

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0407	Case Officer:	Caroline Grist
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed loft conversion with dormer to the south elevation.		
Site:	39 Holmesdale Road, Burgess Hill, West Sussex, RH15 9JP, , , ,		
Validation Date	17 Feb 2026	Overall Expiry Date:	25 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	9 Apr 2026
Target Date:	14 Apr 2026	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	10 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0407

**39 Holmesdale Road, Burgess Hill, West Sussex, RH15 9JP, , ,
Proposed loft conversion with dormer to the south elevation.
Mr Joe Clark**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

No responses have been received from consultees in response to this application.

TOWN COUNCIL OBSERVATIONS

The Committee of the 9th March noted that this was a legal decision to be made by the Mid Sussex Planning Officers.

INTRODUCTION

This is an application for a lawful development certificate for a loft conversion with dormer to the south elevation.

RELEVANT PLANNING HISTORY

BH/113/78 - Removal of existing garage and erection of new pre-fab garage. Permission.
DM/24/0725 - Proposed loft conversion with pitched roof dormer to the north elevation. Removal of the kitchen/dining room wall and addition of a new ground floor WC. Permission.
DM/25/0950 - Proposed loft conversion with dormer to the south elevation. Withdrawn.

SITE AND SURROUNDINGS

39 Holmesdale Road is a north facing, semi-detached, two storey dwelling. It is constructed of red brick, with a pan tile roof and has grey upvc windows. The dwelling has a porch with a mono-pitched roof to the front and a detached garage, which is set back and to the side of the property. There is also a conservatory to the rear of the dwelling.

The application site is situated within the built up area of Burgess Hill. Neighbouring properties are located to the east and west, whilst the highway is to the north and Holmesdale Wood is to the south. The dwelling is set back from the highway by a front garden and drive. It is also at a higher level than the highway.

It was noted during the Case Officer's site visit that works were underway on the dormer window that was granted permission under DM/24/0725. This dormer window is shown on the submitted drawings.

APPLICATION DETAILS

The proposal seeks to undertake a loft conversion, which would involve the construction of a flat roof dormer window on the rear (southern) roofslope. It is to be approximately 5.5 metres wide and 2.8 metres high. It is to be finished in grey cladding. The drawings also show that solar panels are to be sited on top of the dormer window's flat roof, with an overall height of some 0.4 metres.

LEGAL FRAMEWORK

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 B and Part 14 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

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;
- (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 veranda, 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 shall 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 shall 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.

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.

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;
- (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 property's planning history has been checked and there are no planning records that indicate permitted development rights have been removed. The property is not listed or a scheduled monument and the site is not located on Article 2(3) land or lies within a World Heritage Site. The dwelling was not permitted under Classes M, MA, N, P, PA or Q of Part 3 or Part 20.

The proposed dormer window would not be sited on the principal elevation and it would retain at least a 0.2 metre distance to the bottom, as measured up from the existing eaves. The roof space would also not be enlarged by more than 50 cubic metres, including the dormer window under construction, and the proposal does not include the provision of a verandah, balcony or raised platform. It has been confirmed by the applicant that the only windows in the dormer are to be sited on the rear elevation. With regards to the proposed materials it is proposed to clad the dormer in cladding to match the dormer on the front roofslope. As noted above, this dormer is under construction and has been partially clad. The proposed use of cladding would therefore match materials found on the dwelling.

With regards to the solar panels, they are to be sited on a flat roof and would not result in the highest part of the solar PV being more than 0.6 metres higher than the highest part of the roof. The panels are to be sited on the rear roofslope and have been positioned to minimise their effect on the external appearance of the building and the amenity of the area.

CONCLUSION

In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Class B Part 1 and Class A of Part 14 of 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: Caroline Grist