

DELEGATED DECISION REPORT

SMD/2025/0273
Valid 11/06/2025

1 SANDY ROAD
BIDDULPH

**CERTIFICATE OF
LAWFULNESS FOR
PROPOSED REAR AND SIDE
EXTENSION WITHIN
PERMITTED DEVELOPMENT**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether the proposed development complies with Class A of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

DESCRIPTION OF SITE

The site consists of a red brick detached bungalow in a suburban location within the Biddulph Development Boundary. The house has a pitched tile roof.

PROPOSAL

The application seeks to confirm whether the proposed extensions and alterations comply with The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and are therefore permitted development.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- SMD/1978/0169. (OLD REFERENCE: 78/05331/OLDDC). DESCRIPTION: Extension to form conservatory. DECISION: APPROVED.

CONSULTATIONS

N/A

OFFICER COMMENTS

The proposal shall be assessed against Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as

amended), which permits the enlargement, improvement or other alteration of a dwellinghouse.

Permitted Development:

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); **– the proposal complies.**

(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); **– the proposal complies.**

(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; **– the proposal complies.**

(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; **– the proposal complies.**

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or **– the proposal complies**

(ii) fronts a highway and forms a side elevation of the original dwellinghouse; **– the proposal complies.**

(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 **– the house is detached and the proposal extends 4 metres and therefore complies**

(ii) exceed 4 metres in height; **– the proposal has height of 4.38 metres and therefore does not comply.**

(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 **– the house is not on Article 2(3) land and the proposal extends 4 metres and therefore complies**

(ii) exceed 4 metres in height; **– the proposal has height of 4.38 metres and therefore does not comply.**

(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 **– the proposal is single storey and therefore complies**

- (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; – **the proposal is single storey and therefore complies**
- (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; – **the proposals eaves are 2.33 metres and therefore complies**
- (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, – **the side extension of the proposal is 4.05 metres and therefore does not comply**
 - (ii) have more than a single storey, or – **the proposal complies**
 - (iii) have a width greater than half the width of the original dwellinghouse; – **the proposal is 2.1 metres, where the house width is 6.75 metres and therefore complies**
- (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); – **the proposal does not comply due to it being over 4 metres in height**
- (k) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform, – **the proposal complies**
 - (ii) the installation, alteration or replacement of a microwave antenna, – **the proposal complies**
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or – **the proposal complies**
 - (iv) an alteration to any part of the roof of the dwellinghouse.; or – **the proposal complies**
- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). – **the proposal complies**

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; – **the proposal complies as it is not on article 2(3) land**
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or – **the proposal complies as it is not on article 2(3) land**
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse. – **the proposal complies as it is not on article 2(3) land**
- (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). – **the proposal complies as it is not on article 2(3) land**

CONCLUSION / PLANNING BALANCE

The proposal fails to comply with Class A of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and is therefore not Permitted Development.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Reuben Berriman

Recommendation Date: 06/08/2025

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council