

DELEGATED DECISION REPORT

SMD/2025/0056
Valid 28/01/2025

1 BIRCH GROVE
FORSBROOK

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR -**

**THE PROPOSAL IS TO
DEMOLISH AN EXISTING
TIMBER CONSTRUCTED
LEAN-TO PORCH TO THE
SIDE OF THE PROPERTY. IT
WILL BE REPLACED WITH A
NEW SINGLE STOREY LEAN-
TO BRICK BUILT EXTENSION.
IT WILL HAVE A FRONT AND
REAR DOOR ACCESS AND
TRIPLE GLAZED SKYLIGHTS
IN THE ROOF. NO WINDOWS
IN THE WALLS ARE
PROPOSED. THE EXTENSION
WILL BE BUILT TO BUILDING
REGULATIONS IN ORDER TO
MEET THE NECESSARY
LEVELS OF ACCESS,
INSULATION AND
CONSTRUCTION
STANDARDS.**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether compliant with GPDO(2015) Schedule 2 Part 1 Class A

DESCRIPTION OF SITE

Semi-detached two storey dwelling of mansard design in brick and Staffordshire style tile. The pair of semis is one of a group of some six similar properties clustered in a short cul-de-sac within the Blythe Bridge and Forsbrook larger villages development boundary. Land forming rear gardens to the adjacent unattached dwellings to the west (nos. 52 and 54 Bridgewood Road) appears slightly elevated relative to the proposal ground. A retaining wall against the boundary property

gardens can be identified on the submitted drawings and is seen to be unaffected by the proposal.

PROPOSAL

The proposal is as given in the applicant's description of the development for which the certificate is sought. The lean-to proposed to be demolished is a light-weight glazed timber structure which from the road has the appearance of a conservatory or lean-to green house.

The proposed new lean-to extension is shown in brick and tile "to match existing" and would be 2.5m in width projecting from the side of the existing dwelling. It would be 2.5m to the eaves and 3.6m at the roof lean-to point. It would have a length along the side elevation of the dwelling of 6.9m. Rooflights are to be incorporated in the roof slope.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

No policy considerations as the determination is contingent on the provisions of the GPDO(2015).

A. 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 G, M, MA, N, P, PA 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), 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 being enlarged which is opposite the rear wall of that 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; or
- (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.; or
- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity / Consultation

Publicity / Consultation – none as the determination is based on matter of legal fact.

OFFICER COMMENTS

Principle of Development

If the development proposed is found to be 'permitted', a lawful certificate can be issued.

As a single storey side structure in which the proposed eaves height is set not higher than the eaves of the existing dwelling and in fact shown by the proposal drawing to be set lower, the proposal is compliant with A.1(c) (d) and (e). The side elevation is not the principal elevation nor does it front a highway.

Although the extension (the enlargement) would come to within 2m of the property's curtilage boundary, the height of the eaves (2.5m) would not exceed 3m and therefore the proposal is compliant with A.1 (i).

The proposal, not joined to any existing enlargement, is compliant with A.1 (ja). There are no conflicts with the requirements of A.1(j) as it is less the 4m in height being 3.6m at the lean-to point; is single storey and is less than half the 8.2m width of the original dwelling.

Design

It is a condition of the Permitted Development that 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.

In the as-existing drawing and in the proposal drawing the applicant describes the existing roof as comprising "grey concrete roof tiles". For the extension the annotation refers to "concrete roof tiles to match existing". Whether the existing tiles are concrete or clay has not been established by the LPA. The requirement in order to be lawful is that the proposal must be completed in 'similar' materials and this condition will be met if 'matching' materials are used. If a certificate is issued it would be advisable to avoid specific reference to concrete owing to the uncertainty.

CONCLUSION / PLANNING BALANCE

It is found that the proposed development would be 'permitted' under the terms of the GPDO(2015) Schedule 2 Part 1 Class A and therefore lawful subject to the

materials used being 'similar' to those of the existing dwelling. In this case the materials are proposed to be 'matching' and this can be accepted as meeting the requirement.

OFFICER RECOMMENDATION : **That a lawful certificate be issued.**

Case Officer: Arne Swithenbank

Recommendation Date: 10.04.2025

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council