



Appeal Decision

Site visit made on 12 February 2026

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Appeal ref: APP/C3430/X/25/3360439

The Warren, 63 Kiddemore Green Road, Brewood ST19 9BQ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended, (the Act), by the Planning and Compensation Act 1991 against a refusal by South Staffordshire District Council to grant a certificate of lawful use or development.
- The appeal was made by Mr Jeremy Quince.
- The application dated 7 October 2024, Council ref: 24/00881/LUP, was refused by a notice dated 22 November 2024.
- The Application for a Certificate of Lawful Development was for: Proposed loft conversion including new dormer window to rear elevation at The Warren, 63 Kiddemore Green Road, Brewood ST19 9BQ.

Summary of decision: The appeal is dismissed.

Appeal property and rear dormer window project

1. The appeal property, The Warren, No. 63 Kiddemore Green Road, Brewood, is a pitched roof semi-detached 2 storey house. The current certificate of lawful development application project, was to build a loft conversion to include a new dormer window to the rear elevation of the property, adding a volume of 14.4m³ to the roof space. Previous house extensions to No. 63 have added a new front porch, a pitched roof side/rear garage, a single storey rear extension and a narrow 2 storey rear extension to the house.

Application

2. The Appellant, Mr Jeremy Quince, said the application scheme was needed to create more space within the family home. He said it would be development permitted by Article 3, Schedule 2, Part 1, *Class B – additions etc to the roof of a dwellinghouse* – that is the enlargement of a dwellinghouse consisting of an addition or alteration to its roof as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – the Order.

Considerations

Permitted development

3. Schedule 2, Part 1, *Class B – additions etc to the roof of a dwellinghouse* of the Order, permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. The relevant limitation in this case to development permitted by Class B is set out at B.1(d)(ii) - that is, where the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50m³. For the purposes of Class B 'resulting roof space' means the roof space as enlarged, taking into account any enlargement to the original roof space whether permitted by this class or not. "Original" - means a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date, (page 6, Ministry of

Housing, Communities and Local Government booklet - Permitted development rights for householders Technical Guidance – the Technical Guidance)).

4. It is necessary to consider whether, on the date of the application for a certificate of lawful use, 7 October 2024, the appeal dormer extension would have been a lawful development if considered against the relevant concessions set out in the Order in Class B.

The Council

5. The Council said the original house had been extended, (planning permission 12/01009/FUL), by adding the first floor rear bathroom extension and by building the side/rear single storey garage extension. The bathroom extension had a pitched roof with a volume of about 14.4m³. The double garage extension had a pitched roof with a volume of some 43m³. They said the cubic content of those non-original roof extensions amounted to 58.7m³, (not including the 1.3m³ porch roof volume). That was already well above the B.1(d)(ii) allowance of 50m³. The current appeal dormer extension was not permitted by the Order.

Appellant

6. Mr Quince said the Council were wrong to conclude that additional roof space created anywhere on his property at No. 63 Kiddemore Green Road contributed to the enlargement of the original roof space. The Council had taken the view that additional roof space created by the porch and the single storey garage extension was to be taken into account, even though those works did not enlarge the original roof space. The roof space above the garage should not be seen as having been the enlargement of the “original roof space” as it had no physical connection to the roof of the 2 story house. In Mr Quince’s view the Council’s assessment did not accord with the Technical Guide. He said other local planning authorities had disregarded single storey additions in calculating the 50m³ allowance.

Inspector

7. The Order at Class B, B.3 says: “*For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.*”. Also, at page 34 of the Technical Guidance, it says: “*To be permitted development any additional roof space created must not increase the volume of the original roof space of the house by more than 50 cubic metres for semi-detached and detached houses. Any previous enlargement to the original roof space in any part of the house must be included in this volume allowance.*”.
8. The Technical Guidance reference to ‘any previous enlargement in any part of the house’ is significant and determinative. For the purposes of Class B, the ‘resulting roof space’ in this case must mean the main roof space, as enlarged by the appeal project, plus the roof space of the extensions that had increased the original roof space since the house was built. The roof space of the garage extension should be included in the calculation of the resulting roof space for the purposes of B.1(d)(ii). The application’s new dormer at the rear of the dwelling at No. 63 was not development permitted by the Order. That was because the pitched roof volume of 43m³ of the garage added to the original roof space “in any part of the house”, should have been added to the pitched roof volume of about 14.4m³ of the earlier bathroom extension, totalling an extra volume of some 57.4m³, already significantly above the 50m³ Class B total allowance. The appeal rear dormer roof extension would have added a volume of just over 10m³, further adding to the already existing excess increase in roof volume of the house of over 50m³.

Other points

9. Mr Quince said that where there is no ceiling in a room under the roof, there is no roof space, no enlargement of roof space. There was no ceiling in the garage and therefore there was no roof space to be considered.
10. However, neither the Order nor the Technical Guidance contain such definition. Furthermore, Article 2.(1) of the Order states “cubic content” means the cubic content of a structure or building measured externally. There is no reference in Government guidance on how internal space or roof space is to be used or measured.
11. Also, when considering whether to take account of single storey extension roof space, there is no reference in Government guidance to the Order making a distinction between the treatment of single or 2 storey parts of a dwelling when making roof space calculations.

Conclusion

12. For the reasons given above, I conclude that the Council’s refusal to grant a certificate of lawful development on the application made was well founded and that the appeal should not succeed. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

FORMAL DECISION

13. The appeal is dismissed.

John Whalley

INSPECTOR

