

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1099	Case Officer:	Catherine Cardin
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed single storey rear extension		
Site:	44 Nightingale Lane, Burgess Hill, West Sussex, RH15 9JJ, , , ,		
Validation Date	25 Apr 2025	Overall Expiry Date:	28 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	13 Jun 2025
Target Date:	20 Jun 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	13 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1099

**44 Nightingale Lane, Burgess Hill, West Sussex, RH15 9JJ, , ,
Proposed single storey rear extension
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TOWN COUNCIL OBSERVATIONS

The Committee of 2nd June noted this was a legal decision to be made by the Mid Sussex Planning Officers

REPRESENTATIONS

Southern Water

No objection.

Nature Space

No objection.

INTRODUCTION

Planning permission is sought for a proposed single storey rear extension.

RECENT PLANNING HISTORY

DM/16/4311- Erection of a timber playhouse in rear garden. Permission.

SITE AND SURROUNDINGS

44 Nightingale Lane is a two-storey terraced dwelling of buff brick construction with white uPVC windows and pantile roof. The property benefits from a garden to the front and the rear of the property. The dwelling has white timber boarding to the first-floor elevation.

The application site lies within the built-up area of Burgess Hill. Neighbouring properties are located to the east and west. A small, grassed area is located to the north and the highway is located to the north beyond. Properties in this area are a similar age and design.

APPLICATION DETAILS

The proposal seeks to construct a single storey rear extension. This would measure some 4.3 metres in width and some 2.6 metres in depth. This would have a pitched roof with a maximum height of some 3.6 metres and a height to the eaves of some 2.4 metres. It is proposed to install two rooflights on the proposed roof slope on the rear (south elevation). The proposed materials would match the existing.

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; ...
- (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.]

A.4—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(2) Before beginning the development the developer must provide the following information to the local planning authority—

- (a) a written description of the proposed development including—
 - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
 - (ii) the maximum height of the enlarged part of the dwellinghouse; and
 - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
- (iv) where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in sub-paragraphs (i) to (iii) must be provided in respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);
- (b) a plan indicating the site and showing the proposed development and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined;
- (c) the addresses of any adjoining premises;
- (d) the developer's contact address; and
- (e) the developer's email address if the developer is content to receive communications electronically, together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—

- (a) describes the development by setting out the information provided to the authority by the developer under paragraph A.4(2)(a);]
- (b) provides the address of the proposed development;
- (c) specifies the date when the information referred to in sub-paragraph (2) was received by the local planning authority and the date when the period referred to in sub-paragraph (10)(c) would expire; and
- (d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.

(6) The local planning authority must send a copy of the notice referred to in sub-paragraph (5) to the developer.

(7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

(8) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.

(9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)—
(a) take into account any representations made as a result of the notice given under sub-paragraph (5); and

(b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

(10) The development must not begin before the occurrence of one of the following—

(a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;

(b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 42 days following the date on which the information referred to in sub-paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

(11) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the information provided under sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(12) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises.

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 not located on article 2 (3) land.

The proposed development would not exceed 50% of the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse). The height of the proposal would not exceed the highest part of the roof or the eaves of the dwellinghouse. The development would not form the principle elevation or front the highway. The development would not extend beyond the rear wall of the dwellinghouse by more than 4 metres and would not exceed 4 metres in height. The extension does not fill in an area between a side extension and a rear wall.

The proposal does not consist of or include; the construction or provision of a verandah, balcony or raised platform; the installation, alteration or replacement of a microwave antenna; the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or an alteration to any part of the roof of the dwellinghouse.

The proposed materials are of similar appearance to those used in the construction of the existing 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

