

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1071	Case Officer:	Stefan Galyas
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Removal of existing garage. Construction of side single storey extension including garage.		
Site:	10 Woods Hill Lane, Ashurst Wood, East Grinstead, West Sussex, RH19 3RL, , ,		
Validation Date	29 Apr 2026	Overall Expiry Date:	27 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	21 Jul 2026
Target Date:	24 Jun 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	21 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1071

**10 Woods Hill Lane, Ashurst Wood, East Grinstead, West Sussex, RH19 3RL, ,
Removal of existing garage. Construction of side single storey extension including garage.
Mr Kerrin Fort**

REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

The application seeks a lawful development certificate (proposed) for the removal of the existing garage and for the construction of a single storey side extension.

RELEVANT PLANNING HISTORY

DM/26/0507 - Double storey side extension. Double storey porch extension. Withdrawn 10.04.2026.

SITE AND SURROUNDINGS

The Certificate of Lawfulness relates to 10 Woods Hill Lane, a two storey semi-detached dwelling set to the southern side of the highway. The property is set back from the pavement edge by a front driveway and front garden amenity space. Further garden amenity space is offered to the rear of the property which follows a linear plot form. The existing dwelling is composed of render and tile hanging to the exterior walls, a tiled roof and white uPVC windows.

The site is located within the Ashurst Wood built up area boundary and is set within the High Weald National Landscapes (formerly Area of Outstanding Natural Beauty).

APPLICATION DETAILS

The application seeks to demolish the existing single storey side elevation (west) garage and in its place develop a new single storey extension. The proposed extension would measure at approximately 8.1m in length, 3.2m in maximum width and 3m high. The proposed single storey side extension would be composed of brickwork to the walls to match the existing dwelling.

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

Permitted Development

The proposed single storey extension would be assessed under Class A which states:

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 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;

[F10(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 subparagraphs (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

ASSESSMENT

The property's planning history has been checked and household permitted development rights are understood to be intact. The property is located within the High Weald Area of Outstanding Natural Beauty (National Landscapes) but is not subject to an Article 2(3) Direction and is not set within a Conservation Area.

The proposed development is not considered to fall within the remit of a Section 192 Certificate of Lawfulness (proposed) as the existing garage to the side (west) elevation has already been demolished as confirmed from a site visit by the Case Officer. Therefore, the description and plans indicating that this demolition is proposed is not factually correct.

Moreover, works to develop the single storey side extension have already commenced and therefore the proposed works are actually retrospective. The extension projects beyond the principal elevation of the original dwellinghouse and therefore would fail to comply with the provisions of A.1e(i). In any circumstance, the application would not constitute permitted development.

CONCLUSION

In conclusion, the development described within the submission is not considered to be achievable under a Certificate of Lawfulness (proposed) as the works to demolish the pre-existing garage and some works for the development of a single storey extension have already been carried out before the validation of this application. The extension would also not constitute permitted development as it would extend beyond the principal elevation of the dwelling. Accordingly, the certificate of lawful development cannot be issued.

Decision: Refusal

Case Officer: Stefan Galyas