

DELEGATED DECISION REPORT

SMD/2026/0207
Valid 24/04/2026

18 ROBIN HILL
BIDDULPH MOOR

**CERTIFICATE FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR A PROPOSED USE -
PROPOSED EXTENSION TO
FORM PORCH, RE-ROOF OF
EXISTING REAR EXTENSION,
REPLACEMENT OF FLANK
WALL TO EXISTING REAR
EXTENSION AND
ALTERATIONS TO
FENESTRATION, PROPOSED
INCREASE IN WIDTH OF
EXISTING FIRST FLOOR
BEDROOM WINDOW,
PROPOSED ROOFLIGHTS**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether the proposed development is considered permitted development under the provision of 'The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)'.

DESCRIPTION OF SITE

The proposed site comprises a semi-detached render and tile dwellinghouse and its associated curtilage, situated in the Biddulph Moor ward. Additionally, the proposed site is on Green Belt land, where development is more restricted. The site is enclosed by neighbouring dwellinghouses on the East and West. Honeysuckle Cottage, No. 20 Robin Hill is situated to the East of the site and No. 16 Robin Hill is located to the West. The rear curtilage of the site adjoins an area of open Green Belt to the South, where the Biddulph Town 47 Public Right of Way runs. The Robin Hill highway runs adjacent to the proposed site on the North.

PROPOSAL

The proposed development comprises of the following:

- A proposed extension to form a porch.

- The proposed re-roofing of the existing rear extension.
- A proposed replacement flank wall to the existing rear extension.
- Alterations to the fenestration of the existing rear extension.
- The proposed increase in the width of the existing first floor bedroom windows.
- Proposed rooflights.

The proposed extensions and alterations would be constructed from materials which would match the materials used in the construction of the host dwelling, for instance render, tiles and UPVC.

Notably, the proposed scheme is a revised version of the initially proposed scheme. A revised scheme was submitted to the Council due to a breach of Class A.3 (a) in relation to materials used in the construction of the proposed replacement flank wall.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

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

Permitted development rights for householders: Technical Guidance

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

N/A

CONSULTATIONS

Publicity

N/A

Public Comments

N/A

OFFICER COMMENTS

Porch Extension

In conformity with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is necessary to assess whether the proposed porch extension to the dwellinghouse adheres to the

criteria stated by Schedule 2, Part 1, Class D of the GPDO, to determine whether the householder development is permitted.

Schedule 2, Part 1, Class D.1 (a) states that development is not permitted if the dwellinghouse has been granted consent under Part 3 of the GPDO. The dwellinghouse has not been granted consent for a change of use under Part 3.

The proposed porch would have a total ground area of approximately 2.92 metres squared (measured externally). Therefore, it would not breach the 3 square metre rule stated under Class D.1 (b).

Under Class D.1 (c), any part of the structure cannot be more than 3 metres above ground level. The maximum height of the proposed porch would be 3 metres, thus the extension would comply with this restriction.

Class D.1 (d) states that any part of the structure cannot be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway, otherwise full planning permission would be required. The porch would not be located within 2 metres of the curtilage boundary with a highway, therefore this restriction would be complied with.

The dwellinghouse was not built under Part 20 of the GDPO 2015 Schedule, therefore Class D.1 (e) does not apply.

The proposed porch therefore complies with Class D.

Re-Roof of Existing Rear Extension

In conformity with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is necessary to assess whether the proposed re-roofing of the existing rear extension adheres to the criteria stated by Schedule 2, Part 1, Class B of the GPDO, to determine whether the householder development is permitted.

Schedule 2, Part 1, Class B.1 (a) states that development is not permitted if the dwellinghouse has been granted consent under Part 3 of the GPDO. The dwellinghouse has not been granted consent for a change of use under Part 3.

Class B.1 (b) restricts the highest part of any alteration from being higher than the highest part of the original roof. The proposed re-roofing would not exceed beyond the maximum ridge height of the dwelling.

Under Class B.1 (c), roof alterations cannot extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. The proposed re-roof would be for a rear extension, therefore this criterion would not be breached.

Class B.1 (d) restricts the cubic content of the resulting roof space from exceeding the cubic content of the original roof space by more than 50 cubic metres in the case

of semi-detached dwellings. As the proposed development just comprises of the re-roofing of an existing extension, this criterion is not applicable.

The proposed work would not consist of or include the construction or provision of a verandah, balcony or raised platform, or the installation, alteration or replacement of a chimney, flue or soil and vent pipe. Therefore, Class B.1 (e) is not applicable.

The site is not located in a conservation area and therefore, Class B.1 (f) is not applicable.

The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses), therefore Class B.1 (g) does not apply.

The existing dwellinghouse has not been enlarged in reliance on the permission granted by Class AA, therefore Class B.1 (h) does not apply.

Class B.2 (a) states that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The proposed re-roofing of the existing extension would be completed in tiles of a similar appearance to those used in the construction of the host dwelling, therefore the proposed works adhere to this condition.

As the proposed works do not comprise of an enlargement to the existing roof, Class B.2 (b) does not apply.

The proposed re-roofing would only be installed on the existing rear extension to the dwelling; there would be no new side facing windows. Therefore, Class B.2 (c) and (b) do not apply.

