

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0580	Case Officer:	Peter Davies
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed loft conversion with a rear dormer and two front roof light windows		
Site:	72 Bonnet Lane, Burgess Hill, West Sussex, RH15 0FQ, , , ,		
Validation Date	6 Mar 2025	Overall Expiry Date:	2 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	30 Apr 2025
Target Date:	1 May 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
--	--	-------------------------------	---

Signed and Agreed By:	Steven King	Date:	30 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0580

**72 Bonnet Lane, Burgess Hill, West Sussex, RH15 0FQ, , ,
Proposed loft conversion with a rear dormer and two front roof light windows
Mr Field And Ms Brown**

REPRESENTATIONS

One letter of representation was received from no. 70 Cants Lane for the following reasons:

- Drainage issues as a result of surface water runoff
- Set a precedent for others
- Loss of privacy

TOWN COUNCIL OBSERVATIONS

The Committee noted the application.

INTRODUCTION

This application seeks a Lawful Development Certificate for a rear dormer and rooflights to the front.

PLANNING HISTORY

Outline consent was granted under reference 09/03697/OUT for 475 dwellings with associated infrastructure, including new vehicular access onto Kings Way, Wyvern Way and Curf Way, and community leisure facilities, with a subsequent reserved matters consent being granted under reference DM/16/5617.

SITE AND SURROUNDINGS

The application property is a semi-detached two storey dwelling located on the north side of Bonnet Lane, within the built-up area boundary of Burgess Hill.

The application property is constructed from brick and white render with clay roof tiles and white uPVC fenestration. The dwelling is set back from the highway with an attached side carport and off street parking. The locality is characterised by a new built estate with similar designs but varying form and scale.

APPLICATION DETAILS

The proposed dormer will be located on the north side of the dwelling with a width and depth of 4.80 metres and 3.60 metres. the dormer will have a flat roof with a height of 2.70 metres.

2 no. rooflights are proposed on the south elevation roof slope. These are to sit flush with the roof slope. All materials will 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 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 property's planning history has been checked and some permitted development rights have been restricted by condition,

Condition 1 of DM/16/5617 states the following:

'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or as amended, no enlargement, improvement or other alteration to the front roof slopes and elevations of the dwelling houses hereby approved shall be carried out without the specific grant of planning permission from the Local Planning Authority.'

Reason: To protect the character of the locality and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Submission Version District Plan 2014-2031.'

The property is not located on Article 2(3) land or subject to an Article 4 Direction.

The proposed dormer would be situated within the curtilage of the dwellinghouse and the location, dimensions, and volume (23.33 cubic metres) of the proposal complies with applicable criteria of Class B. The exterior materials of the proposed works would be similar in appearance to the materials of the exterior of the existing dwellinghouse. However, the proposed rooflights would be an alteration situated on the front roof slope and conflict with condition 1 of DM/26/5617. They would therefore require planning permission.

CONCLUSION

The proposed development is not deemed to be permitted development, by reason of condition no. 1 of planning permission DM/26/5617 which restricts alterations and enlargements to the front elevation of the dwelling house. Therefore, an application for planning permission is required and a certificate cannot be issued

Decision: Refusal

Case Officer: Peter Davies