

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1874	Case Officer:	Anna Tidey
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed demolition of existing conservatory and construction of a single storey rear extension with a flat roof.		
Site:	7 Winkhurst Way, Burgess Hill, West Sussex, RH15 0RU, , , ,		
Validation Date	31 Jul 2026	Overall Expiry Date:	28 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Sep 2026
Target Date:	25 Sep 2026	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	24 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1874

**7 Winkhurst Way, Burgess Hill, West Sussex, RH15 0RU, , ,
Proposed demolition of existing conservatory and construction of a single storey rear extension
with a flat roof.
Mrs Hannah Pollock**

SUMMARY OF REPRESENTATIONS

None received.

CONSULTATIONS

None.

PARISH COUNCIL OBSERVATIONS

Burgess Hill Town Council: Noted that this is a legal decision to be made by the Mid Sussex Planning Officers.

INTRODUCTION

This application seeks a Lawful Development Certificate for the proposed demolition of an existing conservatory and the construction of a single storey rear extension with a flat roof at No 7 Winkhurst Way in Burgess Hill.

RELEVANT PLANNING HISTORY

DM/22/0387. Lawful Development Certificate -Proposed single storey rear extension. Approved March 2022.

BH/137/81. Erection of 3 houses with double garages. Approved June 1981.

BH/94/79. Outline application for 3 detached dwellings. Refused June 1979. Appeal Allowed January 1980.

SITE AND SURROUNDINGS

No 7 Winkhurst Way is a detached house on a residential cul de sac in an established residential estate off Kings Way to the south east of the built up area of Hassocks. The property has a part integral garage and an attached garage with flat roofs extending forward and to the side of the property. Off road parking is available for two cars to the front of the two garages.

To the rear of the garages there is an infill conservatory addition. This has a flat roof and glazed walls with white door and window frames. The rear wall of the conservatory addition is in line with the back wall of the adjacent utility room. A former external toilet window in the side wall of the house, enclosed within the conservatory, has been bricked up.

The property has also been extended with a rear single storey addition, which was the subject of application DM/22/0387, detailed above. The submitted plans for that application show that a cupboard, located off the hallway, had been constructed partly within the internal space of one of the garages, which shortens the depth of one garage space to 3.72m.

The house is constructed with brick walls with first floor tile hanging on the front elevation. The original white windows and doors in the front and rear elevations of the main house have been replaced with dark grey frames.

APPLICATION DETAILS

The proposed floor plans show the construction of a new flat roofed extension to replace the glazed conservatory addition. This would be constructed with brick walls to match the existing house. The northern side wall would be solid brick and in the rear wall a 1.15m wide pair of glazed French doors and a 0.46m wide (approx) window, with an opening top vent, are shown. These will allow access into the rear garden and provide light into the new study room that is to be formed in the new extension.

The roof of the proposed extension is shown to measure 2.8m in height. This would be 0.45m higher than that of the existing conservatory and the garages to the front, as annotated on the proposed elevations.

The submitted plans also show the creation of a new storeroom at the rear of the internal garage space, which will be accessed from internal doorways from the study and from the garages. The new wall of this store will align with the existing hall cupboard, mentioned above. As a result both garage spaces will be reduced to a depth of 3.72m.

The application has been accompanied by a Planning Statement, prepared by the applicant. This explains the background to the application, the design and appearance of the proposed extension and confirms that the proposed extension has been carefully designed to avoid any unacceptable impact on neighbouring amenity. This is available to view in full on the planning file.

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 Class A of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

Permitted Development

Class A - enlargement, improvement or other alteration of a dwellinghouse

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 M, N, P 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) until 30th May 2019, 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.

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 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 positioning, height, width and depth of the proposed extension complies with the above permitted development criteria. The application details that the external materials proposed for the construction of the extension will be of a similar appearance to those of the existing dwelling.

The proposed development is deemed to comply with the applicable permitted development criteria as set out within Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

On this basis it is recommended that the Lawful Development Certificate is issued.

CONCLUSION

The proposed development which is the subject of this application is deemed to comply with the applicable permitted development criteria as set out within Class A of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore a Lawful Development Certificate can be issued.

Decision: Permission

Case Officer: Anna Tidey