

Regeneration and Economic Development Department

APPLICATION NO: 21/00558/CLD

APPLICANT: Sheryl Curran Ltd.

WARD AFFECTED: Halewood North

DEVELOPMENT: ERECTION OF SINGLE STOREY SIDE/REAR EXTENSION

LOCATION OF SITE: Sunnyside Cottage, Greensbridge Lane, Tarbock Green, L35 1QD

KNOWSLEY LOCAL PLAN ALLOCATION –

Green Belt

Green Belt - Tarbock

RELEVANT POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

TECHNICAL CONSULTATIONS:

N/A.

NEIGHBOUR NOTIFICATION:

N/A.

ISSUES AND ASSESSMENT:

SITE AND SURROUNDINGS:

The property is located along Greenbridge Lane in Tarbock Green and sits adjacent to several residential dwellings located to the south of the site. The site is also surrounded by open fields to the north and east and is located within a wider area designated as Green Belt land.

The Historic Environment Record identifies that a property has been on this site since at least 1691. The 1845 OS survey indicates that at the time Sunnyside Cottage and the adjoining property were one building. The building has since been divided into a pair of semi-detached properties (Sunnyside Cottage and The Cottage) and at the time of the Tarbock Estate sale in 1926, the buildings were listed as lots 11 and 12. The applicant has also previously confirmed that before the 1900's the building was divided into two plots and both properties were extended, shortly afterwards, by way of a 1.5 storey rear extension. The applicant states that this 19th century rear extension was demolished and replaced with a new two storey extension in 1986, which is still currently in situ to date.

ISSUES AND ASSESSMENT:

PROPOSAL

The application is for a Certificate of Lawfulness for the proposed erection of a single storey side/rear extension to a four-bedroom semi-detached property at Sunnyside Cottage in Tarbock Green, Knowsley.

Plans as originally submitted have been amended to increase the length of the rear element of the proposed extension.

RELEVANT PLANNING HISTORY

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

20/00123/FUL - DEMOLITION OF EXISTING DWELLING, OUTBUILDINGS AND STRUCTURES, TOGETHER WITH THE ERECTION OF 1NO REPLACEMENT DWELLING AND RELOCATION OF VEHICULAR ENTRANCE - Withdrawn 27 October 2020.

21/00570/PDE - ERECTION OF A SINGLE STOREY REAR EXTENSION. Refused 18 August 2021.

POLICY CONSIDERATIONS

N/A - Certificates of Lawfulness for proposed developments need only comply with the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The GPDO is a national grant of permission which allows certain development and changes of use to be carried out without submission of a planning application.

APPRAISAL

Class A, Part 1 of Schedule 2 of the GPDO 2015 (as amended) permits the enlargement, improvement or other alteration of a dwellinghouse. There are several exceptions set out in section A.1 whereby development is not permitted if;

"(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"

"(f) 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"

"(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"

"(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"

In interpreting the "original dwellinghouse" the GPDO defines 'original' as *"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"*. In terms of assessing the proposed development, the applicant contends which rear wall of the original dwelling the proposal should be assessed against and therefore, this definition is relevant.

The existing two storey rear extension to Sunnyside Cottage is not considered to be part of the "original dwellinghouse" as evidence identifies that the property has been in existence since 1691 and the extension was erected in 1986. The applicant has confirmed that the existing two storey extension replaced an original 1.5 storey rear extension (believed to have been erected before the 1900s) in its entirety. As the existing extension was built after 1 July 1948 and replaced a former original 1.5 storey extension, it cannot be considered part of the "original dwellinghouse".

Additional evidence was submitted by the applicant during the course of this application's consideration (including the previously refused prior approval application 21/00570/PDE), which shows aerial photos

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of the property dating from 1945, 1955 and 1953, including a snippet of a historic map of the property from 1959. The images show what is believed to be the original 1.5 storey rear extension in situ. The images are scaled, and approximate measurements of the extension are given (as provided by the applicant) and show that the original extension measured approximately 3.3m in length at its longest point. Based on this evidence, on balance, it is reasonable to conclude that the original extension measured approximately 3.3m in length at its longest point and for the purposes of the GPDO, it would have constituted the 'original rear wall of the dwelling' when it was in situ.

The plans submitted by the applicant as part of this application show that the existing two storey rear extension measures 4.17m at its longest point and consequently, the existing extension projects 0.87m beyond the rear wall of the original extension. For the purposes of this application, the applicant agrees that the original rear extension measures 3.3m at its longest point. The plans have been amended by the applicant to indicate the 'original building line' as 3.3m beyond the original main rear wall of the dwelling and the length of the proposed extension so that it would project further at the rear.

Notwithstanding the position of the original rear extension, the proposed extension would extend beyond the original main rear wall of the existing dwelling by 6.2m and would not accord with criteria (f). The applicant contends that the proposed rear extension should be assessed in relation to the 'original building line', which is 3.3m from the main rear wall of the dwelling. Based on this, the applicant's view is that the proposed extension would project no more than 3.0m from the rear wall of the 'original building line' and would be compliant with the criteria. The applicant has submitted case law to support this position. However, the LPA's view is that the proposal should be assessed in relation to the immediately adjacent rear wall of the original dwelling which, in this case, is the main rear wall of the existing dwelling. Consequently, the proposal would extend more than 3.0 beyond the rear wall of the original dwelling and would not be permitted development.

CONCLUSION

It is concluded that the proposal would not comply with Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Accordingly, it is recommended that the Certificate of Lawfulness for the proposed development be refused.

RECOMMENDATION:

That Planning Permission be refused for the following reason:-

- 1) The proposal would not comply with Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Accordingly, it is recommended that the Certificate of Lawfulness for the proposed development be refused.

Informatives

Alan Kilroe
8 March 2022



8 March 2022

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