

<u>APPLICATION NO:</u>	24/00363/CLD	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Prescot South	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	67 Middleton Drive, Prescot, Knowsley		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFUL DEVELOPMENT FOR PROPOSED SINGLE STOREY REAR EXTENSION		

KNOWSLEY LOCAL PLAN ALLOCATION –

Primarily Residential Area

Site Description

This application relates to a detached two-storey dwelling located on Middleton Avenue, Prescot. The application site is located on a relatively new housing estate off Scotchbarn Lane.

Proposal

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

The extension would extend 3m from the rear of the dwelling have a width of 8.9m and a maximum height of 3.46m

The Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the proposal would be lawful. Planning issues are not for consideration.

Consultations

None Required.

Representations

There is no legal requirement to carry out consultations for this type of application and none have been undertaken.

Planning History

APP. NO:	16/00778/FUL
PROPOSAL:	ERECTION OF 133 DWELLINGS TOGETHER WITH ELECTRIC SUBSTATION AND OTHER ASSOCIATED DEVELOPMENT
DECISION:	Granted
DECISION DATE:	26 July 2017

APP. NO: 16/00778/NMA
PROPOSAL: APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 16/00778/FUL - ERECTION OF 133 DWELLINGS TOGETHER WITH ELECTRIC SUBSTATION AND OTHER ASSOCIATED DEVELOPMENT - AMENDMENT SOUGHT TO APPROVED PLANS INCLUDING OMISSION OF ELECTRIC SUBSTATION, AMENDMENT TO PLOT 92, AND ALTERATION TO BYRON HOUSE TYPE
DECISION: Granted
DECISION DATE: 18 January 2018

APP. NO: 16/00778/NMA1
PROPOSAL: NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 16/00778/FUL - ERECTION OF 133 DWELLINGS TOGETHER WITH ELECTRIC SUBSTATION AND OTHER ASSOCIATED DEVELOPMENT - AMENDMENT SOUGHT TO MATERIALS LAYOUT PLAN APPROVED UNDER 16/00778/NMA
DECISION: Granted
DECISION DATE: 20 August 2018

There is restriction / withdrawal of permitted development rights at the property by way of conditions attached to planning permission 16/00778/FUL which restrict some forms of development and comprise the following conditions:

9. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 1 Class B & C and Part 2 Class A (or any Order revoking and re-enacting that Order with or without modification): -*

- (i) no gates, walls or fences shall be erected forward of the front wall of the dwellings; and,*
- (ii) no dormer windows shall be added to the dwellings other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.*

Reason: In the interests of visual amenity and to safeguard the character of this residential development and to ensure compliance with policy CS19 of the Knowsley Local Plan, Core Strategy adopted January 2016.

12. *The garages hereby permitted shall not be converted into living accommodation (either in whole or part) and shall be retained for use as garages by the dwellings hereby approved at all times.*

Reason: To ensure adequate garaging/off street parking provision is retained and thereby to avoid the harm to amenity, safety or convenience caused by on street parking and to comply with Policies CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

The above conditions do not restrict the proposal the subject of this application.

Relevant Policy

Not applicable.

Article 35 Statement

Not applicable.

Assessment

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.

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 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

The proposal for extension to an existing dwellinghouse falls to be assessed against Schedule 2, Part 1, Class A - 'enlargement, improvement or any other alteration of a dwellinghouse' of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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

Permitted Development

A. The 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: Not Applicable.

- (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;

Assessment: The host dwelling is a detached property. The extension would not extend beyond the rear of the original dwelling house by more than 4

metres. The proposed extension would not exceed 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 nor on a site of special scientific interest. The proposal would not extend more than 8 metres beyond the rear wall of this detached property.

The proposed extension would not exceed 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 within 2.0m of the boundary of the curtilage of the dwellinghouse. The height of the eaves would not exceed 3 metres in height.

Note: The Government's *Technical Guidance – Permitted development rights for householders* advises that “eaves height is measured from ground level at the base of the outside wall to the point where that wall would meet the upper surface of the roof slope - the overhang should be ignored for the purposes of measurement”. It is noted that the submitted plans do not show the measurement of the eaves height in this way, nevertheless, the eaves would not exceed 3 m in height when measured in accordance with the guidance set out in the Technical Guidance.

- (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: Not Applicable.

- (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: Not Applicable.

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

Assessment: Not Applicable.

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 indicates that all materials are to match existing materials used on the building.

- (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 and is does not include a roof slope forming a side elevation and therefore this is not relevant.

Conclusion

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). The proposed works, if it begun at the time of the application, would constitute permitted development. Consequently, the proposed development is considered to be lawful and it is recommended that a Lawful Development Certificate is issued.

Recommendation

That a Certificate of Lawful Development 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
04/07/2024	01	-	EXISTING FLOOR PLANS
04/07/2024	02	-	EXISTING ELEVATIONS
04/07/2024	03	-	PROPOSED FLOOR PLANS
04/07/2024	04	-	PROPOSED ELEVATIONS
10/07/2024	-	-	LOCATION PLAN

Signed Case Officer¹:

M Wishart

**Signed Authorising
Officer²:**

K Foster

Date:

28 August 2024

Informatives

NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments:

- 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

Standing Advice valid from 1st January 2023 until 31st December 2024.

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

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