

Delegated Report

Planning Ref: 24/00602/CLP

Applicant: Mr And Mrs Brown

Ward: Newbold Verdon With Desford & Peckleton



**Hinckley & Bosworth
Borough Council**

Site: 23 Sparkenhoe Newbold Verdon Leicester

Proposal: Certificate of lawfulness for the proposed development of rear single storey extensions and conversion of the loft into habitable accommodation

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 rear single storey extension and conversion of the loft into habitable accommodation at 23 Sparkenhoe, Newbold Verdon.
- 2.2. The proposed rear extension would project outwards from the existing rear elevation of the dwelling by 3.00 metres and would host a width of 5.15 metres. It would host a mono-pitched roof which would measure 2.36 metres to the eaves and 3.60 metres to the ridge. Additional works to the proposed extension include the installation of two Velux roof lights, a set of French doors and a single pane window.
- 2.3. The existing conservatory is to be demolished.
- 2.4. The only proposed alteration to the external elevations of the dwelling as part of the proposed loft conversion would be the addition of four Velux roof lights.
- 2.5. 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 terrace residential dwelling, situated within the settlement boundary of Newbold Verdon. The application dwelling is constructed from red brick to the walls, brown tiles to the roof and white uPVC to the windows. A flat roof canopy porch is situated to the main entrance of the dwelling, forward of which sits a gravelled hardstanding suitable for one off-street parking space.
- 3.2. The surrounding land to the east, south and west is predominantly residential, however the surrounding land to the north is predominantly grass land, accompanied by sporadically placed residential dwellings.
- 3.3. The street scene of Sparkenhoe is predominantly uniform in terms of design, scale and finish. Examples of similar extensions to the rear can also be observed, along with the addition of Velux windows.

4. Relevant planning history

- None relevant.

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, Class B and Class C.

7.2 Class A covers enlargements, alterations and improvements to dwellings

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.

7.3 Please note Class B covers additions etc 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) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.

- c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

- d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;

The cubic content of the roof space would not exceed the cubic content of the original roof space by more than 40 cubic metres.

- e) it would consist of or include—
 - (i) the construction or provision of a veranda, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposed extension would not include any of the above.

- f) the dwellinghouse is on article 2(3) land.

The dwellinghouse is not on article 2(3) land.

Development is permitted by Class B subject to the following conditions—

- a) the materials used in any exterior work 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) the enlargement must be constructed so that—
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

The eaves of the original roof will be maintained or reinstated. The edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves.

- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

- c) any window inserted on 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.

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

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, Class B and Class 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 Plan and Block Plan, Drg No. 2024 06 115
 - Proposed Elevations, Drg No. 2024 06 111 Rev A
 - Proposed Floor Plans, Drg No. 2024 06 110 Rev Aall as received by the Local Planning Authority on the 19th June 2024.

11. 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.