

## Delegated Decision

### Sign off Sheet

|                                              |                                                                 |                                        |                   |
|----------------------------------------------|-----------------------------------------------------------------|----------------------------------------|-------------------|
| <b>Ref. No:</b>                              | DM/26/0369                                                      | <b>Case Officer:</b>                   | Anna Tidey        |
| <b>Application Type:</b>                     | Lawful Development Certificate -Proposed                        |                                        |                   |
| <b>Proposal:</b>                             | Construction of a single storey rear extension                  |                                        |                   |
| <b>Site:</b>                                 | 26 Dellney Avenue, Haywards Heath, West Sussex, RH16 3ND, , , , |                                        |                   |
| <b>Validation Date</b>                       | 12 Feb 2026                                                     | <b>Overall Expiry Date:</b>            | 11 Mar 2026       |
| <b>Pre-Commencement Conditions Required:</b> |                                                                 | <b>Pre-Com Conditions Date Agreed:</b> |                   |
| <b>Recommendation:</b>                       | Permission                                                      | <b>Recommendation Date:</b>            | 6 Apr 2026        |
| <b>Target Date:</b>                          | 9 Apr 2026                                                      | <b>Recommending Officer Signature:</b> | <i>Anna Tidey</i> |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                        |              |            |
|------------------------------|------------------------|--------------|------------|
| <b>Signed and Agreed By:</b> | <i>Stephen Ashdown</i> | <b>Date:</b> | 7 Apr 2026 |
| <b>Comments:</b>             |                        |              |            |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/26/0369**

**26 Dellney Avenue, Haywards Heath, West Sussex, RH16 3ND, , ,  
Construction of a single storey rear extension  
Mr Daniel Feest**

### **CONSULTATIONS**

Southern Water: No objections.

### **TOWN COUNCIL**

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

### **SUMMARY OF REPRESENTATIONS**

None received.

### **INTRODUCTION**

This application seeks a Lawful Development Certificate for a single storey rear extension at the rear of a semi detached house at No 26 Dellney Avenue in Haywards Heath.

### **RELEVANT PLANNING HISTORY**

None found.

### **SITE AND SURROUNDINGS**

No 26 Dellney Avenue is a semi detached dwelling located on an established residential road off Franklyn Road in the built up area of Haywards Heath.

The property is constructed in brick with a hipped roofline and is of a similar design to other properties in the road. The house has a small single storey off shoot at the rear, serving the kitchen, which measures approx. 2.2m wide by 1.4m deep, with a lean to roofline. The rear and side facing external walls on the offshoot have been painted white.

The front and side effacing windows in the house have been replaced with dark grey framed windows, The windows at the rear of the house are white. The roofs are finished in a plain brown tile.

### **APPLICATION DETAILS**

The submitted plans show the removal of the lean to projection and the addition of a new 3m deep by 5.5m wide addition on the rear of the house, extending to within approx. 0.15m of the mutual boundary with the adjoining house at No 28. The applicant has confirmed that the new side wall of the extension will replace the existing close board fencing panels, which serve to divide the rear patio areas at the rear of the houses.

The eaves level on the extension will measure a height of 2.25m and the top of the lean to roof will extend to a height of 3.62m. Two rooflights are proposed in the south eastern facing roof slope of the addition.

The side walls of the addition are to be solid and a single window and a pair of French doors are to be located in the south east facing rear elevation to lead onto the existing patio and to access the rear garden.

The application was supported by a Planning Statement, which can be viewed on the planning files. This supports the application with information including a description of the property and the proposal, details of the energy efficiency measures, how the development will comply with Permitted Development Rights and the proposed construction materials.

## **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 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.

Decision:        Permission

Case Officer: Anna Tidey