

DELEGATED DECISION REPORT

SMD/2025/0119
Valid 19/03/2025

WILLS CROFT ABBEY
GREEN ROAD
LEEK

**CERTIFICATE OF
LAWFULNESS FOR
PROPOSED USE OF A SINGLE
STOREY EXTENSION TO THE
SIDE OF THE EXISTING
DWELLING**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether the development is permitted by the GPDO

DESCRIPTION OF SITE

A bungalow on Abbey Green Road, opposite Abbey Green Inn and to the south east of Abbey Green Farm. The dwelling is split level to the north west it presents as a bungalow with the high level driveway and parking space providing access from Abbey Green Road and approach to a central entrance door. To the south east the dwelling has a two storey elevation that presents to a garden and field beyond.

PROPOSAL

The proposal is to make a single storey addition that would extend 4.5m from the wall of the south west elevation. The addition would be 7.5m wide across the full width of that elevation. The addition would be faced in stone to match the existing dwelling. The maximum height of the addition's parapet would be 3.2m. The proposal as described does not explicitly include the provision of a balcony or raised platform, but it is noted that the plans clearly show the introduction of two sliding doors at first floor level providing access onto the flat roof of the addition.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

79/07709/OLDDC farm workers dwelling APPROVED

80/09027/OLDDC Details of farm workers dwelling APPROVED

11/01125/CL_EXG Use of building without compliance COLE. APPROVED

SMD/2024/0386 Variation of occupation condition. APPROVED.

HNT/2025/0003 Flat roof rear extension. PRIOR APPROVAL NOT REQUIRED.

OFFICER COMMENTS

The dwelling is a detached property granted permission in 1979/80. A check of the planning permission confirms that there was no condition attached that has the effect of removing permitted development rights. The proposed addition would extend from the wall by 4.5m (less than half the width of the dwelling's 15m wide long side elevation), be single storey and not exceed 4m in height. The eaves height, below the parapet, would not exceed 3m.

It is considered that the south western elevation forms a side wall of the dwellinghouse and that the proposed addition would extend from the side wall of the dwelling – an addition that extends from a side wall of the dwelling and does not exceed half the width of the original dwelling can be permitted. The dwelling does not present to the roadside with conventional orientation. The plans approved for the dwelling in 1980 do not assign or detail elevations as front, rear or side – they are referred to as SE and NW etc. The gabled wall that faces SW has a personnel door of a type normally used as a ‘front door’ and a garage up and over door. If this elevation were considered the front then that would make the gable on the other side of the dwelling, that is closer to and facing Abbey Green Road, the rear wall. The gabled elevation facing the road is a blank facing stone wall and is much more obviously identified as a ‘side elevation’. It is considered that the gable ends of the dwelling (facing SW and NE) should be identified as ‘side walls’.

The proposal, as described, does not explicitly include the provision of a roof terrace or balcony. However, the submitted plans (Roof plan and Elevations) clearly detail that, as part of the proposed development, first floor sliding doors would be installed to provide access onto the roof of the addition making the flat roof a terrace or raised platform.

By virtue of the limits at Class A – Class A.1(k)(i) development is not permitted if it would consist of or include the provision of a balcony or raised platform. The roof terrace would amount to a raised platform and as such the development proposed is not permitted because of this and the development would not be lawful.

CONCLUSION / PLANNING BALANCE

The proposed development would not be lawful and permitted by the GPDO because, as clearly detailed on the submitted plans, it would include the provision of a raised platform in the form of a roof terrace.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 16th May 2025

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council