

Delegated Report

Planning Ref: 24/00354/CLP

Applicant: Stella Bridle

Ward: Cadeby Carlton M Bosworth & Shackerstone

**Site: 28 Main Street Market Bosworth Nuneaton Leicestershire
CV13 0JW**



Hinckley & Bosworth
Borough Council

Proposal: Lawful Development Certificate for single storey rear extension and new gate.

Recommendation

1. Issue a certificate of lawful proposed development for the single storey rear extension and new gate.

2. Application description

- 2.1. The application is for a Certificate of Lawful Proposed Development for single storey rear extension to increase the open plan kitchen/living space and new gate to a dwelling 28 Main Street, Market Bosworth. Other alterations to the dwelling are replace existing rear window to the back, new front door and re-orientation of the rear garden. The application has been amended to remove the loft conversion, rear dormer window, and rooflight. The site is within Market Bosworth Conservation Area.
- 2.2. The rear extension measures 3 metres in depth and covers the full width of 6.2 metres, to a mono pitched roof form of 3 metres maximum height and eaves height of 2.47 metres. The rear extension is constructed with full glaze and matching bricks on either side of the rear extension (Schedule 2 Part 1, Class A).
- 2.3. The new gate to the rear of the dwelling has a height of 1.8 metres (Schedule 2, Part 2, Class A).
- 2.4. Replacement of the window to the rear and front door are considered minor and reflect the existing windows and doors, therefore do not require planning permission.

3. Description of the site and surrounding area

- 3.1. The property is a two storey terrace property within the settlement boundary of Market Bosworth and within Market Bosworth Conservation Area. It is built with brick, pitched roof design, upper floor cladding on the front elevation and white uPVC windows. The property is not listed.

4. Relevant planning history

None relevant.

5. Publicity

None required.

6. Consultation

HBBC Conservation Officer was consulted. Due to the siting and scale of the proposals any visual impact will be limited. Similar materials should be used for external materials to comply with relevant conditions of the classes of the order.

Market Bosworth Society has no comment to the application.

7. Policy

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

8. Appraisal

- 8.1. The main consideration for the determination of this application is whether the proposed development falls within permitted development as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1, Class A (enlargement, improvement or other alteration of a dwellinghouse) and Schedule 2, Part 2, Class A (gate, fence, walls etc).

For the purpose of Class A, the following criteria are applicable:
Development is not permitted 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 site as a dwellinghouse has not been granted by Class G, M, MA, N, P, PA, or Q of Part 3 of this Schedule (change of use).

- (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 total area of ground covered by buildings within the curtilage of the dwellinghouse, does not exceed 50% of the total area of the 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 height of the single storey rear extension does not exceed the height of the highest part of the roof 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 height of the eaves of the single storey rear extension does not exceed the height of the eaves of the existing 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 proposal is for a rear extension which does not front a highway.

- (f) subject to paragraph (g), 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 single storey rear is to a terrace dwelling and does not go beyond the wall of the original dwellinghouse by more than 3 metres and height not exceeding 4 metres.

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

Not applicable.

(h) the enlarged part of the dwellinghouse would have more than a single 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 being enlarged which is opposite the rear wall of the dwellinghouse;

The extension is single storey in scale.

(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 is within 2 metres of the boundary and the eaves does 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 a single storey, or

(iii) have a width greater than half the width 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 extension is to the rear, not exceeding 4 metres in height. The total enlargement of the rear extension does not exceed the limit set out in sub-paragraphs (e) to (j).

(k) it would consist of or include—

(i) the construction or provision of a verandah, 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; or

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The application does not include the installation or alteration of any of the points noted above. The dwelling is not built under Part 20 of this Schedule (construction of new dwellinghouses).

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) 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-paragraph (b) and (c).

The application site is within a Market Bosworth Conservation Area. The rear extension uses brick and glazed to match existing materials on the dwelling.

Conditions

A.3 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;

Brick and glazed is proposed as the external materials for the extension and it matches material on the existing dwelling. The proposal is no more than a single storey and as such no new upper floor windows are proposed.

For the purpose of Class A-gate, fence, wall etc, the following criteria are applicable:
Development is not permitted if:-

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed-
 - (i) For a school, 2 metres above the ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metres above ground level does not create an obstruction to the view of persons using the highway as to likely to cause danger to such persons;
 - (ii) in any other case, 1 metre above ground level
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

- (d) it would involve development within the curtilage of or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

The new gate is 1.8 metres and does not exceed the former height or height referred to in paragraph (a) or (b).

9. Equality implications

- 9.1. 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.
- 9.2. 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.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal is considered to be permitted development under the relevant criteria of Schedule 2 Part 1, Class A and Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order (as amended).
- 10.2. The proposal complies with the relevant parts and satisfies the conditions.

11. Recommendation

- 11.1 **Issue certificate of lawful proposed development for single storey rear extension and new gate.**
- 11.2 The application has been determined with consideration to the following submitted documents:
- Site Location Plan, Drawing Number 05 (submitted on 12/04/2024).
 - Proposed Plan and Elevation, Drawing Number 06 (submitted on 07/06/2024).
 - Emails on the proposed materials and height of the gate.

11.3 Notes to applicant

- 1) 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.