

DELEGATED DECISION REPORT

SMD/2025/0163
Valid 03/04/2025

STONE HOUSE
MACCLESFIELD ROAD
LEEK

CERTIFICATE OF
LAWFULNESS FOR
PROPOSED SINGLE STOREY
SIDE AND REAR EXTENSIONS

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

Whether or not a proposed single-storey side extension and single-storey rear extension to a dwellinghouse can be built in accordance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Part 1, Class A and therefore be deemed to be “permitted development” not requiring the submission of a full planning application.

DESCRIPTION OF SITE

The site is within the countryside between Leek to the south-east and Rudyard to the north-west. It comprises a detached dwellinghouse made of facing stone and grey tiles and which has not been previously extended other than a small rear flat-roofed extension to link the dwelling to an original rear stone outbuilding and to the rear of this a modern flat-roofed triple garage. The site lies in a spacious plot on the west side of Macclesfield Road which also provides the access to the site.

PROPOSAL

This is an application for a Lawful Development Certificate for a proposed development, in this case a single-storey rear extension (to the kitchen) which would project a maximum of 4.0 metres from the rear wall of the house and which would have a pitched roof with rear gable end, giving the extension a max height of 4.0 metres from the ground to the roof ridge. Also applied for is a single-storey side extension with pitched roof with gables facing the front and back. This would project a maximum of 4.0 metres from the side wall and would span most of the current side elevation. It would also have a maximum ground to ridge height of 4.0 metres. The finishing materials for both extensions would be the same as the house which comprises stone walls and grey roof tiles.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Not relevant. The application for a certificate is to be determined against the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2024/0069: Full planning application for extensions to the rear attached garage building to form a family annex. Approved. Works have not commenced.

CONSULTATIONS

N/A

OFFICER COMMENTS

The applicant is attempting to gain a certificate of lawfulness for the extensions which would confirm that it can be built and provided without needing planning permission (i.e. would be “permitted development”). The lawfulness of the development (and whether or not this can be deemed to be “permitted development” which does not need planning permission) would be determined against Schedule 2, Part 1 (“Development within the curtilage of a dwellinghouse”) Class A (“The enlargement, improvement or other alteration of a dwellinghouse.”) of Schedule 2 of the General Permitted Development Order (2015) (GPDO) (as amended).

The applicant claims that the extensions would accord with each criterion of Class A as follows:

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).

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).

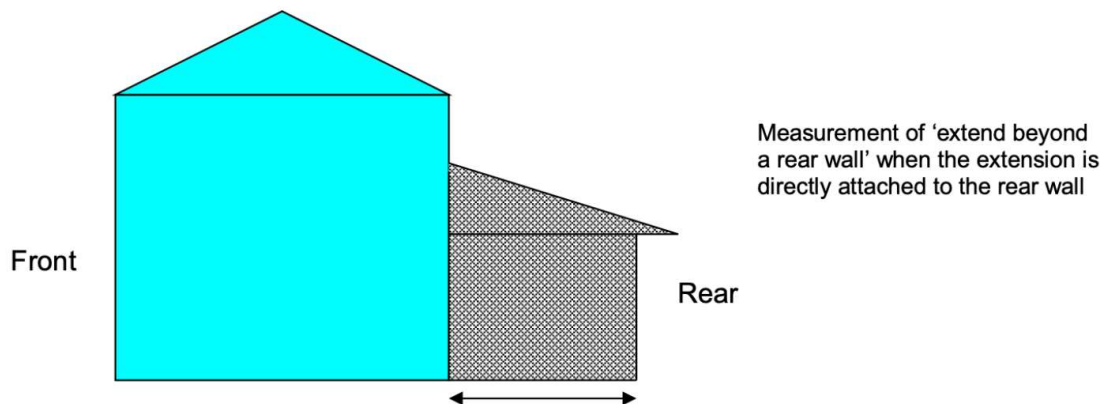
The existing dwelling was not built under Part 20 of the Order (criterion l). It is furthermore confirmed that the proposed extensions will utilise a matching palette of materials (Condition A.3(a) refers), and will not have any side facing upper floor windows (Condition A.3(b) refers).

I have assessed the scheme against all of the criteria above and am satisfied that the above information from the applicant is correct.

I would also add that Condition A.3(c) does not apply as this is applied to two-storey or first-floor extensions only.

When queried about whether the rear extension would in fact project more than 4.0 metres from the rear wall by virtue of a roof overhang, for the avoidance of doubt the extract from the government's Technical Guidance shows how the projection of the extension should be measured and this excludes any overhangs or gutters/drainpipes (i.e. it should be measured to the rear wall). The agent also added that the roof would have a rear gable end instead of a roof sloping away from the rear wall (where guttering or other overhangs due to barge boards are normally placed, just to give an example).

Measurement of the extension beyond the rear wall should be made from the base of the rear wall of the original house to the outer edge of the wall of the extension (not including any guttering or barge boards).



By measuring off from the drawings to scale, I am satisfied the rear extension showed on the drawing would not exceed a distance of 4.0 metres from the rear wall.

The site is not in a Conservation Area and so the Class A.2 restrictions do not apply.

The permitted development rights under Part 1 of the GPDO (including Class A) were removed from the residential property via a condition attached to the planning permission for extensions to the garage which itself was deemed to be a previous

enlargement of the dwelling. However, this would only apply once the previous approved development is implemented. There has been no commencement of works on this previous permission. An informative will therefore be added stating that in order for the proposed side and rear extensions to be permitted development, these would need to be completed before the previous approved garage extensions are undertaken.

CONCLUSION / PLANNING BALANCE

The proposed works would comply with Part 1 Class A of Schedule 2 of the GPDO and therefore a full application for planning permission is not required for the proposed side and rear extensions to the house. The works are therefore be deemed to be permitted development that can be built without planning permission and a Certificate of Lawfulness can therefore be granted for the proposal.

OFFICER RECOMMENDATION : APPROVE THE GRANT OF CERTIFICATE

Case Officer: Chris Johnston

Recommendation Date: 10.7.25

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council