

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0973	Case Officer:	Andrew Watt
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed rear dormer loft conversion and installation of solar panels		
Site:	5 Cheney Crescent, Haywards Heath, West Sussex, RH16 4UE, , , ,		
Validation Date	16 Apr 2026	Overall Expiry Date:	12 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Jun 2026
Target Date:	11 Jun 2026	Recommending Officer Signature:	<i>Andrew Watt</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	<i>Steven King</i>	Date:	10 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0973

**5 Cheney Crescent, Haywards Heath, West Sussex, RH16 4UE, , ,
Proposed rear dormer loft conversion and installation of solar panels
Charlotte Cowley**

SUMMARY OF REPRESENTATIONS

2 letters of objection:

- Dormer would be first of this type and not in keeping with surroundings, given its size
- Not modest in scale
- Contrary to design guidance
- Block early morning sunlight
- Patio in shadow
- Concerns about contractor access
- Concerns about impact on future plans to develop neighbouring loft due to reduced light and visibility from proposed dormer
- No party wall consultation has been carried out

SUMMARY OF CONSULTEES

None.

TOWN / PARISH COUNCIL OBSERVATIONS

As this is an application for Lawful Development Certificate and is, therefore, a legal matter, the Town Council defers the decision to Mid Sussex District Council.

INTRODUCTION

A Lawful Development Certificate is sought for a proposed rear dormer, loft conversion and installation of solar panels.

RELEVANT PLANNING HISTORY

In March 2003, outline planning permission was granted on appeal for 222 dwellings (HH/130/98). The reserved matters application was approved in March 2008 (07/01088/REM). Permitted development rights were not removed from these dwellings in respect of extensions, roof alterations and outbuildings, only for front boundaries.

SITE AND SURROUNDINGS

The application property is a 3-storey, mid-terraced townhouse with recessed entrance and garage on the ground floor, with living accommodation on the first floor, bedrooms on the second floor and loft storage above. The dwelling sits on the lower part of a modern housing development, dating from around 2010, as part of a curved terrace of similar dwellings bookended on either side with larger units. Each dwelling narrows slightly from front to rear and through the rear garden, which terminates to a shared pedestrian access.

The site is located within the built-up area of Haywards Heath.

APPLICATION DETAILS

A Lawful Development Certificate is sought for a proposed rear dormer, loft conversion and installation of solar panels.

The rear dormer will be sited on the rear roof slope and will measure 5.2m in width, 2.71m in height and project a maximum of 3.65m from the roof slope. The dormer will be tiled to match the main roof. The Supporting Statement advises that it will be 25.74 sq m in volume (measured externally), will be set back more than 200mm from the eaves, and will not exceed the ridge height of the existing roof.

The rooflights will be located on both front and rear roof slopes, 2 to the front, either side of the existing feature gable, and 2 at the rear above and to the edges of the proposed dormer. The Supporting Statement advises that these do not project more than 150mm from the roof plan nor exceed the height of the existing roof.

The solar panels will be sited on the front roof slope, 4 in total (2 either side of the feature gable and 2 above) and on the rear roof slope, 3 in total (between the proposed rooflights). The application form advises that these will not protrude more than 150mm from the roof slope.

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, which include the comments from neighbouring residents.

The proposal will be tested against the relevant criteria of Schedule 2, Part 1, Classes B and C and Part 14 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

PART 1

Development within the curtilage of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Permitted development

B. 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.

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.

PART 14

Renewable energy

Class A - installation or alteration etc of solar equipment on domestic premises

Permitted development

A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—

- (a) a dwellinghouse or a block of flats; or
- (b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or, in the case of a pitched roof, the roof slope when measured from the perpendicular with the external surface of the wall or pitched roof slope;
- (b) in the case of solar PV or solar thermal equipment on a pitched roof, it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);
- (ba) in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney);
- (c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;
- (d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- (e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

- (a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and
- (ba) in the case of solar PV or solar thermal equipment installed on a flat roof located on article 2(3) land, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to the impact of the appearance of the solar PV or solar thermal equipment on that land;
- (bb) in relation to an application under sub-paragraph (ba), paragraphs J.4(3) to J.4(12) of this Part apply as if "Class A" substitutes the reference to "Class J" in paragraph J.4(4); and
- (c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

ASSESSMENT

The site is not within Article 2(3) land or subject to an Article 4 Direction. The planning history of the site has been checked and the permitted development rights are understood to be intact.

The entirety of the development is within the curtilage of the dwellinghouse. The siting, height, width and depth of the proposed dormer extension complies with the above permitted development criteria, being less than the 50 cubic metres limitation. It has been confirmed within the Supporting Statement and drawings provided that the external materials proposed for the extensions will be similar in visual appearance to those used in the exterior of the existing dwelling. The dormer therefore complies with Part 1, Class B.

The Supporting Statement also confirms that the proposed roof lights would not protrude more than 0.15 metres above the perpendicular of the roofslope and nor would they be higher than the existing roof ridge. The rooflights therefore comply with Part 1, Class C.

The solar panels do not comply with Part 1, Class C (d) (ii). However, set against the criteria in Part 14, Class A, the drawings show that they would not exceed the height of the existing roof ridge and the application form advises that these will not protrude more than 150mm from the roof slope. The solar panels therefore comply with Part 14, Class A.

CONCLUSION

The proposed development is deemed to comply with the applicable permitted development criteria as set out within Schedule 2, Part 1, Classes B and C and Part 14, Class A 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: Andrew Watt