

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1782	Case Officer:	Peter Davies
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed rear dormer for loft conversion.		
Site:	8 Shotters, Burgess Hill, West Sussex, RH15 9QE, , , ,		
Validation Date	20 Jul 2026	Overall Expiry Date:	13 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	4 Sep 2026
Target Date:	14 Sep 2026	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	7 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1782

**8 Shotters, Burgess Hill, West Sussex, RH15 9QE, , ,
Proposed rear dormer for loft conversion.
Mr And Mrs Sutcliffe**

TOWN COUNCIL OBSERVATIONS

The Committee of 3rd August noted that this was a legal decision to be made by the Mid Sussex Planning Officers

REPRESENTATIONS

None received.

INTRODUCTION

This application seeks a Lawful Development Certificate for a loft conversion with a rear dormer and front Velux windows.

PLANNING HISTORY

None relevant.

SITE AND SURROUNDINGS

8 Shotters is a two storey pitched roofed mid terraced dwelling within a cul-de-sac off Hammonds Ridge. The walls are brick with upvc doors and windows and interlocking roof tiles.

To the north of the site is the rear garden with woodland beyond, to the south of the site is the highway, to the east and west of the site is the adjoining Nos.9 and 8.

The site is within the built-up area of Burgess Hill

APPLICATION DETAILS

The dormer is located on the rear (north) elevation with a width and depth of approximately 4.20 metres and 3.55 metres. The dormer has a flat roof with a height of 2.60 metres. 2 no. Velux windows have been installed on the front (south) elevation. The external materials are to match the existing dwelling.

The works have been carried out with the dormer and Velux windows completed.

LEGAL FRAMEWORK

This application is to establish whether the existing 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 existing enlargements and alterations will be tested against the relevant criteria of Part 1 Classes B and C Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

Class B - additions etc to the roof of a dwellinghouse

Permitted Development

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.

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 property's planning history has been checked and household permitted development rights are understood to be intact for the element proposed. The property is not located on Article 2(3) land or subject to an Article 4 Direction.

The proposed enlargements and alterations would be situated within the curtilage of the dwellinghouse and the location, dimensions, and volume (19.43 cubic metres) of the proposal complies with applicable criteria of Classes B and C. The exterior materials of the proposed works are similar in appearance to the materials of the exterior of the existing dwellinghouse.

The proposed development is not considered to fall within the remit of a Section 192 Certificate of Lawfulness (proposed) as the dormer and Velux windows have already been constructed as confirmed from a site visit by the Case Officer. Therefore, the description and plans indicating that the loft conversion with rear dormer is proposed is not factually correct with the proposal being retrospective. Additionally, the application form confirms that works have started at the point of submission.

CONCLUSION

In conclusion, the development described within the submission is not considered to be achievable under a Certificate of Lawfulness (proposed) as the loft conversion, dormer and Velux windows have already been carried out. Accordingly, the certificate of lawful development cannot be issued.

Decision: Refusal

Case Officer: Peter Davies