernacular.'

6.3.6 Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the main roof to remain visible. Excessively wide dormers are likely to look unsatisfactory as they will often be out of proportion with the existing roof.'

6.3.7 Dormer windows should normally be positioned below the ridge-line, and above the eaves line.

6.3.8 Rooflights that follow the roof profile can be an appropriate substitute for a dormer where it is important to retain the profile of the roof slope or avoid a dormer that break the eaves line. Care though needs to be taken to avoid them dominating the roof. Rooflights are best designed with a slender-profile that are flush with the roof slope.'

The proposed dormer would not be in accordance with the above guidance as it would not be visually subordinate to the roof slope, it would be excessively wide and would be out of proportion with the existing roof. The position of the dormer would be in a relatively prominent position which would exacerbate these issues. As such it is my informal opinion that if you were not able to construct the dormer under permitted development the proposed dormer would not comply with policy DP26 of the MSDP, policy 9 of the HNP and principle DG52 of the Mid Sussex Design Guide SPD.

Impact on Neighbouring Amenities

Policy DP26 of the MSDP requires development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. Due to the position of the proposed dormer it would not have direct views into neighbouring properties private amenity spaces.

Conclusion

Taking into account the above it is my informal opinion that if you were not able to undertake the proposed works under permitted development it is my informal opinion that formal planning permission is unlikely to be granted.

Please find below links to the relevant development plan documents and other material planning considerations:

Mid Sussex District Plan - <https://www.midsussex.gov.uk/media/3406/mid-sussex-district-plan.pdf>

Hassocks Neighbourhood Plan - <https://www.midsussex.gov.uk/media/5008/hassocks-neighbourhood-plan.pdf>

Mid Sussex Design Guide SPD - <https://www.midsussex.gov.uk/media/5611/mid-sussex-design-guide-spd.pdf>

Notwithstanding the above advice, I have attached the relevant application form, guidance notes and checklist or you can apply online at the below link.

<https://www.midsussex.gov.uk/planning-building/apply-for-planning-permission/>

The above represents my informal view only based on the information contained in your enquiry. Should you require a formal determination as to whether planning permission is required for your proposal then it is open to you to make an application to this authority for a Certificate of Lawful Development, under Section 192 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

I appreciate the above is disappointing however I hope it is of use to you.

The information contained in pre-planning advice may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this advice to a third party making a request for information about the subject matter.

Thank you,

Kind regards,

Hamish Evans

Planning Officer

Direct Line: 01444 477228

hamish.evans@midsussex.gov.uk

www.midsussex.gov.uk

Working Together for a Better Mid Sussex

The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained in this email is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this email to a third party making a request for information about the subject matter of this email. This email and any attachments may contain

confidential information and is intended only to be seen and used by the named addressees. If you are not the named addressee, any use, disclosure, copying, alteration or forwarding of this email and its attachments is unauthorised. If you have received this email in error please notify the sender immediately by email or by calling +44 (0) 1444 458 166 and remove this email and its attachments from your system. The views expressed within this email and any attachments are not necessarily the views or policies of Mid Sussex District Council. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks before accessing this email and any attachments. Except where required by law, we shall not be responsible for any damage, loss or liability of any kind suffered in connection with this email and any attachments, or which may result from reliance on the contents of this email and any attachments.