

DELEGATED DECISION REPORT

SMD/2024/0558
Valid 23/12/2024

24 FOLD LANE
BIDDULPH

CERTIFICATE OF LAWFULNESS
PROPOSED LOFT CONVERSION
WITH NEW FLAT ROOF REAR
DORMER.

(CERTIFICATE OF LAWFULNESS
- PROPOSED)

MAIN ISSUES

- Consider whether the proposed works comply with Permitted Development rights.

DESCRIPTION OF SITE

The dwelling the subject of this application is number 24 Fold Lane Biddulph, a previously extended, semi-detached bungalow. There are gardens/external amenity space at the front and rear of the house, with off-road parking at the front of the property.

The application site is within the Green Belt, on the northern side of the town of Biddulph. The application property is not within any Conservation Area and there are no Listed Buildings which need to be considered. The site is within a High-risk coal development area

PROPOSAL

The application is a certificate of lawfulness for a proposed loft conversion and rear, flat roof dormer. The submitted plans show the dwelling already has a staircase into the loft space and rooflights within the front and rear roof slopes. The scheme involves repositioning the staircase and the formation of a master bedroom with ensuite, store and dressing area. A Juliette balcony and separate single window would be present on the rear elevation of the dormer. The rooflight at the front of the house would remain. A new rooflight would be added to the side of the roof, allowing light into the new stairwell.

It is noted that the plans show a different roof shape above an area of the dwelling which appears to be an existing extension. It is noted that the images titled '3D View 1' and '3D View 2' don't seem to correspond with the flat roof shown within the proposed plan. However, the application form clearly states that the Certificate of Lawfulness is for the construction of the rear dormer and the loft conversion and the drawings appear to be correct in respect of this part of the works.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The application is for a certificate of lawfulness and therefore Local and National Planning Policies cannot be applied. Determination of this application relates solely to whether the proposed dormer extension complies with the domestic permitted development rights allowances within the General Permitted Development Order (2015) (as amended), Schedule 2, Part 1, Class B 'Additions etc to the roof of a dwellinghouse.' Class B allows for the

enlargement of a dwellinghouse consisting of an addition or alteration to its roof. No records can be found to state permitted development rights have been removed.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None.

OFFICER COMMENTS

Assessment of Class B is as follows:

B.1

A) Complies. Dwelling is not formed as a result of Class G, M, MA, N, P, PA or Q of Part 3.

B) Complies. No part of the dormer would exceed the height of the highest part of the roof.

C) Complies. The dormer is not on the principal elevation facing the highway.

D) This is a semi-detached dwelling therefore the permissible cubic content increase is a maximum of 50 cubic metres. The proposal complies with this limitation.

E)

i, Complies. The proposal includes a Juliet balcony. The Permitted Development Rights for Householders: Technical Guidance specifies that 'A Juliet balcony, where there is no platform and therefore no external access, would normally be permitted development.

ii, Does not include installation, alteration or replacement of a chimney, flue or soil and vent pipe.

F) Complies. The dwellinghouse is not on article 2(3) land.

G) Complies. The dwelling is not built under Part 20.

H) Complies. Dwelling has not been extended under the allowances within Class AA.

Development is permitted by Class B subject to conditions.

B.2

a) Condition states that *'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.'* The architect has submitted a plan specifying that the dormer cheeks will be clad in a plain grey tile. A plain grey tile will have a similar appearance to the tiles of the existing house.

b)(i) This is not a hip-to-gable enlargement or extension which joins the original roof to the roof of a rear or side extension.

b)(i)(aa) The plans do not indicate anything other than the eaves of the original roof being maintained.

b)(i)(bb) Complies. Dormer is not less than 0.2m from the eaves.

b)(ii) Complies. No part of the enlargement extends beyond the outside face of any external wall.

c) Part c requires that 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.

The architect has submitted an amended plan, annotated to state that the rooflight will be obscure glazed and in accordance with part ii above. It is noted that the rooflight will be above the stairwell.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above it is recommended that the Certificate of Proposed Lawful Development is approved.

OFFICER RECOMMENDATION : Approve. Is Permitted Development

Case Officer: Lisa Jackson

Recommendation Date: 14.03.2025.

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council