

## Delegated Report

**Planning Ref:** 26/00741/CLP  
**Applicant:** Mr J Donaldson  
**Ward:** Barlestone, Nailstone and Osbaston



Hinckley & Bosworth  
Borough Council

**Site:** 42 Barton Road, Barlestone, Nuneaton

**Proposal:** Certificate of Proposed Lawful Development for the erection of a single storey rear extension.

**Case Officer:** Zahra Jam Rotbeh (Planning Officer)

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### 1. Recommendations

#### 1.1. Grant Certificate of Lawful Proposed Development

### 2. Planning Application Description

- 2.1. This application seeks to obtain a certificate of proposed lawful development for a single storey rear extension at 42 Barton Road Hinckley. The proposed single storey rear extension would project from the original rear elevation of the dwelling by 3.5 metres and would host a width of 7.7 metres. The proposed development would feature a flat roof that would have a maximum height of 3 metres and an eaves height of 2.1 metres. The proposed external materials would match those of the existing dwelling.

### 3. Description of the Site and the Surrounding Area

- 3.1. The application site comprises a two-storey detached dwelling situated on the northern side of Barton Road within the settlement boundary of Barlestone. The application dwelling is constructed with a crossed gabled roof form, red facing brickwork, concrete roof tiles, and white uPVC windows. There is a hardstanding area in front of the property. The character of the surrounding area comprises one and two and single storey detached dwellings of a variety of designs and appearances.

### 4. Relevant Planning History

#### 96/00119/OUT

- RESIDENTIAL DEVELOPMENT
- OUT
- 03.04.1996

**96/00587/REM**

- ERECTION OF 17 DWELLINGS
- APRREM
- 16.10.1996

**96/00836/CONDIT**

- NON-COMPLIANCE WITH CONDITION 9 & 12 ATTACHED TO OUTLINE PERMISSION 96/00119/OUT
- PER
- 25.11.1996

**96/00837/FUL**

- ERECTION OF ONE DWELLING HOUSE AND NEW VEHICULAR ACCESS TO NO 40 BARTON ROAD
- PER
- 25.11.1996

**96/00838/FUL**

- ERECTION OF 3 DWELLING HOUSES (SUBSTITUTION)
- PER
- 25.11.1996

**07/00061/FUL**

- EXTENSIONS AND ALTERATIONS TO DWELLING INCLUDING CONVERSION OF EXISTING GARAGE INTO KITCHEN AND SINGLE GARAGE
- PER
- 06.03.2007

**5. Publicity and Consultation**

- 5.1 There is not statutory requirement to consult third parties on an application for a lawful development certificate and therefore none has been undertaken in these site-specific circumstances.

**6. Policy**

- 6.1 Section 192 of the Town and Country Planning Act 1990.
- 6.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## 7. Appraisal

7.1 Proposals for the enlargement, improvement, or other alteration of a dwellinghouse can represent Permitted Development under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The main consideration for the determination of this proposal would therefore be whether the proposed development would comply with the limitations and conditions of Class A of the GPDO.

7.2 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);

**Permission to use the dwellinghouse as a dwellinghouse has not been granted by Class M, N, P or Q of Part 3 of this Schedule.**

- 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);

**The total area of ground covered by buildings within the curtilage, including the proposed rear extension and any existing development would not exceed the 50% of the total area of 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;

**The proposed rear extension would not exceed the height of the existing dwellinghouse.**

- 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;

**The proposed height of the eaves of the rear extension would not exceed the main dwelling height of the existing eaves height.**

- 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

**The proposed extension would not extend beyond a wall which forms the principal or 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;

**The application dwelling would not be on article 2(3) land, nor on a site of special scientific interest.**

- g) For a dwellinghouse not on article 2(3) land nor on a site of specific scientific interest the enlarged part of the dwellinghouse would have a single storey and-
- (i) Extend beyond the rear wall of the 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 four metres in height;

**The dwellinghouse is detached and the proposed extension would be single storey in massing and would not extend further than 8 metres from the rear elevation or exceed 4 metres in height.**

- h) The enlarged part of the dwellinghouse would have more than one 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 opposite the rear wall of the dwellinghouse;

**The extension would be single 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;

**The extension would be within 2 metres of the boundary of the curtilage but the proposed height of the eaves would not 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 one storey, or
  - (iii) Have a width greater than half the width of the original dwellinghouse

**The proposal would not extend beyond a wall forming a side elevation of the original dwellinghouse.**

- 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);

**The proposed rear extension together with the existing enlargements of the original dwellinghouse would not be considered to exceed the limits set out in sub-paragraphs (e) to (j).**

- k) It would consist of or include:-
- (i) The construction or provision of a veranda, 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

**The proposed extension would not include any of the above.**

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

**The application dwellinghouse was not built under Part 20 of this Schedule.**

7.3 The application site would not be on article 2(3) land, therefore Paragraph A.2 of Class A would not be applicable in these site-specific circumstances.

7.4 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;

**The materials used would match those of the existing dwellinghouse.**

- 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

**The proposal would not include any upper floor windows, nor any windows that are located on a wall or roof slope forming a side elevation of the dwellinghouse.**

- 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.

**The proposed rear extension would not have more than a single storey, nor would it form an upper storey of an existing enlargement of the original dwellinghouse.**

## **8. Equality Implications**

8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

8.3 There are no known equality implications arising directly from this development.

## **9. Conclusion**

- 9.1 The proposed single storey rear development would be considered to comply with the limitations and conditions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## **10. Recommendation**

### **10.1 Grant Certificate of Lawful Proposed Development**

- 10.2 The application has been determined with consideration to the following documents submitted on 14 August 2026:

- Application Form
- Existing Elevations, Site Plan and Location Plan. Drw No.42BR/2026 1/2
- Proposed Elevations and Floor Plan. Drw No.42BR/2026 2/2

## **11. Notes to Applicant**

- The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [building.control@blaby.gov.uk](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.