The proposed roof alterations therefore comply with Class B.

Replacement Flank Wall

In conformity with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is necessary to assess whether the proposed replacement flank wall to the dwellinghouse adheres to the criteria stated by Schedule 2, Part 1, Class A of the GPDO, to determine whether the householder development is permitted.

Schedule 2, Part 1, Class A.1 (a) states that development is not permitted if the dwellinghouse has been granted consent under Part 3 of the GPDO. The dwellinghouse has not been granted consent for a change of use under Part 3.

In accordance with Class A.1 (b) of the GPDO, the ground coverage of the building resulting from the replacement flank wall would not exceed 50% of the total curtilage of the dwellinghouse.

Class A.1 (c) and (d) confirm that the height of the part of the dwellinghouse altered cannot exceed beyond the maximum roof height and eaves height of the existing

dwellinghouse; otherwise the development is not permitted. The proposed replacement flank wall would not exceed the maximum roof or eaves heights of the existing dwellinghouse.

Class A.1 (e) relates to the enlargement of dwellings. As a replacement flank wall does not comprise of an enlargement to a dwelling, this regulation does not apply.

Class A.1 (f. i) relates to the enlargement of a dwelling, therefore it does not apply to the proposed replacement flank wall. However, (f. ii) states that the enlarged part of the dwellinghouse cannot be single storey and exceed 4 metres in height. The replacement flank wall would have a maximum height of approximately 2.47 metres, thus there would be no breach of this restriction.

Class A.1 (g) relates to the enlargement of dwellings. As a replacement flank wall does not comprise of an enlargement to a dwelling, this regulation does not apply.

Class A.1 (h) relates to the enlargement of dwellings. As a replacement flank wall does not comprise of an enlargement to a dwelling, this regulation does not apply.

With respect to Class A.1 (i), if the proposed extension would be positioned 2 metres from the curtilage boundary of the dwelling, the eaves height cannot exceed 3 metres. Although the proposed replacement flank wall would be located within 2 metres of the curtilage boundary, the eaves height of the proposed flank wall would be approximately 1.98 metres. Consequently, the development would conform to this restriction.

Class A.1 (j) relates to the enlargement of dwellings. As a replacement flank wall does not comprise of an enlargement to a dwelling, this regulation does not apply.

With regard to Class A.1 (ja), any total enlargement including the addition of further enlargements to existing enlargements, cannot exceed the limits set out in Class A.1 (e-j). The total measurement of the proposed replacement flank wall would not exceed 4 metres in height and 3 metres to the eaves. Thus, there would not be a breach of Class A.1 (ja).

The proposed replacement flank wall would not include the addition of any new ornamentation features such as a verandah, microwave antenna, a chimney or flue or the alteration to the existing roof of the dwelling. Therefore, the development complies within Class A.1 (k).

The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses), therefore Class A.1 (l) does not apply.

The proposed site does not fall within article 2(3) land, therefore Class A.2 does not apply.

Initially, the proposed replacement flank wall was to be constructed from materials which would not be similar in appearance to those used in the exterior of the dwellinghouse. Cladding was proposed to form the external finish of the replacement flank wall, which would not be of a similar appearance to the

predominantly rendered finish of the host dwelling. Therefore, there was a breach of Class A.3 (a). Upon this concern being raised with the applicants, a revised plan was submitted to the Council, changing the proposed clad finish of the flank wall to render of a similar appearance of the host dwelling. Resultingly, this would comply with Class A.3 (a).

Fenestration Alterations

The proposed fenestration changes which appear to relate to the enlargement of the existing rear facing first floor window and alteration of the rear patio doors do not comprise development under section 55 of the Town and Country Planning Act 1990, as they would not materially affect the external appearance of the building. Therefore this work amounts to an alteration of the dwelling which comprises permitted development.

Rooflights

In conformity with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is necessary to assess whether the proposed rooflight additions to the dwellinghouse adhere to the criteria stated by Schedule 2, Part 1, Class C of the GPDO, to determine whether the householder development is permitted.

Schedule 2, Part 1, Class C.1 (a) states that development is not permitted if the dwellinghouse has been granted consent under Part 3 of the GPDO. The dwellinghouse has not been granted consent for a change of use under Part 3.

Under Class C.1 (b), alterations cannot protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof. The proposed rooflights would only protrude approximately 0.08 metres beyond the slope of the original roof.

Class C.1 (c) restricts the highest part of any alteration from being higher than the highest part of the original roof. The proposed rooflights would not exceed beyond the maximum ridge height of the dwelling.

The proposed work would not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or solar photovoltaics / solar thermal equipment. Therefore, Class C.1 (d) is not applicable.

The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses), therefore Class C.1 (e) does not apply.

The proposed rooflights would only be installed on the front and rear facing roof planes of the dwelling; there would be no side facing windows. Therefore, Class C.2 (a) and (b) do not apply.

Permitted development rights in relation to the proposed site remain intact.

CONCLUSION / PLANNING BALANCE

The proposed development is considered 'permitted development' under the provision of 'The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)'. Thus, a Certificate of Lawfulness for the proposed development works can be granted based upon the evidence which architectural documentation provides.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Varley

Recommendation Date: 02/07/2026

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council