

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1133	Case Officer:	Andrew Horrell
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed single storey side and rear flat roof extensions.		
Site:	2 Sawyers Close, Burgess Hill, West Sussex, RH15 0QB, , , ,		
Validation Date	7 May 2026	Overall Expiry Date:	3 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	30 Jun 2026
Target Date:	2 Jul 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	1 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1133

**2 Sawyers Close, Burgess Hill, West Sussex, RH15 0QB, , ,
Proposed single storey side and rear flat roof extensions.
Clark**

SUMMARY OF REPRESENTATIONS

None received

INTRODUCTION

A lawful development certificate is sought for a single storey side and rear flat roof extensions.

SITE AND SURROUNDINGS

2 Sawyers Close is a two storey semi-detached pitched roofed dwelling within a cul-de-sac off Burdocks Drive. The walls are characterised by a mix of face brickwork and hanging tiles and the doors and windows are upvc.

To the north of the site is the adjoining neighbour, to the south of the site is the driveway with the adjacent neighbour beyond, to the east of the site is the existing detached garage and rear garden with brick wall to neighbour beyond and to the west of the site is the driveway leading to the highway.

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

APPLICATION DETAILS

The proposed single storey side flat roofed extension measures approximately 6.8m in depth, 2.255m in width and approximately 2.7m in height. This serves a garage

The proposed single storey flat roofed rear extension measures 3m in depth, 5.25m in width and 3m in height.

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 Part 1 Class A of Schedule 2 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 opposite the rear wall of the 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.
- (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, 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. Permitted development rights for the installation of garaging have been restricted.

Condition 13 of BH/102/77 under which the dwelling was constructed stated the following:

'Notwithstanding the provisions of the Town and Country Planning General Development Order 1977, no garage shall be erected on the site without the prior written approval of the Local Planning Authority to the siting and design of such garage'

Therefore, permitted development rights have been removed for the erection of garages.

As the proposed side extension is annotated to be used as a garage, it therefore is deemed to fall foul of the condition placed upon the estate within the 1977 planning permission.

The single storey rear extension complies with the above criteria, Schedule 2 Part 1 Class A

CONCLUSION

In conclusion the proposed development is not deemed suitable as a Certificate of Lawful Development as permitted development rights have been restricted for the erection of a garage which is the annotated use of the proposed side extension. The proposal therefore would not comply with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). An application for planning permission is therefore required for the erection of a garage.

Decision: Refusal

Case Officer: Andrew Horrell