

<u>APPLICATION NO:</u>	23/02062/CLD	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Stockbridge	<u>PARISH:</u>	Knowsley Parish Council
<u>LOCATION:</u>	11 St Aidans Grove, Huyton, Knowsley		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFUL DEVELOPMENT FOR THE ERECTION OF SINGLE STOREY REAR EXTENSION AND DETACHED OUT-BUILDING		

Site Description

The application site is located at 11 St. Aidans Grove, Huyton and is located in an area allocated as a Primarily Residential Area in the Development Plan.

The application property is a semi-detached dwellinghouse, located on a corner plot at the end of the building row it is situated in. The property is encircled by other residential dwellings. The dwelling is brick facing on its front, side and rear elevations, with white UPVC and interlocking roof tiles.

The applicant has erected an lean-to structure adjoined the side elevation of the dwelling.

Proposal

The application seeks a Certificate of Lawful Development for what has been proposed as the erection of a single storey rear extension and an outbuilding.

The proposed rear extension would project 3.95m and would have a width of 4.92m. The proposed development would be served by a flat roof which would measure at a height of 2.77m. This would also contain a glass lantern, which would be the highest part of the roof structure and would measure at a height of 3.2m.

The proposed outbuilding would be sited to the rear of the garden. It would have a width of 6m and depth of 6m. This would be served by a flat roof, which would measure at a total height of 2.75m. This would be sited approximately 0.51m away from the party boundary line shared with the adjacent neighbour and 0.5m away from the rear curtilage of the boundary.

Consultations

None required.

Representations

Not applicable.

Planning History

APP. NO:	95/00386/APP
PROPOSAL:	ERECTION OF 190 NO. 2 STOREY DWELLINGS AND CONSTRUCTION OF NEW

DECISION: GRANTED
DECISION DATE: 26 July 1996

The Decision Notice for the erection of 95/00385/APP contains a condition (8) which removes select Permitted Development Rights. Condition 8 states that, notwithstanding the provisions of Part 1, Schedule 2 to the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking or re-enacting that Order) there shall be no extension, enlargement or physical development whatsoever other than a hardstanding constructed at the side of those dwellings on plots 2-3, 7-8, 11-12, 14-15, 17-26, 28, 33-34, 41-46, 49, 50, 52-57, 60-61, 63-66, 71, 76-79, 82 Or 83 without a further separate planning permission having been sought and obtained beforehand.

Reason: To ensure the protection of adequate off-street parking.

Assessment

The application seeks confirmation that the development is 'permitted development' under the Town & Country Planning (General Permitted Development) (England) Order 2015.

As outlined above, however, Permitted Development Rights have been removed from the property through condition (8.) of the Decision Notice (95/00385/APP). Subsequently, it would be irrelevant for the determination of this application whether or not the proposal would comply with the relevant criteria (in this case this would be Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Therefore, based on this condition, it is necessary to refuse the application on the technicality that the property does not benefit from Permitted Development Rights. The applicant will be informed that they will need to ascertain Planning Permission should they wish to have documentation that officiates the proposed development.

Conclusion

The application property does not benefit from Permitted Development Rights and therefore, irrespective of whether or not the proposal complies with the requirements of Class A and E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) it would not be possible to officiate the development through a Certificate of Lawful Development. An application for full Planning Permission would be required to officiate the proposed development.

Recommendation

- 1) That a Certificate of Lawfulness be refused.

The application property, as mandated by Condition 8 of the Decision Notice for 95/00385/APP, would not be able to erect an extension, enlargement or physical development through a Certificate of Lawful Development and instead would need to ascertain full Planning Permission. Therefore, the application for a Certificate of Lawful Development should be refused.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
27/07/2023	11/STA/06/23/037	-	PROPOSED SIDE ELEVATION
27/07/2023	11/STA/06/23/04	-	PROPOSED FIRST FOOR PLAN
27/07/2023	11/STA/06/23/013	-	PROPOSED REAR ELEVATION
27/07/2023	11/STA/06/23/015	-	PROPOSED ELEVATIONS - OUT-BUILDING
27/07/2023	11/STA/06/23/056	-	PROPOSED GROUND FLOOR PLANS
27/07/2023	-	-	LOCATION PLAN

Signed Case Officer¹:

Reece Black

**Signed Authorising
Officer²:**

Date:

Informatives

- 1 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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