

Delegated Report

Planning Ref: 24/00752/CLP
Applicant: Mr Waddington
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 4 Willowdale Hinckley Leicestershire

Proposal: Lawful Development Certificate for erection of single storey rear extension

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning application description

- 2.1. The application seeks a Certificate of Proposed Lawful Development for the proposed development of a rear single storey extension at 4 Willowdale, Hinckley.
- 2.2. The proposed rear extension would project outwards from the existing rear elevation by 2.81 metres and would feature a width of approximately 8.29 metres. It would feature a mono-pitched roof which would measure approximately 3.42 metres to the ridge and approximately 2.50 metres to the eaves.
- 2.3. Additional alterations include the addition of four Velux roof lights, a set of four bi-fold doors, a full length window and a standard window to the rear elevation and a rear access to the side elevation.
- 2.4. The proposed external materials would match those of the existing dwelling.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached residential dwelling, situated within a cul-de sac, within the settlement boundary of Hinckley. The late 90's dwelling comprises the use of red brick to the walls, red interlocking tiles to the roof and white uPVC to the windows. The principle elevation hosts an integrated single car garage, alongside which sits an integrated porch. To the front of the dwelling sits a block paved hardstanding suitable to host a provision for up to two off-street parking spaces.
- 3.2. The design of development within Willowdale is relatively uniform with most dwellings having forward facing gables, some have plane gables whilst others incorporate mock timber detailing to the gable. Most of the properties in the area are unaltered, although some have been extended at the rear.
- 3.3. An application was approved in July 2020 for a single storey rear extension, however the approval has not been implemented (20/00410/HOU).

4. Relevant planning history

20/00410/HOU

- Single Storey Rear Extension
- PER
- 06.07.2020

5. **Publicity/Consultation**

- 5.1 This is an application for a certificate of proposed lawful use and no publicity or consultation is required.

6. **Policy**

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

7. **Appraisal**

- 7.1 The main consideration for the determination of this proposal is whether the proposed development falls within permitted development as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 1, Class A and C.

- 7.2 Please note Class A covers enlargements, alterations and improvements to dwellings, and therefore not all paragraphs are applicable to windows.

Development is not permitted if:-

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, 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 proposed rear extension 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 height of the existing eaves of the dwellinghouse.

- 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 extension does not extend beyond the side elevation of the original dwellinghouse nor does it front a highway.

- 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;

It would not extend further than 3.00 metres from the rear elevation or be more than 4.00 metres in height.

- 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;

It would not extend further than 6.00 metres from the rear elevation or be more than 4.00 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 construction 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 height of the eaves would not exceed 3.00 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 enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation.

- 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.

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 proposed materials will be of a similar appearance to those used on the existing dwelling.

- 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 metres above the floor of the room in which the window is installed; and

The enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation

- 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 enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation.

Please note Class C relates to all other alterations to the roof of a dwellinghouse

Development is not permitted if;

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P 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) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The alterations would not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

- c) it would result in the highest part of the alteration being higher than the highest part of the original roof;
or

The alterations would not result in the highest part of the alteration being higher than the highest part of the original roof.

- d) it would consist of or include—

- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The alteration would not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- a) obscure-glazed; and
- b) 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.

The enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation.

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 development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class A and C 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 submitted documents;

- Certificate of Lawful Proposed Development application form
- Site Location and Block Plan, Drg No. 24 06 08

- Existing Floor Plans and Elevations, Drg No. 24 06 00
- Proposed Floor Plans and Elevations, Drg No. 24 06 01B
all as received by the Local Planning Authority on the 2nd August 2024.

11.1 **Notes to applicant**

- a) 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 or call 0116 272 7533.