

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0948	Case Officer:	Peter Davies
Application Type:	Lawful Development Certificate -Existing		
Proposal:	Loft conversion		
Site:	66 Woodlands Road, East Grinstead, West Sussex, RH19 3EL, , , ,		
Validation Date	8 Apr 2025	Overall Expiry Date:	2 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	2 Jun 2025
Target Date:	3 Jun 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	3 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0948

**66 Woodlands Road, East Grinstead, West Sussex, RH19 3EL, , ,
Loft conversion
Mr Ion Tanko**

TOWN COUNCIL OBSERVATIONS

The Committee of the 28 April felt that the size of the extension was large for a LDC however deferred to the expertise of MSDC regarding this and resolved to support the application.

REPRESENTATIONS

None received.

INTRODUCTION

This application seeks a Lawful Development Certificate for an existing hip to gable extension, rear dormer and 2 no. rooflights to the front elevation.

SITE AND SURROUNDINGS

The application property is a semi-detached two storey dwelling located on the south side of Woodlands Road, within the built-up area boundary of East Grinstead.

The application property has a pitched roof and is constructed from brick with plain roof tiles and white uPVC fenestration. The dwelling is set back from the highway with off street parking. The locality consists for semi-detached dwellings of a similar design with varying form and scale.

APPLICATION DETAILS

The application is seeking a Lawful Development Certificate under section 191 of the Town and Country Planning Act 1990 as to whether the construction of the hip to gable extension, rear dormer and 2 no. rooflights to the front is lawful.

The application form confirms that works were substantially completed by 1st October 2023.

The application is supported by plans of both before and after the works were completed.

The built hip to gable extension is located on the west side and has a height of 3.60 metres and extends out 3.40 metres.

The dormer is located on the south side and has a width and depth of 7.20 metres and 2.80 metres. The dormer has a flat roof with a height of 2.80 metres.

2 no. rooflights have been installed on the north elevation.

The materials used are similar in appearance to the rest of the external materials used on the dwelling.

LEGAL FRAMEWORK

This application is to establish whether the existing 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 existing enlargements and alterations will be tested against the relevant criteria of Part 1 Classes B and C Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

Permitted Development

Class 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 (changes of use);
- (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 verandah, 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 must 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 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.

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.

Class C - Any other alteration to the roof of a dwellinghouse.

Development Not Permitted

C.1 Development is not permitted by Class C 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) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof;
- (d) it would consist of or include—
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment; or
- (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) obscure-glazed; and
- (b) 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.

ASSESSMENT

The enlargement and alterations were substantially completed 1st October 2023 and therefore are assessed against the relevant criteria of the General Permitted Development Order (2015) as amended.

The property's planning history has been checked and household permitted development rights are understood to be intact for the element proposed. The property is not located on Article 2(3) land or subject to an Article 4 Direction.

The enlargements and alterations are situated within the curtilage of the dwellinghouse and the location, dimensions, and volume (46.27 cubic metres) of the proposal complies with applicable criteria of Classes B and C. The exterior materials of the proposed works are similar in appearance to the materials of the exterior of the existing dwellinghouse.

CONCLUSION

In conclusion, the development that the certificate has been applied for, has been completed and is deemed to comply with the applicable permitted development criteria as set out within Classes B and C 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: Peter Davies