

Regeneration and Economic Development Department

APPLICATION NO: 22/00116/CLD

APPLICANT: Jacobsen

WARD AFFECTED: Halewood South

DEVELOPMENT: CERTIFICATE OF LAWFULNESS FOR A PROPOSED SINGLE STOREY REAR EXTENSION

LOCATION OF SITE: 20 Marsden Road, Halewood, Knowsley, L26 9UL

KNOWSLEY LOCAL PLAN ALLOCATION –

Primarily Residential Area

RELEVANT POLICIES

Not applicable.

TECHNICAL CONSULTATIONS:

None required.

NEIGHBOUR NOTIFICATION:

Not applicable.

ARTICLE 35

Not applicable.

ISSUES AND ASSESSMENT:

PROPOSAL

This application is for a Lawful Development Certificate for the proposed erection of a single storey rear extension.

LEGISLATION AND GUIDANCE

Section 192 of the Town and Country Planning Act 1990 ("the Act") establishes the purpose and effect of certificates of lawfulness of proposed uses or development.

PLANNING HISTORY

There has been no restriction or withdrawal of permitted development rights at the property and there are no conditions which restrict the proposed development.

ASSESSMENT OF THE PROPOSAL

The application is made on the basis that the proposal falls within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The issues to be considered in determining the certificate are considered to be:

1. Whether the proposal constitutes "development"
2. If so, whether the proposal requires planning permission.

Whether the proposal constitutes "development"

Section 55 (1) of the Act provides "Subject to the following provisions of this section, in this Act, except

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where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".

The proposed works constitute development under the Act.

Whether the proposal requires planning permission

If the proposal falls within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) express planning permission is not required.

The proposal for the extension to an existing dwellinghouse falls to be assessed under Class A - 'enlargement, improvement or any other alteration of a dwellinghouse' of Part 1 - Development within the curtilage of a dwellinghouse of Schedule 2 (Permitted Development Rights) of the GDPO.

Permitted Development

A. enlargement, improvement or other alteration of a dwellinghouse.

Assessment – Relevant to this proposal.

Development not permitted

A.1 Development is not permitted by Class A if –

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Assessment – N/A

- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Assessment – The extension would not exceed 50% of the total area of the curtilage.

- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

Assessment – The extension would not exceed the above.

- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

Assessment - The extension would not exceed the above.

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which -
 - (i) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

Assessment - The extension would not extend beyond either of the above.

- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and -
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

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Assessment - The host dwelling is a semi- detached property and the extension would extend 3 metres to the rear and would be less than 4 m in height.

- (g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and -
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height.

Assessment - The site is not on article 2(3) land and the proposal would not exceed the 6 metres deep or 4m in height.

Development permitted by Class A which exceeds the limits of para. A.1 (f) but is allowed by para. A (g) is subject to conditions (A.4) requiring that before development commences the relevant Local Planning Authority must be notified of the proposed work so that they can determine if their prior approval is required for the extension based on consultation with neighbouring properties.

- (h) the enlarged part of the dwellinghouse would have more than a single storey and –
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres or;
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse.

Assessment – The proposed extension does not have more than one storey.

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Assessment - The proposal would be sited within 2.0m of a boundary but the height of the eaves would not exceed 3 metres in height.

- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse;

Assessment – N/A

- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub- paragraphs (e) to (j);

Assessment - The proposed enlargement would not be attached to any previous enlargement of the original dwellinghouse; therefore criterion (ja) is not applicable.

- (k) it would consist of or include –
 - (i) the construction or provision of a verandah, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse; or

Assessment – N/A

- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Assessment – N/A

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A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub- paragraphs (b) and (c).

Assessment – The site is not located on article 2(3) land.

Conditions

A.3 Development is permitted by Class A subject to the following conditions –

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Assessment - The application confirms that the materials would match the existing dwelling or similar.

- (b) any upper- floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be –
 - (i) obscure- glazed, and
 - (ii) non- opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Assessment - The extension would be single storey therefore this is not relevant.

CONCLUSION

The proposed works, if it was begun at the time of the application, would constitute permitted development. The works proposed fall within the limits of permitted development as laid down within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted (England) Order 2015 (as amended). Consequently, the proposed development is considered to be lawful and it is recommended that a Certificate of Lawfulness is issued.

RECOMMENDATION:

That a Certificate of Lawfulness is granted.

- 1) The proposal complies with the requirements of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted (England) Order 2015 (as amended).

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
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Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

22/02/2022	-	-	Location Plan
26/07/2022	-	Rev. P2	Proposed Extension - Sheet No: L (04) 001

Informatives

- 1 It is a condition (A.3 (a)) of the permission granted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Maxine Wishart

27 July 2022

Alan Kilroe
29 July 2022

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PS/DC/OP04/05	003	23/9/02