

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0472	Case Officer:	Catherine Cardin
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposal to replace the existing white single glazed sash windows to the front of Lincoln Cottage with replica white sash windows, but ones which are triple glazed and more thermally efficient.		
Site:	Lincoln Cottage, The Green, Horsted Keynes, Haywards Heath, West Sussex, RH17 7AW, ,		
Validation Date	24 Feb 2025	Overall Expiry Date:	28 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Apr 2025
Target Date:	21 Apr 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>Stephen Ashdown</i>	Date:	22 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0472

**Lincoln Cottage, The Green, Horsted Keynes, Haywards Heath, West Sussex, RH17 7AW,
Proposal to replace the existing white single glazed sash windows to the front of Lincoln Cottage
with replica white sash
windows, but ones which are triple glazed and more thermally efficient.
Mr And Mrs T Burden**

REPRESENTATIONS

None received.

PARISH COUNCIL OBSERVATIONS

No issue with the replica windows but application is lacking detail as to the materials that are to be used. The Committee is concerned by this and would like to see timber frames used not uPVC ones.

INTRODUCTION

This is an application for a Lawful Development Certificate to replace existing sash windows to the front of the property with uPVC sliding sash windows.

RECENT PLANNING HISTORY

00/01066/FUL- Removal of existing sun lounge and replacement with new conservatory. Permission.
DM/25/0056- Existing conservatory to be demolished and replaced with a flat roof single storey extension. Permission.

SITE AND SURROUNDINGS

The application relates to Lincoln Cottage, a semi-detached two storey dwelling with a hipped roof. The existing dwelling is composed of a mixture of darker and lighter brickwork to the exterior, a tiled roof and sash style windows. The existing dwelling is set back from the highway edge by a brick paved driveway with a low-level boundary fence abutting the roadside. The existing property has previously been extended through the addition of a rear conservatory.

The site is located within the Horsted Keynes built up area. The site is also set within the Horsted Keynes Conservation Area and the High Weald Area of Outstanding Natural Beauty (AONB).

APPLICATION DETAILS

The submitted plans show that new windows are proposed for the ground floor lounge window and the two front first floor bedroom windows, all to the front of the house.

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

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; F6...
- (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.

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 located on article 2 (3) land.

The proposed windows would have a similar colour, glazing pattern and overall opening size to those used in the construction of the exterior of the existing dwellinghouse. The proposed windows would not be located in a wall or roof slope forming a side elevation of the dwellinghouse. The proposed windows would not result in the enlargement of the existing dwellinghouse, or include the cladding of any part of the exterior of the dwellinghouse.

CONCLUSION

In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Class A 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