

Mr. C. Johnston
Development Services
Staffordshire Moorlands District Council
Stockwell Street
Leek
Staffordshire
ST13 6HQ

28th March 2025

Dear Chris

LAWFUL DEVELOPMENT CERTIFICATE – STONE HOUSE, MACCLESFIELD ROAD, LEEKM ST13 8SF

On behalf of my clients T A & H Lancaster I would be grateful if you would find enclosed a lawful development certificate application pertaining to the proposed erection of single storey side and rear extensions to the above property.

By way of background, planning permission has recently been granted for extensions to the existing dwelling to create a residential annex (SMD/2024/0069). In granting consent for that development a condition was imposed withdrawing permitted development rights for any further extensions (Condition 5). That permission however has no legal effect unless and until the approved development is carried out, which has not occurred, and thus can have no bearing on the outcome of this application.

The provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) allow for the enlargement, improvement or other alteration of a dwellinghouse, subject to adherence to a number of criteria.

The proposed side and rear extensions are detailed on drawings 2021-2631-07A and 2021-2631-08 that accompany this submission and meet the criteria laid down in the Permitted Development Order in that:

- The existing dwellinghouse is long established as a dwelling and did not become a dwelling by virtue of a change of use under permitted development provisions (criterion a).
- The proposed development will not exceed 50% of the total domestic curtilage (criterion b).

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- The height of the extension will not exceed the highest part of the roof of the dwellinghouse (criterion c).
- The height of the eaves will not exceed the eaves height of the existing dwelling (criterion d)
- The proposed extensions will not project forward of the principal elevation (south) of the property and or beyond the wall of a side elevation that fronts a highway. The Permitted Development Technical Guidance advises in this regard that in cases where the distance between the house and the highway is substantial, it is unlikely that the building can be said to front the highway. Appeal decisions have found that houses cited 25 metres from a highway lie a substantial distance away (example appeal decision can be provided on request). The side elevation in this case lies in excess of 82 metres from the highway and thus is held to lie a substantial distance away from it (criterion e).
- The rear extension will not project beyond the rear elevation of the property by more than 4 metres. The side extension projects off a different rear elevation and likewise does not extend more than 4 metres beyond it. Neither extension will be more than 4 metres in height (criteria f and g)
- Neither extension will have two storeys (criterion h).
- Neither extension will lie within 2 metres of the site boundary (criterion i)
- The side extension will project off the side elevation of the property, but will not exceed 4 metres in height, will not be more than one storey, will not be more than half the width of the original dwellinghouse (criterion j)
- The proposed extensions will not attach to any previous additions (criterion ja)
- The proposed extensions will not include any form of veranda, balcony, raised platform, antenna, chimney/flues or involve an alteration to the roof of the dwelling (criterion k).
- The existing dwelling was not built under Part 20 of the Order (criterion l).

It is furthermore confirmed that the proposed extensions will utilise a matching palette of materials (Condition A.3(a) refers), and will not have any side facing upper floor windows (Condition A.3(b) refers).

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As a consequence, the proposed side and rear extensions are considered to constitute Permitted Development pursuant to the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) and the Local Authority is respectfully requested to grant a lawful development certificate to confirm this.

I trust this proposal will be of interest and look forward to hearing from you.

Yours sincerely



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