

DELEGATED DECISION REPORT

SMD/2026/0277
Valid 04/06/2026

ISNY LANSDOWNE CLOSE
LEEK

CERTIFICATE OF
LAWFULNESS FOR A
PROPOSED TWO STOREY
REAR EXTENSION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Are there any planning conditions that remove the rights and allowances of the General Permitted Development Order?
- Would the proposed extension be permitted by Class A, Part 1 of the GPDO?

DESCRIPTION OF SITE

The site consists of a detached two storey dwellinghouse and its associated curtilage. The property is sand faced buff brick, with red vertical timber cladding to the first floor front and rear elevations. To the side of the property is a single storey integrated flat roof garage. The site is located in a suburban setting within the Leek Development Boundary. To the west is the property known as Highcroft, and to the east is 15 Warrington Drive. To the rear (north) is 17 Warrington Drive.

THE APPLICATION/PROPOSAL

Background

The applicant has previously applied for a full planning permission (SMD/2026/0016) to add a tiled full pitched roof to the flat garage roof that is attached to his house.

The plans submitted with that application also detailed a proposal to enlarge the dwelling with the addition of a two storey rear extension. That element of the proposed development did not form part of the application for planning permission, it was said by the applicant to be permitted development that did not require planning permission. The applicant was therefore, asked to submit a revised 'clean' plan for approval that omitted the two storey rear extension and only detailed the development for which planning permission was sought.

The Application

This application now seeks a certificate of lawfulness to confirm that in the determination of the local planning authority, the proposed development consisting of the addition of a two storey rear extension would not require planning permission because it would be permitted by Class A, Part 1, Sched 2 of the GPDO 2015.

The submitted plan shows that the proposed addition would have two storeys and extend from the original rear wall of the dwelling by no more than 3m. The two storey

addition would have a full pitch tile roof, present to the rear with a gable and have a ridge and eaves height that would match that of the original dwelling. The addition would be built from buff brick with sections of timber cladding to match the dwelling and include a first floor ensuite window to the side elevation that would be obscure glazed.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2026/0277 pitched roof to flat roof garage. APPROVED.

CONSULTATIONS

Public Comments

None

OFFICER COMMENTS

Are there any planning conditions that remove the rights and allowances of the General Permitted Development Order?

The planning permission to build the original dwelling is not readily available for review. It appears to be a mid to late 20th century dwelling built on a gap site on a cul de sac where the other dwellings predominantly appear to be of a prewar character. Historic plotting sheets show the dwelling to have been provided by 1968. The dwelling is on a generous plot there is no reason to consider its permitted development allowances are restricted by condition.

The recent planning permission to add a pitch roof to the garage was not subject to such a condition.

Are the alterations permitted by Class A, Part 1 of the GPDO?

The proposal would result in the enlargement of a dwellinghouse with extension development that would take place within its curtilage.

The enlargement of the dwellinghouse would consist of a two storey addition that would extend from the original rear elevation by no more than 3m.

The development is permitted by Part 1 Class A of the GPDO, subject to there not being any exceedance of the limitations set out at A.1. In those regards:

- The works would not result in more than 50% of the ground within the curtilage being covered by buildings;
- The height of the part of the dwellinghouse enlarged would not exceed the height of the highest part of the roof of the existing dwellinghouse;
- The height of the eaves of the part of the dwellinghouse enlarged would not exceed the height of the eaves of the existing dwellinghouse;
- The enlarged part would not extend beyond a principal or side elevation of the original dwelling;
- The enlarged part would have more than a single storey but would not extend beyond the rear wall of the original dwelling by more than 3 metres or be within 7m of the garden boundary to the rear;
- The enlarged part would have a height greater than 3m but would not be within 2m of the curtilage of the dwellinghouse

- The alterations would not include the provision of a balcony, the installation of microwave antenna, or works to a chimney.

The enlargements full pitch roof would extend from the rear facing roof plain of the original roof thereby making an alteration and enlargement to the roof. However, this is necessary to comply with the condition at A.3 (c) to provide a roof pitch that is the same as the original dwelling. Moreover, such a roof alteration/enlargement is specifically permitted by Class B of Part 1 as an addition to the roof of the dwelling with a cubic content of less than 50 cubic metres and an enlargement that joins the original roof to the roof of the rear extension.

The proposal would comply with the conditions at A.3(a) (b) and (c) because:

The brick to be used to build the extension would match those of the existing dwelling, the timber board sections would match cladding already attached to the dwelling, and the windows and doors would match the frames of those already installed.

The upper floor window in the side elevation is shown on plan to be obscure glazed and non-opening.

The enlarged part would have more than a single storey and the roof pitch on the enlarged part would match the roof pitch of the original dwellinghouse.

The proposed alterations would therefore be permitted by Class A, Part 1, Schedule 2 of the GPDO 2015 and not require planning permission. They would be lawful.

CONCLUSION / PLANNING BALANCE

The proposal would be lawful, it does not require planning permission and could not be subject to enforcement action.

OFFICER RECOMMENDATION : APPROVAL

Case Officer: Ben Hurst

Recommendation Date:

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council