

REGENERATION AND ECONOMIC DEVELOPMENT DEPARTMENT

APPLICATION NO: 21/00366/CLD

APPLICANT: Mr Carl Jones

WARD AFFECTED: Prescot South

DEVELOPMENT: CERTIFICATE OF LAWFULNESS FOR THE ERECTION OF A SINGLE STOREY SIDE EXTENSION

LOCATION OF SITE: 44 Bryer Road, Prescot, L35 5DW

KNOWSLEY LOCAL PLAN ALLOCATION –

Primary Residential Area

RELEVANT POLICIES

General Permitted Development Order (2015) (as Amended)

PLANNING HISTORY

N/A

TECHNICAL CONSULTATIONS:

N/A

NEIGHBOUR NOTIFICATION:

N/A

ISSUES AND ASSESSMENT:

PROPOSAL

The application is a lawful development certificate for the erection of a single storey side extension.

General Permitted Development Order (2015) as Amended

The proposed side extension would be less than 4 metres high and the eaves height would be less than 3 metres high. The width of the extension would be less than half the size of the existing dwelling.

However, the site is located next to a public footpath. The householder technical guidance is clear that the term highway applies to public footpaths as well as roads.

*““Highway” – is a public right of way such as a public road, **public footpath** and bridleway. **For the purposes of the Order it also includes unadopted streets or private ways”.***

Therefore, the extension would extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse contrary to e) (ii).

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*“(e) the enlarged part of the dwellinghouse would extend beyond a wall which—
(ii) fronts a highway and forms a side elevation of the original dwellinghouse”;*

The side extension would therefore fail comply with the requirements of (e (ii) of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted (England) Order 2015 (as amended).

RECOMMENDATION:

The proposed works are contrary to Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted (England) Order 2015 (as amended). In particular, they are contrary to e) (ii) as they would front a highway and extend beyond a side elevation of the original dwellinghouse.

Andrew Hunt

22 June 2021

Alan Kilroe

25 June 2021

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