

DELEGATED DECISION REPORT

SMD/2023/0589
Valid 29/11/2023

66 STATION ROAD
BIDDULPH

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR A PROPOSED USE OR
DEVELOPMENT - REMOVAL
OF EXISTING GLASS ROOF
TO ORIGINAL GARAGE (NOW
DINING ROOM) AND
INSTALLATION OF NEW
GLASS LANTERN**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether compliant with GPDO(2015) Schedule 2 Part 1 Class B – *additions etc to the roof of a dwellinghouse.*

DESCRIPTION OF SITE

The site is a detached half-red brick, half rendered property which occupies a corner plot at the junction of Station Road and Halls Road. The site is not Listed, nor in a Conservation Area. The site is in a suburban setting. The site has been extended with permissions SMD/2013/0140 (13/00005/FUL), SMD/2014/0830, and SMD/2017/0827.

PROPOSAL

The proposal is to replace the existing glass roof lantern over the dining room (former garage) with a new roof lantern.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

General Permitted Development Order (2015) (As amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- SMD/1980/0746 (OLD_REFERENCE 80/08929/OLDDC) – DESCRIPTION: Change of use from shop to living accommodation and formation of vehicular access. DECISION: APPROVED
- SMD/2013/0140 - (OLD_REFERENCE 13/00005/FUL) DESCRIPTION: Rear first and ground floor extension and side ground floor extension. DECISION: PERCON
- SMD/2014/0830 - DESCRIPTION: Two storey side extension. DECISION: APPROVED

- SMD/2017/0827- DESCRIPTION: Single storey side extension. DECISION: APPROVED

CONSULTATIONS

None required.

OFFICER COMMENTS

Principle of Development

SMD/2013/0140 (13/00005/FUL) conditions that no additional windows or any other openings shall be installed in any part of the development without prior written consent from the Local Planning Authority. This should not affect this proposal as this condition stipulates *additional* windows or openings, and the SMD/2023/0589 is for a replacement of an existing window.

The property became a dwellinghouse through change of use from a shop, however that was granted through full planning permission (SMD/1980/0746 (old reference 80/08929/OLDDC)), rather than the GPDO, and therefore does not impact this Permitted Development application.

If the development proposed is found to be 'permitted', then a lawful certificate can be issued. The application will be assessed against the GPDO below:

Class B – additions etc to the roof of a dwellinghouse

Permitted development:

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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); **permission to use the dwellinghouse as a dwellinghouse was granted with a full planning application, therefore complies.**

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof; **the proposed works would not exceed the height of the highest part of the existing roof, therefore complies.**

(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; **the proposal if not on the principal elevation. The principal elevation on this property, as assessed using the 'PDR for householders technical guidance', is the elevation which fronts the main highway serving the property. This would be the elevation which fronts Station Road. The proposal complies.**

(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; **the cubic content of the roof would not increase.**

(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; **the proposal does not include any of these things, and therefore is compliant.**

(f) the dwellinghouse is on article 2(3) land.; **the proposal is not, and therefore compliant.**

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).; or **the proposal was not, and therefore compliant.**

(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). **The proposal was not, and therefore compliant.**

CONCLUSION / PLANNING BALANCE

The proposal complies with the GPDO, and therefore recommended for approval as the development is lawful.

OFFICER RECOMMENDATION : Approve

Case Officer: Reuben Berriman

Recommendation Date: 24/01/2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council